

# I N D E X

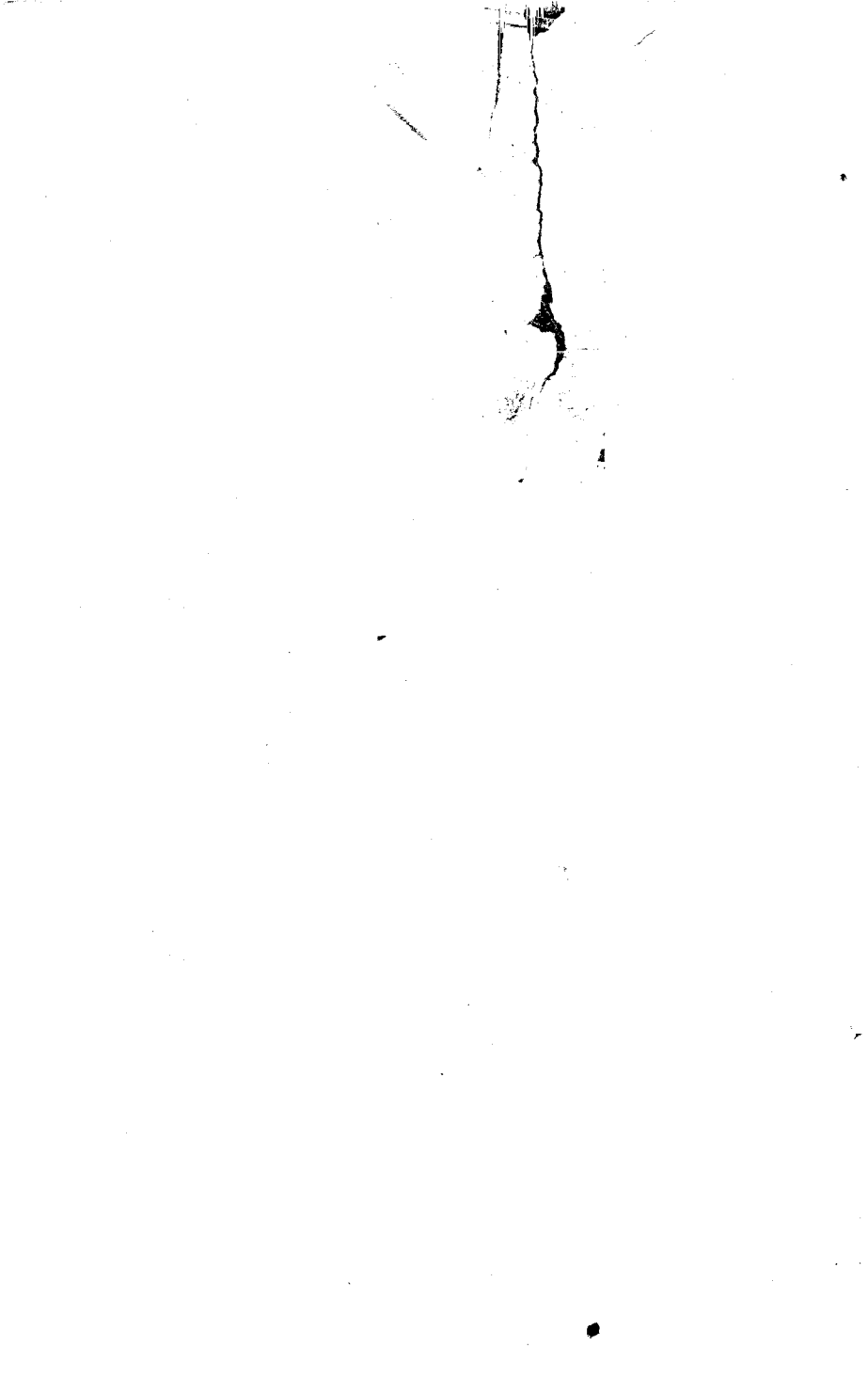
TO THE

## ACTS OF THE WELLINGTON PROVINCIAL COUNCIL, FROM 1853 TO 1873.

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# Acts of the Province of Wellington

## AUDIT.

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

Session I. No. 22.]

[Assented to 6th day of February, 1854.

**W**HEREAS 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 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such Auditors shall twice in every year report to the Superintendent upon the matters that shall come before them.* (Repealed). Superintendent to appoint Auditors who shall report twice in the year.

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Superintendent as aforesaid shall be laid before the Council within fourteen days of its meeting in the next Session.* (Repealed). Regulations prescribed by Superintendent to be laid before 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. Account of receipts, disbursements, and revenue to be laid before a Select Committee of Council.

Select Committee to examine and report upon said accounts.

A Statement of Receipts &c. to be published.

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.

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.

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## BURIALS.

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Title.

*An Act to prohibit Burials in the Town of Wanganui, and other places within the Province.*

Session II., No. 5.]

[Assented to March 7th, 1855.]

Preamble.

**W**HEREAS 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:—

Burials not to be made within the town of Wanganui. Power to Superintendent to order the discontinuance of Burials in any town

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.

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 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.

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.

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.

within the Province.

Proviso.

At the expiration of a certain notice after such order Burials within the town specified not lawful. Penalty in case of infringement.

## CATTLE.

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

Session IV. No. 13.]

[Assented to 20th February, 1857.

Provable.

**W**HEREAS 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.

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

Cattle to be branded—penalty for neglect.

1. That after the first day of October 1857 all Cattle above the age of twelve 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 brand to be registered—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.

Penalty for effacing or defacing brand on any cattle without owner's consent.

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.

Brand on cattle to be *prima facie* evidence of ownership.

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.

Power to Superintendent to appoint

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

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



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.

Registrar of Brands for District and make rules and regulations &

6. All unbranded Cattle above the age of twelve 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 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.

Power to Superintendent to make rules and regulations with reference to unbranded cattle.

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

Interpretation

## CATTLE.

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

Session X, No. 5.]

[Assented to 26th May, 1863.]

**B**E 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 any 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 persons.

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 be 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."

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## CEMETERY.

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*An ACT to provide for the Management of the Public Cemetery of the Town of Wellington.* Title.

Session I., No. 9.]

[Assented to 26th January, 1854.

**F**OR 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 to 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.

Legal estate  
to vest in new  
Trustees.

4. 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 such appointment in the *Government Gazette* shall be a sufficient evidence of their title.

Three Trus-  
tees may act.

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.

Chairman.

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.

Trustees to  
appoint Sexton  
and offi-  
cers.

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 moneys 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  
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.

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.

A register of all mortgages to be kept at the office of Trustees open to public inspection.

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

Trustees under certain 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 showing 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 of the said Cemetery.

A table of fees and payments to be affixed on a conspicuous part of 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.

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

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.

Moneys received by the Trustees how to be applied.

17. The moneys 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 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 moneys 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*.

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 moneys 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.

Liability of Trustees.

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 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.

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 pounds.

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

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### BOUNDS OF CEMETERIES.

Schedule.

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

Bounded towards the North by Glenbervie 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 Glenbervie Terrace 77 links and 432 links.

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 CEMETERY.
 

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Title. *An ACT to provide a Public Cemetery in the Hutt District and for the management thereof.*

Session IV., No. 12.]

[Assented to 20th February, 1857.

Preamble.

**W**HEREAS it is deemed expedient to purchase with 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 :

Power to Superintendent to purchase land for Cemetery.

1. The Superintendent may purchase a piece of ground situate in the Hutt District for the purpose of a Cemetery 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.



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

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. Power to Trustees to accept a Grant &c in trust.

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

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 or inscription or gravestone 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 Penalty for playing at any games within Cemetery or

causing disturbance at a funeral. 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.

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## CEMETERIES.

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Title.

*An ACT to provide for the management of Public Cemeteries.*

Session X., No. 2.]

[Assented to 26th May, 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*.

Legal estate to become vested in Trustees.

2. The legal estate in the land and all moneys 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.

Chairman to be elected.

3. At the first meeting of the Trustees after their nomination they shall appoint a chairman.

Three Trustees to be a quorum.

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.

Who shall preside at meetings.

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.

Trustees to keep minutes

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.

THE DUTIES AND AUTHORITIES OF THE TRUSTEES.

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

- I. 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.
- II. 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.
- III. To pay such salaries and all necessary and incidental charges of management of the Cemetery out of the moneys which may come to their hands under the provisions of this Act.
- IV. 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 grave-stone or monumental inscription in the Cemetery and from time to time revise and alter such fees and sums.
- V. To affix in some conspicuous part of the Cemetery a table showing the fees payable in respect of interments.
- VI. To sell under such conditions and restrictions as they may think proper and which shall have been

Duties and  
powers of  
Trustees.

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.

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

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

#### MISCELLANEOUS.

Cemetery to be open for interment to all classes of religion.

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.

Moneys received how to be applied.

9. The moneys 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.

Trustee to be accountable for his own acts & o only.

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 moneys 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.

## 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 Cemetery 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. Penalties for offences.

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. Wellington and Wanganui Cemeteries exempt from operation of this Act.

## COMMENCEMENT OF ACTS.

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

Session I, No. 16.]

[Assented to 4th February, 1854.]

**W**HEREAS 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.

NOTE.—This Act is apparently controlled by "The Provincial Reserved Bills Act, 1858" of the General Assembly.

## DISEASED SHEEP.

Title. *An ACT to amend and consolidate the Laws relating to Scab Catarrh and Sheep Inspectors.*

Session XXII, No. 10.]

[17th May, 1872.

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

Repeal. 1. The Acts Session XIV. No. 10 and Session XVIII. No. 5 are repealed from and after the time that this Act shall come into operation.

Appointments  
&c. to continue  
in force. 2. All appointments of Inspectors and Sub-Inspectors Registrars of Brands and other officers and all districts defined and assigned to any such Inspectors and all quarantine grounds proclaimed and appointed under any Act of the Superintendent and Provincial Council relating to Scab Catarrh and Sheep Inspectors heretofore in force shall subject to any revocations or alterations duly made before the coming into operation of this Act be deemed to have been made defined assigned proclaimed and appointed under this Act.

Saving as to  
past offences. 3. Notwithstanding the repeal of the Acts hereby repealed all offences committed under any of such Acts

may be prosecuted and all penalties debts assessments and sums of money payable under either or both of the said Acts may be recovered in the same manner as if this Act had not been passed.

4. 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 as 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.

Penalty for driving infected sheep.

5. 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 adjacent to or crossed by any public road or way and shall fail to affix a notice of the existence of such infection in some conspicuous place at each end of such public road or way where it crosses or is adjacent to 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) nor more than £5 (five pounds).

Notice of infection to be put up.

6. Any person moving or driving any sheep or lambs over unfenced leasehold or freehold land not being his own property or driving sheep or lambs on a public road which has not been made and in use as a public road where the land on either side is unfenced and on which sheep are depastured shall give 24 (twenty-four) hours notice in writing to the owner or person in charge of such freehold or leasehold lands of his intention so to do and failing to give such notice he shall be liable to a penalty of not more than £10 (ten pounds).

Notice to be given before driving sheep.

7. No sheep shall be moved from one Inspector's district to another without a clean certificate from the Inspector of the District from which they came under a penalty not exceeding £100 (one hundred pounds).

Sheep not to be moved from one district to another without clean certificate.

Sheep may be moved to boiling down station.

8. Any person whose flock may be infected with scab shall be at liberty to remove his flock or any portion thereof to the nearest boiling down establishment for the purpose of being boiled down without incurring any penalty under this Act. Provided the sheep so to be removed shall within seven days previous to such removal have been properly dipped under the superintendence of the Inspector of the district and branded in the presence of the Inspector with the letter S in red colour. And the said Inspector shall as soon as any sheep have been properly dipped and so branded under his superintendence for such purpose give to such person a certificate under his hand stating that such sheep have been so dipped and branded and giving the number thereof and the date of dipping and branding. And every owner of such sheep shall within twenty-one days from such dipping deliver to the Inspector a receipt from the boiling down establishment for the full tally of such sheep or their skins under a penalty of one pound sterling for every sheep or skin deficient from the number not exceeding in all £100.

Sheep to be branded.

9. From and after the passing of this Act all sheep and lambs over 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 so marked as aforesaid but so that the total penalty shall in no case exceed £100 (one hundred pounds).

Registrars of brands.

10. The Superintendent may with the advice and consent of his Executive Council for the time being by proclamation divide the Province into such number of districts as he may think proper and in like manner from time to time subdivide alter unite or re-unite the same or any part thereof and may also appoint the Inspector of Sheep in each district to be the Registrar of Sheep



Brands within such district The rules and regulations set forth in the Schedule hereto shall regulate the business of such Registrars and the fees therein mentioned shall be payable as therein provided.

11. Every owner of sheep or lambs shall within such Brands to be time as shall be appointed by the Superintendent for that registered. purpose cause a correct copy or impression of his brand or if his sheep or any of them are marked only with an ear mark a description of his ear mark to be registered in the office of the Registrar of Sheep Brands for the district in which such sheep or lambs shall be depastured and any owner neglecting so to register such brand or ear mark as aforesaid shall be liable to a penalty not exceeding £5 (five pounds) Provided that every person who has already registered his brand under the provisions of any Act hereby repealed shall be deemed to have registered the same under the provisions of this Act.

12. After any person shall have so registered a brand Penalty for imitating registered brand or ear mark it shall not be lawful for any other person to use such brand or 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).

13. If any person shall wilfully brand or earmark any sheep or lamb or shall wilfully deface or efface any brand or earmark upon any sheep or lamb without the authority of the owner thereof or shall cut off one or both ears of any sheep or lamb whatever he shall be liable to a penalty of not less than £10 (ten pounds) nor exceeding £100 (one hundred pounds). Penalty for defacing and effacing brands &c.

14. Any Inspector having reasonable grounds 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 of Scab or Catarrh may inspect such suspected sheep or lambs aided by any one or more competent person or persons and it shall be lawful for such Inspector thereupon to order each of such assistants to be remunerated at the rate of not more than 10s. (ten shillings) by the day during the time in which he shall have been reasonably employed in such inspection and Inspection of suspected sheep.

such remuneration shall be paid by the Superintendent out of any moneys of the Province available for that purpose.

Penalty for obstructing inspection.

15. Every owner of any sheep or lambs who shall refuse to allow such inspection to be made and every person who 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 more than £20 (twenty pounds).

Saving of rights of action &c.

16. 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.

On discovery of scab notice to be given

17. Any flockowner who on discovering Scab in his flock shall within 7 (seven) days give notice in writing to the Inspector of the district and shall within 48 (forty-eight) hours give notice in writing to the neighbours keeping sheep on land adjoining shall be allowed 6 (six) months to clean his sheep but failing to clean them in that period shall pay a penalty not exceeding £100 (one hundred pounds) and for every subsequent 6 (six months) shall be liable to a further penalty of not more than £100 (one hundred pounds) until the said sheep are pronounced clean by such Inspector of the district.

Time for cleaning flock.

Penalty for failing to give notice.

18. From and after the passing of this Act every owner of any sheep and lambs infected with the disease called "Scab" who shall fail to give such notice of such disease to the Inspector of the district and to all neighbors keeping sheep on lands adjoining shall be subject to a penalty of 6d. (sixpence) for every such infected sheep or lamb not exceeding in all £100 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.

Infected sheep trespassing to be removed or destroyed.

19. 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 48 (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 land 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 8 (eight) days after the destruction of such sheep and any person neglecting so to certify shall be liable to a penalty of not less than £5 (five pounds) nor more than £25 (twenty-five pounds).

20. 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 the 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 not exceeding in all £100.

Sheep dying with Catarrh to be burned or buried.

21. 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 casting diseased sheep into water.

22. If any person shall knowingly slaughter for sale or shall knowingly 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).

Penalty for slaughtering diseased sheep

23. Any master owner or supercargo of any ship boat or other vessel who shall permit any sheep or lambs to be landed therefrom unless to be removed to some yard or pen erected on any wharf or quay adjacent to such vessel before they shall have been inspected by an

Sheep not to be landed before inspection.

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 infected sheep.

24. 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).

Sheep may be landed on quarantine ground.

25. 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 proclaimed by the Superintendent of the Province of Wellington as the quarantine ground under this Act or as near thereto as may be possible shall not be subject to any penalty.

Charges for use of ground.

26. 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 the owner of 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. If payment be in arrear for four weeks the sheep or lambs may be sold by the Superintendent and the proceeds after paying the said charges and expenses shall be paid to the owner.

Owner of sheep in quarantine ground to provide food if required.

27. Should any sheep or lambs infected with 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 shall provide food for them at his own expense, and so long as he does so shall be exempt from the weekly charge.

Definition of infected sheep

28. Every sheep or 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 or with Catarrh shall be deemed to be infected within the meaning of this Act.

29. 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 shall be allowed to call them a flock and they shall be deemed to be a flock accordingly as long as they are not allowed to mix with any other sheep.

Sheep kept  
apart to form  
separate flock.

30. The Superintendent may appoint such number of Inspectors and Sub-Inspectors of Sheep for the purposes of this Act as he may think fit and assign them to such districts as he shall deem proper.

Superinten-  
dent may ap-  
point Inspec-  
tors.

31. Every person owning or having in charge any sheep shall in the month of January 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. And every person wilfully neglecting or refusing to make such return shall be liable to a penalty of not less than £5 nor more than £20.

Annual re-  
turns of sheep  
to be made

32. Every person wilfully making a false declaration in respect of any provisions of this Act shall be liable to a penalty of not less than £10 (ten pounds) nor more than £50 (fifty pounds.)

Penalty for  
false declara-  
tion.

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  $\frac{1}{2}$ 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 January if any and if no such return shall have been made then according to the number owned by him or under his charge in the said month of January. Such sum shall be a debt to the Inspector for the district for the time being. If such sum be not paid in the month of September the same shall be

Assessment to  
be paid.

recovered by the Inspector of the district by summary or other proceedings in any competent Court.

Inspectors to pay money to Treasurer.

34. In the month of October in every year the several Inspectors shall pay the amounts they have respectively collected under the authority of this Act to the Treasurer of the Province who shall place the sums so received to a separate account and all such sums shall be set apart for the purpose of carrying out the provisions of this Act.

Annual inspection.

35. The Inspectors of Sheep shall once in every twelve months inspect the several flocks in their respective districts and examine the sheep and shall immediately after such inspection report to the Provincial Secretary whether the sheep or any of them in any flock are infected with Scab or Catarrh and to what extent they may be so infected (all such reports shall be published in the *Government Gazette*) and such Inspector shall furnish to each owner of a flock a certificate as to the state of his flock or flocks at the time of such inspection.

Additional inspection.

36. Every Inspector or Sub-Inspector of Sheep may within his district at any time after the yearly inspection proceed to inspect any flock in which he has reason to suppose that the disease of Scab or Catarrh has broken out since his yearly inspection or which may have become infected with either of the said diseases and after such inspection he shall in the event of such flock having become infected with either of the said diseases immediately cancel the clean certificate and report at once to the Provincial Secretary that such certificate has been cancelled.

Copies of certificates to be furnished to persons removing sheep.

37. Every flockowner shall on delivery of any sheep from his land furnish the person driving such sheep with a copy of the certificate granted to him by the Inspector with a declaration that such document is a true copy of such certificate and that it has not been cancelled by the Inspector at the date of such copy being furnished and failing so to do shall be liable to a penalty of £10 (ten pounds).

Production of copy.

38. Every person driving any sheep along a public road or over any land except such land as is his own property shall when requested so to do by any one produce such copy of certificate under a penalty of £10 (ten pounds) for such refusal.

39. Each Inspector of Sheep shall keep a book in which shall be entered a copy of every certificate granted to owners of sheep and an entry of the date on which any certificate has been cancelled with the reason for the same.

Inspectors to  
keep copies.

40. 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 £20 (twenty pounds).

Misconduct of  
Inspectors.

41. 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 not less than £20 (twenty pounds) nor exceeding £100 (one hundred pounds).

Penalty for  
false reports.

42. If any Inspector or Sub-Inspector shall under colour of his office or employment exact or accept any fee or reward whatsoever his office shall on his conviction of such offence become *ipso facto* vacant and he shall be liable to a penalty of not less than £20 (twenty pounds) nor exceeding £100 (one hundred pounds).

Extortion.

43. Every Inspector or Sub-Inspector shall give to the owner or person in charge of each station within his district at least seven 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 before the day named in such notice have his flocks of sheep in readiness for mustering and on the arrival of the Inspector or Sub-Inspector at his station shall so soon as required by the Inspector or Sub-Inspector muster all flocks of sheep on the station or under his charge at that time for examination by the Inspector or Sub-Inspector and shall if required to do so assist him in such examination.

Mustering  
sheep.

44. Every person detaining the Inspector or Sub-Inspector or wilfully refusing or neglecting to muster the sheep for examination by the Inspector or Sub-Inspector after such notice on being required to do so shall forfeit and pay a penalty of not less than £2 (two pounds) nor more than £10 (ten pounds) for every day of such wilful

Detaining In-  
spector or  
refusing to  
muster.

detention until the same shall be mustered to the satisfaction of the Inspector or Sub-Inspector. Such penalty not to exceed in all £100 (one hundred pounds).

Inspection at  
request of  
owner.

45. Any person on whose station the Inspector or Sub-Inspector may report that there are sheep infected with Scab or Catarrh may at any time previous to the next yearly visitation apply to the Inspector or Sub-Inspector to examine again the sheep of any flock upon his station and if he shall prove to the satisfaction of the Inspector or Sub-Inspector that all the sheep of any flock on his station or under his charge are then free from the disease of Scab or Catarrh 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*.

Inspector to  
stop driving  
of infected  
sheep.

46. It shall be the duty of the Inspector or Sub-Inspector whenever it shall be reported to him that sheep infected with Scab or Catarrh 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 for such infringement of the law before any Justice of the Peace but to give notice to the person in charge of such sheep to return and in case the driver shall not return immediately to the place from whence he started or to the nearest quarantine ground to detain such sheep or to employ such drivers and other assistants as he the Inspector or Sub-Inspector may think sufficient to take back such sheep to the place from whence they started or to such quarantine ground.

Driver to re-  
turn on being  
required so  
to do.

47. Every person in charge of infected sheep to whom notice to return shall be given as aforesaid shall return without any unnecessary delay to the place whence he started by the same route that he shall have travelled or to such quarantine ground and if he shall refuse or neglect so to do shall forfeit and pay a sum of £5 (five pounds) per day for every day that he shall so refuse or neglect to return not exceeding in all £100 (one hundred pounds.)

Interpretation

48. In the interpretation of this Act the words "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 a station or run held under license from the Provincial Government but also all properties (freeholds or leaseholds) on which sheep are depastured or kept.

49. The short title of this Act shall be "The Diseased Sheep Act 1872" and it shall come into operation on the seventeenth day of May 1872. Short Title  
and com-  
mencement.

#### SCHEDULE.

1. Every owner of sheep or lambs marked with a brand shall send free of all charges for carriage to the Registrar of Sheep Brands for the District in which his sheep or lambs shall be depastured an impression or exact copy of the brand or brands used by him in branding his sheep or lambs not already registered under the provisions of any Act repealed by the Diseased Sheep Act 1872 such impression if the brand be made of iron or other metal to be impressed with the metal brand in a clear and legible manner on a smoothly planed piece of wood 18 inches long by 6 inches wide and 1 inch thick.

2. If such brand should not be made of iron or other metal then an exact copy of it of the true size shall be made upon foolscap paper in like manner as impressed upon the wool of the said sheep and lambs.

3. Every such impression or copy shall be accompanied by a letter addressed to the Registrar signed by the proprietor of the said brand and declaring the same to be a true impression or copy.

4. Every owner of sheep or lambs marked only with an earmark shall send to the Registrar a written description and drawing of such earmark with a statement that the same are respectively a true description and a correct drawing and such statement shall be signed by the said owner.

5. The sum of fifteen shillings shall be paid for the registration of every brand and earmark no impression copy description or drawing shall be filed or registered by the Registrar until he shall have received the fee for the same.

6. The Registrar shall on payment of such fee file such impressions copies descriptions or drawings in his office and shall record the same in a Book to be kept for that purpose.

7. The Registrar shall pay all such sums received by him to the Provincial Treasurer of the Province for the time being who shall place the same to a separate account and all such sums shall be set apart for the purpose of carrying out the provisions of the Diseased Sheep Act 1872.

8. Such files and books shall be open to the inspection of all persons requiring the same at all reasonable hours on payment of one shilling for such inspection.

## DOG NUISANCE.

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Title. *An ACT to amend the existing Dog Nuisance Act.*

Session X, No. 12.]

[Assented to May 26th, 1868.

Preamble.

**W**HEREAS it is expedient to amend the law relating 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 :

Former Act to be repealed.

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

Superintendent may appoint registrars.

2. The Superintendent may appoint persons to be Registrars of dogs and assign to them respectively such Districts as he may think fit.

Owners of dogs to register.

3. Every owner of a dog or dogs shall register his dog or dogs yearly with the Registrar of the dogs for the district 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 fee to be paid.

4. For the registration of every dog the sum of 5s shall be paid to the Registrar who shall supply to each owner a register badge upon which the register number for the year shall be stamped and which badge shall be attached to a 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.

Numbered collar to be worn by dogs.

Particulars of registry.

5. Every Registrar shall enter in a book to be kept for 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.

6. If any person shall falsely make or counterfeit or knowing the same to be false or counterfeit 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 exceeding ten pounds nor less than five pounds.

Penalty for counterfeiting badge.

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

Penalty for non-registering dogs.

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

Dogs not having a badge to be deemed unregistered.

9. All registered or unregistered dogs wheresoever found 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.

All dogs molesting stock 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 show 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 owner's knowledge of dog's 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 intitled and may be cited as "The Dog Nuisance Act."

Short Title.

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NOTE.—Clause 10 of this Act appears to be *ultra vires*, but provision is made for the matter in Clause 2 of "The Injuries by Dogs Act, 1865" of the General Assembly.

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## DRAINAGE.

Title. *An ACT to enable Land Owners to drain their lands.*

Session X, No. 7.]

[Assented to 26th May, 1863.

Preamble.

**W**HEREAS 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 :

Short Title.

1. This Act may be cited as "The Drainage Act 1863"

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

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.

Application to be by written notice.

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 the occupier.

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

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 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. Particulars of notice.

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

- I. 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.
- II. 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.
- III. 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 the Provincial Secretary.

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 in his office as a record of the proceedings between the parties.

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

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—

- I. 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.
- II. Whether any injury that may be caused is or is not of a nature to admit of being fully compensated by money.

Result of decisions.

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

- I. 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.
- II. 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.

- III. 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.

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. Compensation how to be applied.

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. Arbitrators how to be chosen. Power of arbitrators.

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 the 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. Justices or arbitrators cause map of drainage to be prepared and forward same to Provincial Secretary.

11. After drains have been opened or improvements in drains are made in pursuance of this Act it shall be lawful Power to apply to enter on land

to clean &c  
drains opened  
in pursuance  
of this Act.

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.

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

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.

Penalty for  
wilful obstruc-  
tion of or in-  
jury to drain.

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.

Applicant to  
bear all costs  
charges and  
expenses.

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.

Owners of  
lands benefi-  
ting by drains  
made in ad-  
joining lands  
to be liable to  
contribute  
thereto.

15. If the applicant shall prove to the satisfaction of any two Justices of the Peace in petty sessions 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.

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 applicant's land.

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

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.

Who shall be liable to contribute under Clause 15.

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## EDUCATION.

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*An ACT to provide a system of Education for the Province of Wellington.* Title.

Session XXI, No. 7.]

[Assented to June 28, 1871.

**W**HEREAS it is expedient to provide a system of Education for the Province of Wellington: 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 Short Title of this Act shall be "The Wellington Education Act 1871" The sections of this Act defining districts and providing for the appointment of assessors and the making of a valuation shall come into operation immediately on this Act being assented to and Short Title.

Operation. the residue of this Act shall come into operation on the 1st day of July 1872 which day is hereinafter referred to as the time of coming into operation of this Act.

Repeal of Acts 2. The Act of the Superintendent and Provincial Council intituled "An Act to Promote the Establishment of Common Schools in the Province of Wellington" the Act of the said Superintendent and Provincial Council intituled "An Act to Amend an Act of the second Session of the Provincial Council intituled an Act to Promote the Establishment of Common Schools in the Province of Wellington" the Act of the said Superintendent and Provincial Council passed in the Eighteenth Session of the said Council number eight and the "Education Amendment Act 1871" are hereby respectively repealed Provided that all rates due under the said Acts or either of them may be collected and recovered and that all monies due and growing due from any School Committee elected under the said Acts or either of them may be paid in the same manner as if this Act had not been passed And that for the purpose of collecting the said rates and winding up the affairs of any school or schools established under the said Acts or either of them every School Committee existing and every Collector holding office under the said Acts or either of them shall continue to exist and to hold office and to exercise all powers vested in them respectively under the said Acts or either of them so far as such powers shall be necessary for such collecting and winding up as if this Act had not been passed.

#### QUALIFICATION OF VOTERS.

Qualification for first elections. 3. In every Education District until a rate shall have been made under this Act and become payable every person for the time being occupying any house within any Education District constituted under this Act as master thereof or if there be no master as mistress thereof shall be qualified to vote for the election of a member for such District and every person so qualified shall have one vote and no more Provided that no infant married woman or

person of unsound mind shall be qualified to any vote under the provisions of this section.

4. In every Education District after any rate for the whole of such District shall have been made under this Act and become payable the persons rated under this Act in respect of rateable property situate within any District constituted under this Act shall be qualified to vote for the election of a member for such District and every person so qualified shall have one vote and no more Provided that no infant married woman or person of unsound mind nor any person who has not paid all rates due from him or her under this Act shall be qualified to any vote under the provisions of this section.

Qualification for elections subsequent to first.

EDUCATION DISTRICTS.

5. So much of the Province of Wellington as is included in the several Districts hereinafter mentioned is hereby declared to be divided into the several Education Districts the names and boundaries whereof are set forth in the first schedule to this Act.

Education Districts.

THE EDUCATION BOARD.

6. There shall be in the said Province an Education Board constituted as hereinafter mentioned and the said Board shall be a body corporate having perpetual succession and a common seal with power to alter break or renew the same and bearing the name of "The Education Board of the Province of Wellington" The said body corporate is hereinafter called the Board.

Education Board.

7. As soon as conveniently may be after the coming into operation of this Act the persons qualified to vote for the election of members in each District as herein provided shall proceed to elect from among the persons qualified to vote within such District one member for each such District.

First election of members.

8. The election of every member shall be conducted in the following manner:—

Manner of election.

- (1.) The voters qualified to vote for the election of a member in the District shall meet at a convenient time and place appointed by the Super-

intendent and notified by advertisement in the *Government Gazette* and in at least one newspaper published within the Province of Wellington.

- (2.) At such meeting a person appointed by the Superintendent shall preside. Such person is hereinafter called the presiding officer.
- (3.) Every candidate for the office of member shall be proposed by one qualified voter and seconded by another.
- (4.) If only one candidate is proposed and seconded the presiding officer shall declare such candidate elected.
- (5.) If more than one candidate is proposed and seconded the presiding officer shall put the names of all such candidates to the meeting in order and shall call for a show of hands in respect of each candidate successively and if the show of hands for two or more candidates shall be equal the presiding officer shall give a casting vote and that candidate in whose favor the presiding officer shall declare the show of hands or the casting vote to be shall be by him declared to be elected unless a poll be forthwith demanded by another candidate.

Poll.

9. If a poll be demanded the presiding officer shall forthwith declare to the meeting the day and place at which the poll shall be taken and at such day and place the poll shall be taken accordingly in the following manner:—

- (1.) The poll shall commence at nine o'clock in the forenoon and continue till four o'clock in the afternoon.
- (2.) The presiding officer with such assistants as he shall think necessary shall attend at the appointed place furnished with poll books and pens and ink.
- (3.) Every person desirous and qualified to vote at such election shall appear in person at the appointed time and place and shall state to the

presiding officer or one of his assistants the name of the candidate for whom he desires to vote and the said presiding officer or assistant shall enter the same in a poll book and cause the voter to sign his name or set his mark thereto.

- (4.) The presiding officer shall as soon as conveniently may be after the close of the poll ascertain the number of votes given for each candidate and shall declare that candidate in whose favor the greatest number of votes shall appear to have been given to be duly elected. In case of equality of votes for two or more candidates the presiding officer shall give a casting vote in favor of one such candidate.

10. When the presiding officer has declared any candidate duly elected he shall forthwith send to the Superintendent notice in writing of the name of such candidate and the Superintendent shall as soon as the names of all the members elected or appointed for all the said districts are known to him notify in the *Government Gazette* the names of all members so elected or appointed.

Names of members to be gazetted.

11. If from any cause the voters in any district shall fail to elect a member the presiding officer shall send to the Superintendent notice in writing of such failure and thereupon the Superintendent shall appoint a member for such district and every member so appointed shall for the purposes of this Act be deemed to have been duly elected a member for such district.

On failure to elect Superintendent to appoint member.

12. The members of the Board shall subject to the provisions hereinafter contained continue to be members of such Board for the period of three years from the date of the *Gazette* in which their names shall have been notified as aforesaid and thereafter until new members shall have been elected as hereinafter provided.

Members to continue for three years.

13. If any member shall by writing addressed to the Board resign his office or die or become of unsound mind or become bankrupt or compound with his creditors or be convicted of any felony or indictable misdemeanor or absent himself without the leave of the Board from four

Seat of member to be vacated in certain cases.

consecutive meetings of the Board or become interested either solely or jointly with any other person in any contract with the Board otherwise than as a member of any incorporated or registered company or of any body corporate or accept or hold any place of profit under the Board he shall immediately cease to be such member. When under any of the provisions of this section the place of a member shall become vacant the Board shall appoint a member in his place who shall continue in office so long as the member in whose place he is appointed would have continued in office.

Election of  
new members.

14. As soon as may be after the expiration of the said period of three years from the election of a member in a District a new member shall be elected for the District and the election shall be conducted in the same manner as the first election except that if any rate has been made under this Act and become payable the qualification of voters shall be such as is herein prescribed for elections subsequent to the making and becoming payable of a rate. At every such election any member actually holding office shall if otherwise qualified be capable of being elected.

When new  
members  
elected, old  
members to  
vacate seats.

15. When new members have been elected at an election subsequent to the first and their names shall have been notified in the *Gazette* the old members who have not been re-elected shall cease to be members.

Meetings of  
Board, regula-  
tion of busi-  
ness.

16. The Board shall meet for the first time at such time and place as the Superintendent shall appoint. At such first meeting the members present shall elect a Chairman. At all meetings of the Board each member including the Chairman shall have one vote and if the votes be equal the Chairman shall have a casting vote. The Board may from time to time make regulations not inconsistent with this Act for the conduct of business at their meetings for fixing a quorum not less than five of the members of the Board for determining who shall be Chairman and for regulating the time and place of holding their meetings and may from time to time suspend and revoke such regulations.

17. The Board shall appoint one of their number or any other person to be Treasurer and may appoint one of their number or any other person to be Secretary of the Board at such a salary in each case or without salary as they shall think fit and may from time to time suspend or remove either of the said officers and in every case of vacancy appoint a new Treasurer or Secretary as the case may be.

## GENERAL POWERS AND DUTIES OF THE BOARD.

18. The Board shall have the general control of the education provided for by this Act and shall establish schools under this Act at such places as they shall think fit and from time to time appoint and remove teachers for such schools at such salaries as the Board shall think fit and provide school houses books stationery materials and furniture for the same.

19. The Board may from time to time appoint and remove one or more Inspectors of schools under this Act and prescribe the duties of every such Inspector.

20. The Board may hold land to any extent and of any tenure for the purposes of this Act and shall occupy let and dispose of the same in such manner as shall be directed by the instrument whereby such land shall be vested in the Board or by other lawful authority.

21. The Board may apply such part of the monies at their disposal under this Act as they shall think fit in aiding schools in the Province not established under this Act provided that the teacher of every such school be deemed by the Board as fully qualified to be teacher of a school established under this Act and that the education given at every school so aided be of a character at least equal to that given at schools established under this Act and the Board may if they think fit make it a condition of granting such aid that a certain number of scholars shall be entitled to receive instruction gratuitously or at a reduced rate of charge The Board may also employ teachers to travel from place to place and give instruction to children at places other than schools such instruction

to be of a character approved or prescribed by the Board under this Act.

Report to be laid before Provincial Council.

22. The Board shall annually within fourteen days after the commencement of each session of the Provincial Council present to such Council a report of all the proceedings of the Board for the period elapsed between the beginning of the last preceding session and the session in which such report is presented.

#### RATES AND OTHER PAYMENTS.

Capitation fees.

23. Every person in the Province of Wellington being the father (or if the father be dead the mother) or the guardian or acting as the guardian of a child resident in the said Province between the ages of five years and fourteen years shall pay to the Board on the first day of September in every year the sum of five shillings for every such child and the said sum shall be a debt to the Board. Provided that no such person shall be required to pay for more than four such children nor for any child residing more than three miles from any school established under this Act nor for any child attending any school not so established in respect of whom such person shall produce a certificate signed by the teacher of such last-mentioned school showing that such a child has *bona fide* attended such school for three months immediately before the said first day of September. Provided also that poor persons may be exempted from such payment in the manner hereinafter mentioned.

Board may exempt poor persons from capitation fees

24. When any person shall satisfy the Board that he or she is unable through poverty to pay the sums hereinbefore directed to be paid the Board may excuse such person from paying the same for such period as they shall think fit. The Board shall keep a list of persons for the time being so excused and no person mentioned in the said list shall be liable to pay the said sums.

Rateable property.

25. All land within the Province with all buildings thereon shall be rateable property within the meaning of this Act save as is next hereinafter excepted that is to say except land the property of her Majesty unoccupied and not sold or leased or contracted to be sold or leased



and in respect whereof no license to occupy shall have been issued and for the time being in force land the property of Her Majesty and used for public purposes land in the occupation of the Crown or the Government of the Colony or of the Province for public purposes land occupied by or used for hospitals asylums benevolent institutions land used exclusively for public charitable purposes or for literary and scientific institutions churches chapels and other buildings used exclusively for public worship the dwellings of officiating ministers of religious denominations buildings used as schools provided they be inhabited only by the master or mistress of such schools or his or her family and such schools be schools receiving aid of the Government of the Colony or of the Province or be established under some Act of the Provincial Council providing a system of education for the Province together with the land immediately surrounding and appertaining to any such buildings houses churches chapels or schools Burial grounds public gardens and recreation grounds Land vested as to the fee simple thereof or as to the equity of redemption therein in the Superintendent or in any corporation commissioners or other persons under "The Public Reserves Act 1854" "The Public Reserves Act Amendment Act 1862" or any Act of the Provincial Council passed in pursuance of the two last mentioned Acts or either of them.

26. Nothing in this Act shall be taken to charge or affect any land or hereditaments whatever (except so far as any rates made under this Act may be or become a charge on or affect any land by virtue of any Act of the General Assembly now in force or hereafter to be in force) it being the intention of this Act that with the exception aforesaid the rates made under this Act shall be a personal debt of the persons herein declared liable to pay the same. Land not to be charged or affected.

27. The Superintendent shall by and with the advice of his Executive Council before the first day of July 1872 and afterwards in the month of March in the year 1875 and in the same month in every third year thereafter appoint some competent person or persons to assess the value of the rateable property within the Province Triennial valuation.

and may with the like advice appoint a new assessor in the place of any such assessor who may die or become unfit or incapable to act and such assessor or assessors shall enter in a book to be kept for that purpose to be called the education rate book a list in alphabetical order of the persons liable to pay rates under this Act and the value of the property for which each such person respectively is liable to be rated and shall return the same to the Chairman of the Board on or before the first Tuesday in the month of June following. Provided that where any rateable property is unoccupied and the owner is unknown it shall be sufficient to enter in such book the word "owner" instead of the name of such owner. Provided that no valuation or rate shall be questioned on the ground that any such assessor was not duly appointed.

Rate book to be open for inspection.

28. The Board shall on or before the first Tuesday in June give public notice by advertisement of the place where such book made up as in the last preceding section provided may be inspected and such book shall be open to the inspection of all persons liable to be rated and of all persons claiming to be affected thereby or of any person authorized by them in writing at all reasonable hours on every day not being a Sunday or public holiday during the thirty days next after the first publication of such notice.

Objections to valuation.

29. If any person thinks himself aggrieved on the ground of unfairness or incorrectness in the valuation of any rateable property he shall within (one month) after such notice is first published give notice in writing addressed to the Board of his objection to such valuation and of the reason on which such objection is founded.

Board to hear objections.

30. The Board shall not earlier than fourteen days after such book shall have been open for inspection hold a special meeting of which at least fourteen days' notice shall be given by advertisement for the purpose of hearing objections to such valuation but such objections shall only be heard on the ground of unfairness or incorrectness in the valuation of any rateable property and the decision of the Board on such objections shall be final and conclusive.

31. The Board may amend any valuation in the said education rate book in accordance with their decision on any objection thereto. Board may amend valuation.

32. When the said education rate book has been made and the time for objecting thereto has expired the said education rate book shall remain in force until a new rate book shall have been made and the time for objecting thereto shall have expired. The Education Board shall proceed to make a rate by entering in the said education rate book against the valuation of each rateable property in the Province the amount of rates payable in respect thereof calculated at the rate of one halfpenny in the pound sterling and afterwards on the same day as nearly as may be in each succeeding year so long as such education rate book shall remain in force the Board shall in like manner make a new rate for the succeeding year. The said education rate book shall when the rate is so made remain at the office of the Board open to the inspection of every person liable in respect of the said rate at all reasonable hours for one month after the making of the rate. When the rate is so made the said rate shall be due and payable to the Board. Board to make annual rate.

33. When any rate shall become due to the Board the Board shall cause a notice in the form of the second Schedule to this Act to be served or sent through the post by a collector duly authorized to receive the same to every person liable to pay such rate and if such rate be not paid to such collector at the place named in such notice within thirty days after the posting or service thereof it may be forthwith recovered as hereinafter provided but such service or sending through the post shall not be a condition precedent to the recovery of the rate provided that the Board may accept payment of any such rate by instalments at such intervals as the Board shall fix. Notice of rate.

34. All rates when made as herein provided shall be deemed to be the property of the Board and may be recovered at the suit of the Board and the said collector shall be the agent of the Board for the purpose of recovering such rate unless the Board shall appoint some other agent or attorney. Board may recover rates.

Who to pay rates.

35. All rates payable in respect of rateable property shall be paid by the occupier thereof or if there shall be no occupier such rates shall be paid by the owner thereof the term owner in this Act meaning any person other than the occupier having any estate or interest in any rateable property provided that the owners of all rateable property which is let for a period not exceeding one month shall be rated to and pay the rates instead of the occupier.

Joint owners.

36. When any rateable property is jointly occupied or if unoccupied or let for a period not exceeding one month is jointly owned by more persons than one each of such persons shall be deemed to be the owner or occupier of rateable property of equal value to that of the whole of such first-mentioned property divided by the number of such joint owners or occupiers thereof.

Persons quitting without paying rates.

37. When the occupier of any rateable property shall have quitted the same without having paid all the rates to which he shall have become liable in respect thereof and then payable by him the Board may either recover such rates from the person so having quitted or may elect to recover the same from the owner of the property who shall thereupon be liable to pay the same. Provided that no owner shall be liable under this provision for more than one year's arrears of rates.

When property transferred rates to be paid by new owner and in case of subdivision to be apportioned.

38. When after the making of an education rate book and while the same remains in force any rateable property is transferred to another occupier or owner the person liable to pay any rate in respect thereof shall be determined according to the occupation or ownership thereof at the time of making such rate and when any part of any rateable property is so transferred the Board shall nevertheless continue to make rates in respect of the whole property and shall apportion the rates payable in respect thereof between the persons owning or occupying such parts in such shares as the Board shall deem proportionate to the value of the several parts determined according to the value thereof respectively at the time of making the education rate book for the time being in force.

Crown and Government

39. Nothing herein contained shall render her Majesty the Queen or the Government of the Colony or the Govern-

ment of the Province liable to pay any rate under this Act.

of Colony and Province not to be liable. Board to adopt valuation for rating purposes made under other Acts.

40. If under the provisions of any Act of the Provincial Council for the time being in force any valuation determining the actual value of the rateable property in the Province or in any part thereof shall have been made for the purposes of such Act and such valuation shall for the time being be the valuation upon which rates under such Act are assessed or levied the Board shall adopt such valuation so far as the same relates to rateable property under this Act for the purpose of assessing or levying rates under this Act And shall cause such valuation to be used in making up the education rate book and no objection to any such valuation shall be allowed on any ground whatever and the education rate book made up in part by adopting such valuation shall be of the same force as if made entirely upon a valuation made under this Act And every Highway Board or other body having any record of a valuation hereby required to be adopted shall give to the Board facility for ascertaining and adopting such valuation.

MANAGEMENT OF FUNDS.

41. All monies raised under this Act and all monies received by the Board applicable to the purposes of this Act shall be paid immediately after the receipt thereof into the Bank at which the Provincial account is for the time being kept and shall not be drawn out except by the cheque of the Treasurer and two other members of the Board in pursuance of a resolution or direction of the Board.

Monies to be paid into Bank.

42. The Treasurer shall keep a detailed account of all monies received and expended by the Board and shall submit the said account for audit before one or more auditors appointed by the Board once at least in every twelve months and shall produce to such auditor or auditors all vouchers and documents required to support such account.

Treasurer to keep accounts.

43. The Treasurer shall within fourteen days after the commencement of each session of the Provincial

Accounts to be laid before

Provincial  
Council.

Council present to such Council a copy of his accounts for the period elapsed between the beginning of the last preceding session and the session in which such copy is presented.

Application of  
monies.

44. All monies received by the Board applicable to the purposes of this Act shall be applied towards paying the expenses of carrying this Act into effect and of establishing maintaining and conducting schools under this Act and towards aiding schools not so established if the Board shall in pursuance of the powers hereby given so direct.

#### CHARACTER OF INSTRUCTION.

Board to regu-  
late instruc-  
tion.

45. The course of instruction at every school established under this Act shall be of such a character as the Board shall from time to time prescribe or approve. Provided that no religious instruction shall be given at any such school except as hereinafter provided.

Religious in-  
struction to be  
given only  
under certain  
conditions.

46. Religious instruction not of a controversial character may be given at any such school provided that it be given at certain fixed times so arranged that any parents objecting thereto may conveniently withdraw their children from the school during such times and provided that notice of the said times be conspicuously posted or painted on the outside of the school.

Schools to be  
open without  
fee.

47. All schools established under this Act shall be open without fee or payment to all children not under the age of five years nor above the age of fifteen years but it shall be lawful for the teachers of schools to expel or forbid the attendance of any child who may be likely to communicate any disease or who from want of cleanliness gross misconduct or incorrigible disobedience may be considered injurious or dangerous to the other scholars. The decision of any such teacher shall be subject to be reversed by the Board.

#### MISCELLANEOUS PROVISIONS.

Examination  
of teachers.

48. The Board may by themselves or by some fit person appointed by them examine any person who shall be a candidate for the office of master or teacher of any

school established under this Act and any person as to whose competency to be such teacher the Board shall desire to make inquiry and on being satisfied of his or her fitness or competency as to both moral character and learning the Board may grant to such person a certificate of competency.

49. Nothing in this Act shall apply to any aboriginal native of New Zealand nor to any child one of whose parents shall be such native if such child be living as a member of a native tribe or community. Act not to apply to natives.

## SCHEDULES.

### FIRST SCHEDULE.

#### WANGANUI AND WAITOTARA.

Approximate area. 644,000 acres. Bounded on the North-west by part of the north-western boundary of the Province of Wellington, commencing at the mouth of the Patea stream and ending at the junction of the Ohura stream with the Wanganui River; on the East, by the Wanganui River, commencing at its intersection with the north-western boundary and ending at the mouth of the Wanganui River; on the South, by the sea coast, commencing at the mouth of the Wanganui River and ending at the mouth of the Patea River. Provided that the town of Wanganui and the Town Belt adjoining the said town, as the same are respectively described in the first schedule to "The Municipal Corporations Act, 1867," shall not be included in this District.

#### WANGANUI TOWN.

The town of Wanganui and the parcel of land adjoining the town of Wanganui, and commonly known as the Town Belt, as the said town and parcel of land are respectively defined in the first schedule to "The Municipal Corporations Act, 1867."

#### WANGAHEHU.

Approximate area. 1,170,000 acres. Bounded on the North by the northern boundary of the Province between the Wanganui and Waikato Rivers; on the East, by the Waikato River and the Wangaehu River; on the West by the sea coast between the Wangaehu and Wanganui Rivers, and by the Wanganui River from its mouth to the northern boundary of the Province.

#### RANGITIKEI.

Approximate area, 1,515,000 acres. Bounded on the North by the boundary of the Province between the Waikato River and the western boundary of the Province of Hawke's Bay; on the East by the Eastern boundary of the Province between the northern boundary of the Province and a point on the top of the Ruahine Range bearing

about east from the source of the Rangitikei River; on the South and South-east by a line bearing about east from the source of the Rangitikei River to the top of the Ruahine Range and by the Rangitikei River; on the West by the sea coast between the Rangitikei and Wangahu Rivers, and by the Wangahu and Waikato Rivers.

#### MANAWATU.

Approximate area, 1,125,000 acres. Bounded on the North and North-west by the southern and south-eastern boundaries of the Rangitikei Highway District; on the East by the summit line of the Tararua and Ruahine Ranges; on the South by a line bearing about east from the source of the Waikanae River to the top of the Tararua Range and by the Waikanae River; on the West by the sea coast between the Waikanae and Rangitikei Rivers.

#### FEATHERSTON.

Approximate area, 442,000 acres. Bounded on the North-east by the Waiohine River from its source to the Ruamahunga River, thence by the Ruamahunga River to the Huangarua River, thence by the Huangarua River to the Wangahu River, thence by a straight line to the junction of the Kaikaikuri Creek with the Pahaua River, and thence by the Pahaua River to its mouth; on the South-east, South, and West by the sea coast between the Pahaua River and Taorakira Head, and by the eastern boundary of Wellington Highway District.

#### CASTLE POINT.

Approximate area, 574,000 acres. Bounded on the North by the boundary of the Province between the mouth of the Waimata stream and the junction of the Teraumea and Manawatu Rivers; on the East by the sea coast between the Waimata and Whareama Rivers; on the South by the Whareama River to the Waihora stream, thence by the Waihora stream to its source, thence by a straight line to the source of the Kaumingi stream, thence by the Kaumingi stream to the Tauheru River; on the West by the Tauheru River to its source, thence by a straight line to the source of the Teraumea River, and thence by the Teraumea River to the Manawatu River.

#### CITY OF WELLINGTON.

The City of Wellington, as defined in the first schedule to "The Municipal Corporations Act 1867."

#### WELLINGTON.

Approximate area, 405,000 acres. Bounded on the North by the southern boundary of the Manawatu Highway District; on the East by the summit line of the Tararua and Rimutaka Ranges; on the South and West by the sea coast between Taorakira Head and the Waikanae River. Provided that the City of Wellington as defined in the first schedule to "The Municipal Corporations Act, 1867," shall not be included in this District.

#### MASTERTON.

Approximate area, 984,000 acres. Bounded on the North and East by the Manawatu River, from the Gorge to the Teraumea River; by the southern and western boundaries of the Castle Point Highway



District, and by the sea coast between the Whareama and Pahau Rivers; on the South-west by the north-eastern boundary of Featherston Highway District; on the North-west by the Tararua Range between the Gorge and the northern boundary of Wellington Highway District.

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SECOND SCHEDULE.

To Mr.

Take notice that the sum of \_\_\_\_\_ is due from you to the Education Board of the Province of Wellington on account of the rate on property at \_\_\_\_\_ (occupied) (owned) by you and that unless the same be paid at \_\_\_\_\_ within thirty days from service or posting of this notice the Board may proceed to recover the said sum (add if necessary) The above sum may be paid by equal instalments the first within the said thirty days the second at the expiration of \_\_\_\_\_ months the third at the expiration of \_\_\_\_\_ (and so on).

A.B.  
Collector.

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EMPOWERING.

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

Session I. No. 4.]

[Assented to 9th January, 1854.]

**W**HEREAS 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 Zealand" The islands of New Zealand have been divided into six Provinces and a Superintendent and Provincial Council have been established in each Province for the government thereof and the late division of the islands into the two Provinces of New Ulster and New Munster and the Governorship and Lieutenant-Governorship thereof respectively have thereby been superseded.

And whereas it is expedient that all the powers and 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-

Governor 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 Pro-  
vince of New  
Munster, to be  
vested in and  
exercised by  
Superinten-  
dent, so far as  
relates to Pro-  
vince of Wel-  
lington.

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 VII.,  
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 Or-  
 dinance, Session XI., No. 10.  
 Such part of the Harbour 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.

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## ENGLISH AGENT.

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

Session X., No. 9.]

[Assented to 23rd May, 1863.]

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

1. Be it therefore enacted by the Superintendent of Appointment  
 the Province of Wellington with the advice and consent of Agent.  
 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.

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

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## EXECUTIVE.

Title. *An ACT to establish an Executive Government for the Province of Wellington.*

Session I., No. 1.]

[Assented to 3rd November, 1853.]

Preamble.

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

Superintendent.

1. The entire administration of the Provincial Executive Government shall be vested in the Superintendent alone acting by and with the advice of an Executive Council to be appointed as is hereinafter provided.

2. He shall keep and use officially the public seal of the Province.

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.* (Repealed.)

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.

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\*This clause is repealed by Act Sess. XX., No. 4.

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.* (Repealed.)

11. There shall be an Executive Council.

Executive  
Council.

a12. 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.

a14. 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.

a15. The offices of Secretary *Solicitor* and Treasurer for the Province shall upon the election or re-election of every Superintendent *ipso facto* become vacant, when To become vacant, when.

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.

Superinten-  
dent may es-  
tablish 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.

a18. If any person (other than the Secretary *Solicitor* and Treasurer of the Province or other members of the

Officer dis-  
charged may  
appeal.

\*This clause is repealed by Act" Sess. VI., No. 2.

†See Clause 3 "Executive Government Amendment, Sess. VI., No. 2."

a. See Clause 3 "Executive Government Act Amendment Act, 1871," Sess. XX., No. 4. The Clauses 12, 14, 15 and 18, are to be read as if "Solicitor" had been omitted therefrom.

Executive Council) shall deem himself aggrieved by his suspension or removal from office he may present a petition to the Executive Council showing 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.

Commence-  
ment of Act.

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

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## EXECUTIVE GOVERNMENT AMEND- MENT.

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Title.

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

Session VI, No. 2.]

[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-  
dent may ap-  
point certain  
persons to  
Executive  
Council.

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.

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*a.* See Clause 4 "Executive Government Act Amendment Act 1871," Sess. 20, No. 4.

## EXECUTIVE GOVERNMENT ACT AMENDMENT ACT, 1871.

*An ACT to amend "An Act to establish an Executive Government for the Province of Wellington" Session I. No. 1 and "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" Session VI. No. 2.*

Session XX, No. 4.]

[Assented to 28th April, 1871.

**W**HEREAS it is expedient to amend an Act of the Superintendent and Provincial Council of Wellington Session I. No 1 intituled "An Act to establish an Executive Government for the Province of Wellington" and an Act of the Superintendent and Provincial Council of Wellington Session VI. No. 2 intituled 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."

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 Short Title of this Act shall be "The Executive Government Act Amendment Act 1871." Short Title.
2. Clause 5 of the above recited Act Session I. No. 1 is hereby repealed. Repealing clause.
3. Clauses 12 14 15 and 18 of the above recited Act Session I. No. 1 shall be read as if the word "Solicitor" had been omitted therefrom. Clauses 12 14 15 and 18 of Executive Act amended.
4. Clause 3 of the above recited Act Session VI. No. 2 shall be read as if the word "Solicitor" had been omitted therefrom. Clause 3 of Executive Amendment Act amended.
5. The Executive shall consist of not less than two members being members of the Provincial Council. Executive to consist of at least two members of Council.

## FENCING.

Title. *An ACT to Consolidate and Amend the Laws relating to Fencing within the Province.*

Session XII, No. 9.]

[Assented to 17th May, 1872.

Preamble.

**W**HEREAS it is necessary to consolidate and amend the laws relating to Fencing within 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:—

After notice  
owner of land  
may erect  
fence and  
recover half  
cost from ad-  
joining owner.

1. The owner of any 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 after such notice refuse or neglect for fourteen days to assist in making or having commenced shall not use due diligence in completing such dividing fence it shall be lawful for the owner who shall have given such requisition and who shall have made or erected his share of such dividing fence to complete or contract with any other 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 costs of erecting or making the whole dividing fence or if the owner so neglecting or refusing shall afterwards elect himself to make or complete such fence and shall actually do so he shall pay to the other owner in lieu of the said half costs the whole of the cost of such other owner incurred in providing material for or otherwise preparing or commencing to make or complete such fence. Any necessary expense incurred in cutting a boundary line through bush



for the purpose of erecting a boundary fence shall on the completion of such fence be deemed an additional part of the cost of the erecting of the same.

2. If at any time between the giving of notice under this Act requiring an owner of adjoining land to assist in making a dividing fence and the completion of the whole of such fence by the owner giving such notice the land of such adjoining owner shall be transferred to a new owner the owner giving such notice may at his election proceed for recovery of the contribution towards the expense thereof either against the original adjoining owner or against the person to whom the said land has been transferred and if he elects to proceed against such last mentioned person he shall be entitled to recover such contribution from him in the same manner as if such person had been the owner at the time when the notice was given and every purchaser of land shall be entitled to be indemnified by his vendor against all claims which may be made against him under the provisions of this section.

Provision for case of transfer of ownership after notice given and before fence finished.

3. In case the owner of adjoining land liable under this Act to erect or contribute towards the erection of a dividing fence shall elect himself to erect the half of a dividing fence and shall complete the whole or any portion thereof then the part of such dividing fence first erected by the owner giving notice to him so to do shall during the period of ten years from the completion of such part be kept in repair by and at the sole cost of such owner and of the persons for the time being holding owning or occupying the land of such owner and the part of such dividing fence erected by the said adjoining owner shall during the period of ten years from the completion of such part be kept in repair by and at the sole cost of such adjoining owner and of the persons for the time being holding owning or occupying the land of such adjoining owner.

When adjoining owners erect each a part of a fence each to keep his part in repair.

4. If any person who under the preceding section is liable to keep in repair any fence or part of a fence shall not within seven days after notice in writing requiring him so to do given to him or his agent by the owner or occupier of land on the other side of such fence repair

In case of neglect to repair adjoining owner may repair and recover costs.

such fence or part of a fence the owner or occupier giving or entitled to give such notice may forthwith repair the same and he shall be entitled to recover from the person so liable to repair the whole cost of so doing. Provided that no such notice shall be required where the repair is rendered necessary by any fire falling of timber or other accident.

Person becoming owner of land to contribute.

5. 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 or disposed of 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 at the time of the claim being made.

Cost of repairs to be shared.

6. 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. 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 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 immediately repair the same without any notice and shall be reimbursed half the expense of so doing in manner herein provided. But nothing in this section shall apply to the case when any fence or part of a fence is required by this Act to be kept in repair at the sole cost of the owner or occupier of land on one side thereof.

Live fences to be trimmed.

7. In all cases where the dividing fence shall be a live gorse fence the occupiers of the adjoining lands shall each duly trim and keep in order the side of the fence next

their own lands and in the event of either of them neglecting to do so then after seven days' notice in writing it shall be lawful for the other owners or occupiers to trim and keep in order such fence at the expense of the party so neglecting For the purpose of making or repairing any boundary fence or for trimming any live gorse fence it shall be lawful for the occupier or owner of any land or any person duly authorised by him from time to time to enter upon that of the adjoining occupier or owner and no action shall accrue to such adjoining occupier or owner by reason of any such entry.

8. In case any dividing fence shall be destroyed or injured by reason of the falling of timber thereon or the firing of scrub fern toitoti gorse or flax the owner or occupier of the land on which such timber scrub fern gorse toitoti or flax shall be standing or growing shall be liable to the whole expense of repairing such fence whether the same be a fence by this Act required to be kept in repair by and at the sole cost of the owner or occupier of the land on one side thereof or not. Provided that to make such owners or occupiers liable under this clause it shall be necessary to prove that such owner or occupier had neglected after due notice given in writing to clear such timber scrub gorse toitoti fern or flax from his land adjoining such dividing fence to the distance of at least half a chain.

When fences destroyed by accident owner in default to repair.

9. No fence erected after the passing of this Act shall be considered a sufficient fence unless it consists of morticed posts and four rails the top rail whereof shall not be less than four feet from the ground or of at least seven strong wires being of not less strength than that known as No. 8 Birmingham gauge well strained with a sufficient number of firm straining posts and having standards where practicable at intervals of not more than eight feet apart the top wire being not less than four feet from the ground and when such fence shall be upon iron standards one wooden post being placed in each chain of such fence or shall if it be made in any other way be equal in efficiency to one of such fences.

What a sufficient fence.

10. When any stream or ditch being less than half a chain in its average width which does not form a sufficient

Fencing where stream forms boundary.

fence shall divide two properties and the owner of the land on one side of the stream or ditch shall after having given the requisite notice to the owner of the land on the other side of the stream or ditch have erected a fence on his own land for half the distance between the said properties and the owner of the land on the opposite side shall have refused or neglected to complete a dividing fence by erecting a fence on his own land for the other half of such distance then it shall be lawful for the owner of the land who shall have given such notice and erected such fence as aforesaid and his workmen to enter upon the land on the opposite side of the stream or ditch and erect or cause to be erected thereon a fence in continuation of the fence he shall have erected on his own land for the remainder of the distance between his land and the land on the opposite side of the stream or ditch and connect the said fences in such a way as occasion may require and he may deem most advisable and he shall be entitled to recover one-half of the entire cost of such fence from the owner of the land on the opposite side of such stream or ditch.

Live fences.

11. If the owner or occupier of any lands either before or after the passing of this Act shall have planted upon any dividing line a live fence the owner or occupier so planting and rearing such live fence shall be entitled to recover from the adjoining occupier or owner half the expense of planting and rearing such dividing fence so soon as the same shall become a sufficient fence between their respective lands within the intent and meaning of this Act Provided always that any sum which may be so recovered shall not exceed the sum of fifteen shillings per chain and the notices as by this Act required to be given shall not be deemed requisite nor apply to the planting of live fences.

Cases where owner cannot be found.

12. 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 nearest to the place in which such land is situate and if the place be situate within a town or city then in a newspaper (if there be any) published in such town or city of a notice addressed to the owner of such adjoining land describing him as owner without any name 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 once in each of four successive weeks. No such notice or insertion shall be necessary where assistance or contribution towards repairing any fence shall be required. No newspaper published at intervals of more than one week shall be deemed a newspaper for the purposes of this Act.

13. 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 four-rail fence of the description hereinbefore mentioned.

Limit of amount to be recovered.

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

14. 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 occupier shall be the party liable to contribute towards the expense of making any such fence as aforesaid and the owner of such land shall at the expiration of the lease or occupation of such occupier pay to such occupier a sum equal to the amount so contributed with a reasonable deduction for wear and tear of such fence.

Owner to indemnify occupier in certain cases.

Occupier to pay for repairs in all cases.

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

Agreements not to be affected.

16. Provided always that nothing in this Act contained shall avoid or affect any covenant contract or agreement relative to fencing whether made before the passing of this Act or afterwards.

Notices to be in writing.

17. All notices other than advertisements given under this Act shall be given in writing previous to the commencement of any of the work as herein authorised to which they respectively relate.

Interpretation

18. In the construction of this Act the word "owner" shall be taken to include a 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 and that whether the estate of such owner be legal or equitable and whether such estate be held under a grant lease or license mediately or immediately from the Crown or under a contract with the Crown or with the New Zealand Company not completed by the issue of a grant from the Crown or under any conveyance or lease of land over which the title of the aboriginal native owners has been extinguished but in respect of which no grant from the Crown has been issued Provided that no mortgagee who has not entered into possession shall in any case be deemed an owner and that no trustee shall be deemed an owner unless the person or some one of the persons beneficially entitled in possession shall be under some legal disability And provided that nothing in this Act shall be taken to affect any lands of the Crown or lands to which the title of the aboriginal native owners has never been extinguished but this Act shall be taken only to impose personal liabilities and confer personal rights upon persons being owners of land within the meaning of this section.

Short Title.

19. The Short Title of this Act shall be "The Fencing Act 1872."

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FERRIES.

*An ACT to establish and regulate Ferries.\**

Title.

Session I, No. 8.]

[Assented to January 14th, 1854.

**B**E IT ENACTED by the Superintendent of the Province of Wellington with the advice and consent of the Provincial Council thereof as follows:

Preamble.

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.

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 appoint and remove ferry keepers.

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.

To grant ferry licenses.

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 licenses 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.

Superintendent with Executive Council to make rules and bye-laws for regulation of ferries and of matters relating thereto.

5. All such rules orders and bye-laws and all additions thereto and amendments therein shall be laid before the

Such rules to be laid before Provincial Council.

\* See Bridges and Ferries Acts of General Assembly 1868 and 1869, brought into operation in Wellington April, 1872. See Provincial Gazette, No. 7, 1872.

Provincial Council within ten days after the commencement of the Session next following the making or amending any such rules orders or bye-laws.

Superintendent with Executive 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 persons, &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 belonging to Her Majesty or employed in Her Service when conveying persons baggage arms or ammunition or returning therefrom.

Power to lease ferries.

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 term 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.

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

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 authorise or appoint to demand collect and take such dues or to be such boat-



men 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.

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 authorised by the Superintendent to receive possession thereof it shall be lawful for any Justice of the Peace upon complaint made by any person 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.

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

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

Table of dues &c to be erected; a light to be kept burning, &c.

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 neglect 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 a greater due from any person than he shall be authorized 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.

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

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 authorized 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.

Persons not ferry keepers

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 leasees 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.

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 as required by this Act or shall wilfully or designedly deface 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 on persons damaging table of ferry dues, &c.

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

Penalties how recoverable.

## FOXTON BURIALS PREVENTION.

Title. *An ACT to prohibit Burials in a certain block of land in the Township of Foxton.*

Session XXI, No. 9 ]

[Assented to 30th June, 1871.

Preamble

**B**E it enacted by the Superintendent of the Province of Wellington by and with the advice of the Provincial Council thereof as follows:—

Short title.

1. The Short Title of this Act shall be "The Foxton Burials Prevention Act 1871."

Burials not to be made.

2. After the passing of this Act it shall not be lawful to bury any body in the piece of land described in the Schedule to this Act.

Penalty in case of infringement.

3. Every person who after the passing of this Act shall bury any body or in anywise act or assist in the burial of any body in the piece of land the boundaries whereof are described in the Schedule to this Act shall be guilty of a misdemeanour and upon conviction in a summary way before two Magistrates shall be liable to a fine of not exceeding ten pounds or imprisonment for any term not exceeding three calendar months or to both fine and imprisonment at the discretion of the Court.

Notice to be given.

4. It shall be the duty of the Provincial Secretary immediately after the passing of this Act to give notice thereof in the Provincial Government *Gazette* and to cause a copy of such notice to be posted in some conspicuous place in the Township of Foxton.

## SCHEDULE.

All that piece or parcel of land contained in section No. 97 on the plan of the Township of Foxton containing by admeasurement one acre more or less; bounded on the North by section No. 99, 470 links; towards the East by a public road, 228 links; towards the South by a public road, 422 links; and towards the West by a public road, 260 links.

## GREYTOWN TRUSTS.

*An ACT to declare the Trusts of certain Lands in the Township of Greytown in the Wairarapa District and to provide for the appointment of Trustees therein.*

Session XXI, No. 12.]

[Assented to 30th June, 1871.

**W**HEREAS by "The Wairarapa Town Lands Management Act 1870" of the General Assembly it was enacted that all the estate and interest of one Charles Rooking Carter in the lands therein referred to in which are included the lands in the Schedule hereto should upon the passing of the said Act be divested and the same were vested in Henry Humphrey Jackson Samuel Moles and Moritz Hirschberg all of Greytown and in Alfred William Renall Joseph Masters and Robert Hare of Masterton as joint tenants in fee simple and that such and all future Trustees should hold such reserves and the rents issues and profits thereof and also all the rents issues and profits accrued in respect thereof upon trust for such purposes for the benefit of the inhabitants of the district of Wairarapa West and should manage and deal with the same in such manner as should be declared and set forth in any Act to be passed by the Superintendent and Provincial Council of Wellington and with such powers of leasing and exchanging such reserves or any part thereof as in any Act might be specified subject nevertheless to any leases or dealings with the same reserves or any part thereof by the said Charles Rooking Carter by himself or in conjunction with any other person all which leases and dealings might be confirmed by any Act of the Superintendent and Provincial Council of Wellington And it was further enacted that it should be lawful for the Superintendent and Provincial Council of the Province of Wellington in and by any Act to be passed for any of the purposes aforesaid also to make provision for the following purposes (that is to say)—

Defining the purposes in accordance with the provisions of that Act for which the said lands should be held and applied.

Regulating the time for which the Trustees thereby appointed and their successors in office to be elected or appointed as by such Act of the Provincial Council provided should hold office as Trustees.

Regulating the mode of electing or appointing new Trustees.

Regulating the liability and the payment of the costs of Trustees.

Regulating the application of any funds available for the purposes for which the said lands are held.

And that upon every appointment of any new Trustee or Trustees the trust estates held by their predecessors in office under that Act should vest without any conveyance or assignment in the continuing Trustees or Trustee and such new Trustees or Trustee their heirs executors or administrators as joint tenants or if there be no continuing Trustee then in the new Trustees their heirs executors or administrators upon the same trusts and with the same powers as the original Trustees or Trustee And whereas it is expedient that certain moneys now in the hands of the said Trustees available only for the public benefit of the two townships of Greytown and Masterton should be divided by the said Trustees as they may deem reasonable between the said townships and the sums so awarded be paid to the Trustees respectively of each of the said townships And whereas it is also considered to be expedient that the forty-eight acres reserve first mentioned in the Schedule to this Act should be vested in the Trustees for the time being of this Act and the Trustees for the time being of the township of Masterton to be held by them and their successors as tenants in common the proceeds and rents thereof to be divided equally between them for the purposes of the said townships of Greytown and Masterton.

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. On some day in the month of April next after the passing of this Act and at a place and time to be fixed by the present Trustees a meeting shall be held of the persons residing or having land either leasehold or freehold within the town of Greytown and the suburban sections of the township of Greytown as delineated on the official plan of such town and township. Meeting for election of Trustees.

2. At such meeting the persons present shall first elect a chairman and then elect six persons being residents in such town or township to be Trustees of the lands mentioned in the Schedule hereto in the place of the Trustees appointed by the recited Act. Manner of election.

3. The lands so vested in the Trustees under the provisions of the Act of the General Assembly and of this Act shall be held by them upon trust for the purpose of maintaining educational establishments and a library in connection therewith and the yearly rents and profits already accrued and accruing from the said lands shall be paid and applied in such manner in connection with the purposes aforesaid as the Trustees for the time being shall in their sole discretion think fit. Lands to be held for educational purposes.

4. The Trustees may let the lands so vested in them from year to year or for any number of years not exceeding twenty-one years at such rent and on such conditions as to them or a majority of them may appear advisable and a lease signed by any three of them shall be as valid as if all of them had signed the same. Trustees to let lands.

5. The Trustees shall appoint a Treasurer to whom all moneys derivable from the trust property shall be paid and also a Collector and Auditor who shall be paid by the Trustees out of the trust funds in their hands such sums of money for their services as the said Trustees may think fit. Trustees to appoint officers.

6. 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 Minutes of meetings to be kept.

by the members present or any three 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 such entry as being present thereat or of the signature of any person by whom such entry purports to be signed all which matters shall be presumed until the contrary be proved.

Trustees to  
keep accounts.

7. 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.

Accounts of  
Trustees to  
be audited  
and published.

8. 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 lands 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 and all such accounts shall be audited and published in the *Government Gazette*.

Reserve of  
forty-eight  
acres vested  
in Trustees of  
both town-  
ships.

9. That the reserve of forty-eight acres mentioned in the Schedule to this Act shall be vested in the Trustees of both the settlements of Greytown and Masterton and their successors to be held as tenants in common and not as joint tenants with full power of leasing and managing the same and the proceeds to arise from such leasing and management shall be divided annually in two equal shares one such share to be given to the Trustees of each township respectively to be dealt with by them in accordance with the trusts and for the purposes of this Act.

Funds to be  
divided.

10. That all sums of money heretofore realized from the public lands of the said townships and now at their disposal shall be divided by the said Trustees of both townships between the said townships in such manner as they may think fit and the share so divided of each township shall be handed over to the Trustees of such township to be dealt with by them in accordance with the trusts and for the purposes of this Act.



11. The Trustees of such lands 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 answerable or accountable for any banker broker or other person with whom or in whose hands or custody any part of the moneys of such lands 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.

Liability of Trustees.

12. All Acts heretofore done by the Trustees of the said townships in the performance of their trusts *bonâ fide* and without any wilful default on their part are hereby validated.

Past Acts of Trustees validated.

13. The Trustees to be appointed under this Act shall go out of office by rotation in the following manner that is to say on the first Thursday in the month of April in the year 1872 one third of such body of Trustees shall go out of office and on the first Thursday in April in the following year another third of such body of Trustees shall go out of office and on the first Thursday in April in the year following the remainder of such body of Trustees shall go out of office and on the first Thursday in the month of April in every subsequent year one third of the Trustees being those who have been longest in office shall go out of office and in each instance the places of the retiring Trustees shall be supplied by the election of a like number of Trustees in the manner herein provided.

How new Trustees are to retire.

14. Every Trustee going out of office by rotation or otherwise ceasing to be a Trustee may be re-elected and after such re-election he shall with reference to going out by rotation be considered as a new Trustee.

Power of new Trustees.

15. If any of the Trustees die or resign or cease for six calendar months to reside in the township of Greytown or be disqualified or cease to be a Trustee from any other cause than that of going out of office by rotation the

Vacancies how to be filled.

remaining Trustees if they think fit may within one month from the happening of such vacancy elect another Trustee in his place and every Trustee so elected shall continue in office so long as the person in whose place he is elected would have been entitled to continue in office.

Rotation list.

16. In order to determine the rotation by which such first body of Trustees to be elected under the provisions of this Act shall go out of office the Trustees at their first meeting after their election shall meet at some convenient place for the purpose of forming a rotation list and at such meeting the clerk or some person to be then appointed for that purpose by the Trustees shall write the names of all the Trustees on separate slips of paper all as nearly as may be of equal size and having folded them up in the same manner he shall put them into a balloting box and shall in the presence of the meeting draw out such slips of paper in succession and the names upon the slips so drawn shall be written by the clerk or other person in a list in the order in which they are drawn and the Trustees shall go out of office according to such rotation.

How Trustees going out in rotation are to be elected.

17. For the purpose of electing Trustees from time to time in the place of those who go out by rotation a meeting of the persons residing in the town of Greytown and the suburban sections of the township of Greytown shall be held at a place to be appointed by the Trustees and if no place be prescribed at the principal office of the Trustees on the first Thursday in the month of April in the year one thousand eight hundred and seventy-two and on the first Thursday in the month of April in each succeeding year of which meeting and the time and place of holding the same public notice shall be given by the clerk or if no clerk by the Trustees by advertisement and also by placards affixed on the principal doors of the school-house or some other public place in the town of Greytown seven clear days at the least before the day of election and at such meeting or meetings the persons present thereat having first elected a Chairman shall proceed as herein provided to elect new Trustees in the room of those who shall have gone out of office.

18. The Chairman of such meeting 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 three voters present. Chairman to  
preside.

19. When such poll shall be demanded the Chairman 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. If poll  
demanded.

20. The Chairman shall appoint the necessary poll clerks and prepare the necessary poll books in which shall be inserted the situation of the premises in which the voter resides and for whom he votes. Chairman to  
provide, &c.

21. As soon after the close of the poll as may be the poll clerks shall transmit the state of their respective polls to the Chairman 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 Chairman for the reimbursement of the expenses attending the same a scrutiny shall be made by the Chairman in such way and manner as he may deem proper and the result of such scrutiny shall be reported at another adjourned meeting to be appointed by the Chairman 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 whereof as declared by the Chairman shall be final The party demanding the scrutiny shall pay the expenses thereof. How poll to  
be declared,  
&c.

22. All costs attending the poll shall be paid by the Trustees out of any funds which may come to their possession. Costs, how  
paid.

## SCHEDULE.

## RURAL AND TOWN RESERVES IN GREYTOWN.

48 Acres Reserve near Greytown.

Town Acres Nos. 1, 2, 9, 60, 62, 89, 90, 91, 92, 112, and one-half of 61 and 111, Town acres Nos. 93, 119, 120.

## HIGHWAYS.

Title. *An ACT to amend and consolidate the Law relating to District Highways.*

Session XXI. No. 5]

[Assented to 30th June, 1871.

Preamble.

WHEREAS it is expedient to repeal the existing laws relating to District Highways and to make better provision generally for the establishment maintenance control and management of the district roads within the 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 as follows :—

Short Title.

1. The Short Title of this Act shall be "The Highways Act 1871" The sections of this Act defining districts and providing for the appointment of assessors and the making of a valuation shall come into operation immediately on this Act being assented to and the residue of this Act shall come into operation on the first day of July 1872 which day is hereinafter referred to as the time of coming into operation of this Act.

Operation.

Repeal.

2. The several Acts of the Superintendent and Provincial Council mentioned in the first Schedule to this Act are hereby respectively repealed Provided that nothing in this Act shall prevent the recovery of any rate or debt due or growing due by or to any Board of Wardens constituted under any Act hereby repealed or by or to the Chairman or any member or collector of any such Board nor the completion of any contract made by or with any such Board of Wardens nor any proceeding

pending in any Court or before any arbitrators to which any such Board or any chairman member or collector of any such Board shall be a party nor the enforcing of any judgment in any Court recovered by or against any such Board of Wardens or by or against the chairman of any such Board of Wardens or any member or collector of any such Board but that every such rate debt contract proceedings and judgment may be recovered sued for continued completed and enforced in the same manner as if this Act had not been passed.

3. In the interpretation of this Act the words and phrases in this section mentioned shall (unless the context show that a different meaning is intended) have the meanings hereby assigned to them respectively that is to say— Interpretation

“Highway District” or “District” shall mean a Highway District constituted under this Act  
 “Highway Board” or “Board” shall mean the Highway Board elected for a Highway District under this Act.

“Highway” shall signify and include every road bridge causeway and footpath not being a private way and not specially exempted from the operation of this Act and all other works forming part of any such highway or road or being accessory thereto.

The word “Owner” shall mean any person other than the occupier having any estate or interest in any rateable property whether such rateable property shall have been granted or leased by the Crown or not.

#### QUALIFICATION OF VOTERS.

4. In every Highway District until a general rate shall have been made under this Act and become payable the persons who would but for the passing of this Act have been qualified and entitled to vote in the election of Wardens of Boards of Wardens for the management of Highways in respect of property within any Ward constituted under this Act shall be qualified to vote for the Qualification for first elections.

election of a Warden for such Ward and every person so qualified shall have one vote and no more.

Qualification  
for elections  
subsequent to  
first.

5. In every Highway District after any rate for the whole of such district shall have been made under this Act and become payable the persons rated under this Act in respect of rateable property situate within any Ward constituted under this Act shall be qualified to vote for the election of a Warden for such board and every person so qualified shall have one vote and no more. Provided that no infant or woman or person of unsound mind nor any person who has not paid all rates due from him under this Act shall be qualified to vote under the provisions of this section.

#### HIGHWAY DISTRICTS AND WARDS.

Highway Dis-  
tricts.

6. So much of the Province of Wellington as is included in the several Districts hereinafter mentioned is hereby declared to be divided into the several Highway Districts the names and boundaries whereof are set forth in the second Schedule to this Act.

Wards.

7. Each of the said Highway Districts shall be divided into Wards by the Superintendent with the advice of his Executive Council who shall from time to time by proclamation in the *Government Gazette* define the boundary of such Wards and may from time to time abolish any Wards proclaimed under this Act and proclaim new Wards. Provided that the number of Wards in any district shall never be less than seven and that where any town is included within a district the boundaries of the Wards shall always be so fixed that the whole of such town shall be included in one Ward.

#### HIGHWAY BOARDS.

First election  
of Wardens.

8. As soon as conveniently may be after the division of any Highway District into Wards the persons qualified to vote for the election of Wardens in each Ward as herein provided shall proceed to elect from among the persons qualified to vote within such district one Warden for each Ward in such district.

Manner of  
election.

9. The election of every Warden shall be conducted in the following manner :

- (1.) The voters qualified to vote for the election of a Warden in the Ward shall meet at a convenient time and place appointed by the Superintendent and notified by advertisement in the *Government Gazette* and in at least one newspaper published within the Province of Wellington.
- (2.) At such meeting a person appointed by the Superintendent shall preside. Such person is hereinafter called the Presiding Officer.
- (3.) Every candidate for the office of Warden shall be proposed by one qualified voter and seconded by another.
- (4.) If only one candidate is proposed and seconded the presiding officer shall declare such candidate elected.
- (5.) If more than one candidate is proposed and seconded the presiding officer shall put the names of all such candidates to the meeting in order and shall call for a show of hands in respect of each candidate successively and if the show of hands for two or more candidates shall be equal the presiding officer shall give a casting vote and that candidate in whose favor the presiding officer shall declare the show of hands or the casting vote to be shall be by him declared to be elected unless a poll be forthwith demanded by another candidate.

10. If a poll be demanded the presiding officer shall <sup>Poll.</sup> forthwith declare to the meeting the day and place at which the poll shall be taken and at such day and place the poll shall be taken accordingly in the following manner:—

- (1.) The poll shall commence at nine o'clock in the forenoon and continue till four o'clock in the afternoon.
- (2.) The presiding officer with such assistants as he shall think necessary shall attend at the appointed place furnished with poll books and pens and ink.

- (3). Every person desirous and qualified to vote at such election shall appear in person at the appointed time and place and shall state to the presiding officer or one of his assistants the name of the candidate for whom he desires to vote and the said presiding officer or assistant shall enter the same in a poll book and cause the voter to sign his name or set his mark thereto.
- (4). The presiding officer shall as soon as conveniently may be after the close of the poll ascertain the number of votes given for each candidate and shall declare that candidate in whose favour the greatest number of votes shall appear to have been given to be duly elected. In case of equality of votes for two or more candidates the presiding officer shall give a casting vote in favour of one such candidate.

Names of  
Wardens to be  
gazetted and  
Wardens to be  
a Board.

11. When the presiding officer has declared any candidate duly elected he shall forthwith send to the Superintendent notice in writing of the name of such candidate and the Superintendent shall as soon as the names of all the wardens elected or appointed for any district are known to him notify in the *Government Gazette* the names of all wardens elected or appointed for such highway district. The several wardens elected or appointed for each such district shall be a body corporate having perpetual succession and a common seal with power to break alter or renew the same and shall be called by the name of the Highway Board (inserting the name of the highway district for which such board is constituted).

Warden  
elected for two  
or more wards  
to sit for one.

12. If any person is elected for more than one ward in the same district he shall be a Warden for that ward only for which he was first elected (the time of election being taken to be the day of meeting for the election or in case of a poll the day of such poll) and if he shall have been elected for two or more such wards on the same day he shall within one week after such day send written notice to the Superintendent stating for which ward he



elects to sit and he shall be Warden for that ward and no other in that district In case no such written notice shall be received by the Superintendent within one week after the end of the said week the Superintendent shall direct for which ward such Warden shall sit and he shall be Warden for that ward and no other in that district When any person elected to be a Warden for any ward shall under this section be incapable of sitting or shall not elect or be directed to sit for such ward a fresh election for such ward shall be had as soon as may be in the same manner as if such person had been duly elected for such ward and had died and when an election fails by reason only of this section it shall not be deemed a failure to elect within the meaning of the subsequent provisions of this Act.

13. If from any cause the voters in any ward shall fail to elect a Warden the presiding officer shall send to the Superintendent notice in writing of such failure and thereupon the Superintendent shall appoint a Warden for such ward and every warden so appointed shall for the purposes of this Act be deemed to have been duly elected a Warden for such ward.

On failure to elect Superintendent to appoint Warden

14. The members of every highway board shall subject to the provisions hereinafter contained continue to be members of such board for the period of three years from the date of the *Gazette* in which their names shall have been notified as aforesaid and thereafter until new Wardens shall have been elected as hereinafter provided.

Wardens to continue for three years.

15. If any Warden shall by writing addressed to the Highway Board of which he is a member resign his office of Warden or die or become of unsound mind or become bankrupt or compound with his creditors or be convicted of any felony or indictable misdemeanor or absent himself without the leave of the Board from four consecutive meetings of the Board or become interested either solely or jointly with any other person in any contract with the Board of which he is a member otherwise than as a member of any incorporated or registered company or of any body corporate or accept or hold any place of profit under the Board he shall immediately cease to be such Warden

Seat of Warden to be vacated in certain cases.

When under any of the provisions of this section the place of a Warden shall become vacant the persons for the time being entitled to vote in the election of a Warden for the ward for which he was elected shall as soon as may be elect a Warden in his place who shall continue in office so long as the Warden in whose place he is elected would have continued in office. Such election shall be conducted in the same manner as the first election except that if any rate has been made for the whole of the district the qualification of voters shall be such as is herein prescribed for elections subsequent to the making and becoming payable of a rate and no Warden actually holding office shall be capable of being elected. Notice of the election of such new Warden shall be sent to the Superintendent and his name shall be notified in the *Gazette* and in case of failure to elect a Warden the Superintendent shall appoint a Warden as hereinbefore provided.

Election of  
new Wardens.

16. As soon as may be after the expiration of the said period of three years from the election of Wardens in a Highway District a new Warden shall be elected for every ward in the district and the election shall be conducted in the same manner as the first election except that if any rate has been made for the whole of such district and become payable the qualification of voters shall be such as is herein prescribed for elections subsequent to the making and becoming payable of a rate. At every such election any Warden actually holding office shall if otherwise qualified be capable of being elected.

When new  
Wardens  
elected old  
Wardens to  
vacate seats.

17. When new Wardens have been elected at an election subsequent to the first and their names shall have been notified in the *Gazette* the old Wardens who have not been re-elected shall cease to be Wardens.

#### GENERAL POWERS AND DUTIES OF HIGHWAY BOARDS.

Order of busi-  
ness.

18. Every Highway Board shall have power to make regulations for the orderly conduct of the business of the Board and for fixing a quorum and determining the times and places of meetings of the Board and may from time to time suspend revoke alter and amend such regulations Provided that nothing in any such regulations shall be inconsistent with this Act.

19. At the first meeting of every Highway Board after the notification in the *Gazette* of the names of the members thereof which shall be at such time and place as the Superintendent shall by notice in the *Gazette* appoint and as often as the office of chairman of the Board shall be vacant the Wardens present shall elect one of the Wardens to be chairman of the Board who shall continue to be chairman until he shall cease to be a Warden or shall by writing addressed to the Board resign his office of chairman. The chairman shall preside at every meeting of the Board at which he is present and shall have an original and also a casting vote. Provided that if at any meeting of the Board the chairman shall be absent the wardens present shall appoint one of their number to be chairman and he shall for that time have all the powers of the chairman. Chairman.

20. Every Highway Board shall have power from time to time as it shall think fit to employ at such salaries as it shall think fit or without salary all such clerks collectors surveyors engineers overseers and other persons as may be required to carry this Act into operation and the same so often as it shall think fit to remove and employ others in their stead. Appointment of officers.

21. All roads drains watercourses streams ditches and the like not being private property within any Highway District shall be deemed at law to be under the control and management of the Board and it shall be the duty of the Board out of any moneys in its hands available for such purposes to make and maintain such roads in good and sufficient repair and to form cleanse and maintain such drains watercourses ditches and streams. Provided always that the main line of road from the city of Wellington to the Wairarapa and so on to the boundary of the Province of Napier known as the Great North Eastern and the main line of road from the city of Wellington to the town of Wanganui and so on to the boundary of the Province of Taranaki known as the Great North Western shall not come under the control of any Highway Board. And provided also that if by virtue of any Act of the Superintendent and Provincial Council now in force or Board to maintain roads.

hereafter in force or of any proclamation made or to be made under any such Act the Superintendent or the Superintendent with the advice of his Executive Council shall have the control of any main road then such main road shall not come under the control of any Highway Board.

Closing roads during execution of works.

22. Every Highway Board may stop up any road within the Highway District for which such Board is constituted and prevent the same from being used as a common thoroughfare for a reasonable time during the execution of any work authorized under the provisions of this Act.

Works to be lighted &c.

23. Every Highway Board shall during the execution of any work or the stoppage of any road take proper precaution for guarding against accident and if any person shall without the authority or consent of the Board take down alter or remove any bar chain or other protection or extinguish any light placed at or near to any bar chain or work for protection he shall for every such offence on conviction thereof before any Justice of the Peace be liable to a penalty not exceeding five pounds or to be imprisoned for any period not exceeding fourteen days.

Penalty.

Officers acting *bona fide* not to be responsible.

24. No act done by any member or officer of the Board acting under the direction of the Board and *bona fide* for the purpose of carrying into operation any of the provisions of this Act shall subject such member or officer personally to any action suit or demand whatever but the responsibility of such act shall lie upon the Board.

Taking materials from lands adjoining highway.

25. Every Highway Board may by itself or its servants enter upon any land near to any highway in course of construction or repair other than land of the Crown not being the bed of a stream or watercourse and other than any 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 stone or like materials required for the construction or repair of such highway and may construct therein any drains or necessary works in connection therewith Provided that when such land is occupied but not otherwise the Board shall at least one week before so doing serve upon the person

in occupation of such land notice of their intention so to do and shall when the materials have been taken fill up or securely fence off all holes pits or cuttings and efface as nearly as may be all other irregularities and damage done by using such temporary road or by taking such materials Provided also that the Board shall not in exercise or assumed exercise of any of the powers given by this section divert or dam up the course of any stream or damage the banks thereof so as to cause it to overflow or take materials out of the bed of any stream within one hundred and fifty feet of any bridge.

26. Any person alleging himself to be injured by or entitled to any compensation by reason of the exercise by any Board of any of the powers given by the next preceding section shall be entitled to receive from the Board such compensation as shall be agreed upon between him and the Board or fixed by the award of two arbitrators one appointed by the Board and the other by such person or in case of difference between such arbitrators then by the award of one umpire to be appointed by them before entering upon the matter of the arbitration. Compensation

27. Every Highway Board may abandon any highway within its district which the Board may deem unnecessary and may sell the abandoned highway or any part thereof to any person owning land adjoining thereto if such person shall be willing to give such price as the Board shall demand and if he shall not be willing then to any other person and the Board may receive the price in money or in land to be used for the construction of a new highway and a deed executed by any Board under the common seal thereof purporting to convey the soil of any highway within the district of such Board to any person shall vest the soil thereof in such person and shall extinguish all public rights of way over the same. Abandoning highway. Adjoining owner to have refusal of purchase.

28. Every Highway Board may open new highways within its district with the consent of all the persons entitled to the land over which the proposed highway passes or to any estate or interest therein and may pay a consideration for such consent And every highway so opened shall unless abandoned remain a public way for all persons Opening new highways.

either as a cartway horseway or footway according to the purpose thereof.

Fences to be restored.

29. Whenever any Highway Board shall remove or interfere with any fencing the land protected by such fencing shall be fenced again by the Board so as to be as fully protected as before such removal or interference.

Highway through fenced land to be fenced.

30. When any new highway shall be constructed through any land previously enclosed by a substantial fence the Board constructing such highway shall before opening the same to the public fence both sides thereof so far as it passes through the land so fenced with a fence as substantial as that enclosing the land through which the road passes.

Gorse spreading on Highways to be cut.

31. Every person occupying or if there be no occupant then every person owning any land within any Highway District whereon there shall be any gorse or furze which has already either by the natural growth thereof or by the falling of seeds spread on to any Highway or which may reasonably be expected so to spread shall within one month after notice so to do (sent to him by the post or delivered to him or conspicuously fixed on the land where such gorse or furze is) cut and clip such gorse or furze and shall cut down and remove all gorse or furze which shall already have spread therefrom on to the Highway and if he shall not within the said month do all the things required by this section the Board may do so and may enter on the said land for the purpose. The cost or money expended or incurred by the Board in so doing shall be a debt from such person to the Board and shall be recoverable by suit in any competent court. Provided that if the suit be in any court with respect to which the Superintendent and Provincial Council have power to make laws altering and affecting the procedure thereof then the Board shall not be required to prove the posting delivering or fixing of such notice but the burden of proving that notice was not posted delivered or fixed shall be upon the defendant.

Trees &c, overhanging to be removed at

32. If any tree shrub or hedge on land adjoining any highway within any Highway District shall be injurious to the same by overhanging or if any such tree on such land be dangerous to passengers on any such

highway or shall fall on such highway from such land the Board may require the occupier of such land or if there be no occupier the owner thereof to lop such tree shrub or hedge or in the latter cases to remove the tree and if such occupier or owner shall not within seven days after notice requiring him so to do being sent to him by the post or delivered to him or conspicuously fixed on the land where the tree shrub or hedge is or was lop or remove the same the Board may do so and may enter on the said land for the purpose The cost or money expended or incurred by the Board in so doing shall be a debt from such person to the Board and shall be recoverable by suit in any competent court Provided that if the suit be in any court with respect to which the Superintendent and Provincial Council have power to make laws altering and affecting the procedure thereof then the Board shall not be required to prove the posting delivering or fixing of such notice but the burden of proving that notice was not posted delivered or fixed shall be upon the defendant.

## GENERAL RATES.

33. All land within any highway district with all buildings thereon including land the property of her Majesty occupied or unoccupied and whether the same shall have been sold or leased or contracted to be sold or leased or not and whether a license to occupy the same shall have been issued or not shall be rateable property within the meaning of this Act save as is next hereafter excepted that is to say except land the property of her Majesty and used for public purposes land in the occupation of the Crown or the Government of the Colony or of the Province for public purposes land occupied by or used for hospitals asylums benevolent institutions land used exclusively for public charitable purposes or for literary and scientific institutions churches chapels and other buildings used exclusively for public worship the dwellings of officiating ministers of religious denominations buildings used as schools provided they be inhabited only by the master or mistress of such schools or his or her family and such schools be schools receiving aid of the Government

of the Colony or of the Province, or be established under some Act of the Provincial Council providing a system of education for the Province together with the land immediately surrounding and appertaining to any such buildings houses churches chapels or schools burial grounds public gardens and recreation grounds land vested in the Superintendent or in any corporation commissioners or other persons under "The Public Reserves Act 1854" "The Public Reserves Act Amendment Act 1862" or any Act of the Provincial Council passed in pursuance of the two last mentioned Acts or either of them.

Land not to be charged or affected.

34. Nothing in this Act shall be taken to charge or affect any land or hereditaments whatever (except so far as any rates made under this Act may be or become a charge on or affect any land by virtue of any Act of the General Assembly now in force or hereafter to be in force) it being the intention of this Act that with the exception aforesaid the rates made under this Act shall be a personal debt of the persons herein declared liable to pay the same.

Triennial valuation to be made.

35. The Superintendent shall by and with the advice of his Executive Council before the first day of July 1872 and afterwards in the month of March in the year 1875 and in every third year thereafter appoint for each highway district some competent person or persons to assess the value of the rateable property contained within such district and with the like advice and consent the Superintendent may at any time if need be appoint a new assessor in the place of any assessor who may die or refuse or become incapable to act and such assessor or assessors shall enter in a book to be kept for that purpose to be called the district rate book a list in alphabetical order of the persons liable to pay rates under this Act and the value of the property for which each such person respectively is liable to be rated and shall return the same to the Chairman of the Board on or before the first Tuesday in the month of June following or (in the case of the first valuation required to be made under this Act) immediately after the Board shall have been created Provided that where any rateable property is unoccupied and the owner is unknown it shall be



sufficient to enter in such book the word "owner" instead of the name of such owner. Provided also that no valuation or rate shall be questioned on the ground of any such assessor not having been duly appointed.

36. The Board shall on or before the said first Tuesday in June or (in the case of the first valuation) within one week after the chairman of the Board shall have received the same give public notice by advertisement and by posting of the place where such book made up as in the last preceding section provided may be inspected and such book shall be open to the inspection of all persons liable to be rated and of all persons claiming to be affected thereby or of any person authorised by them in writing at all reasonable hours on every day not being a Sunday or public holiday during the thirty days next after the first publication of such notice.

District rate-book to be open to inspection.

37. If any person thinks himself aggrieved on the ground of unfairness or incorrectness in the valuation of any rateable property he shall within one month after such notice is first published or posted give notice in writing addressed to the chairman of the Board of his objection to such valuation and of the reason on which such objection is founded.

Objections.

38. The Board shall not earlier than fourteen days after such book shall have been open for inspection hold a special meeting of which at least fourteen days notice shall be given by posting and advertisement for the purpose of hearing objections to such valuation but such objection shall only be heard on the ground of unfairness or incorrectness in the valuation of any rateable property and the decision of the Board on such objections shall be final and conclusive.

Board to hear objections.

39. The Board may amend any valuation in the said district rate book in accordance with their decision on any objection thereto.

Valuations may be amended.

40. When the said district rate book has been made and the time for objecting thereto has expired it shall continue in force until a new district rate book shall have been made and the time for objecting thereto shall have expired and the Highway Board shall proceed to make a

Annual rate of one penny in the pound.

rate by entering in the said district rate book against the valuation of each rateable property in the district the amount of rates payable in respect thereof calculated at the rate of one penny in the pound sterling and afterwards as nearly as may be on the same day in each succeeding year while the said district rate book shall be in force the Board shall make a like rate in the same manner The said district rate book shall when the rate is so made remain at the office of the Board open to the inspection of every person liable in respect of the said rate at all reasonable hours for one month after the making of the rate When the rate is so made the said rate shall be due and payable to the Highway Board.

Notice of rate.

41. When any rate shall become due the Board shall cause a notice in the form of the third Schedule to this Act to be served or sent through the post by a collector duly authorized to receive the same to every person liable to pay such rate and if such rate be not paid to such Collector at the place named in such notice within thirty days after the posting thereof it may be forthwith recovered as hereinafter provided but such service or sending through the post shall not be a condition precedent to the recovery of the rate Provided that any Highway Board may receive payment of any rate by equal instalments payable at such intervals as the Board shall fix.

Rates may be recovered by Board.

42. All rates when made as herein provided shall be deemed to be the property of the Board and may be recovered at the suit of the Board and the said collector shall be the agent of the Board for the purpose of recovering such rate unless the Board shall appoint some other agent or attorney.

Who to pay rates.

43. All rates payable in respect of rateable property shall be paid by the occupier thereof or if there shall be no occupier such rates shall be paid by the owner thereof. Provided that the owners of all rateable property which is let for any period not exceeding a month shall be rated to and pay the rates instead of the occupier.

Joint owners.

44. When any rateable property is jointly occupied or if let for any period not exceeding a month or unoccupied

is jointly owned by more persons than one each of such persons shall be deemed to be the owner or occupier of rateable property of equal value to that of the whole of such first-mentioned property divided by the number of such joint owners or occupiers thereof.

45. When the occupier of any rateable property shall have quitted the same without having paid all the rates to which he shall have become liable in respect thereof and then payable by him the Board may either recover such rates from the person so having quitted or may elect to recover the same from the owner of the property who shall thereupon be liable to pay the same Provided that no owner shall be liable under this provision for more than one year's arrears of rates.

Occupier quitting without paying rates.

46. When after the making of a district rate book for any district and while the same remains in force any rateable property is transferred to another occupier or owner the person liable to pay any rate in respect thereof shall be determined according to the occupation or ownership thereof at the time of making such rate and when any part of any rateable property is so transferred the Board in whose district such rateable property is situate shall nevertheless continue to make rates in respect of the whole property and shall apportion the rates payable in respect thereof between the persons owning or occupying such parts in such shares as the Board shall deem proportionate to the value of the several parts determined according to the value thereof respectively at the time of making the district rate book for the time being in force.

When property transferred rates to be paid by new owner and in case of sub-division to be apportioned.

47. Nothing herein contained shall render Her Majesty the Queen or the Government of the Colony or the Government of the Province liable to pay any rate under this Act except as hereinafter provided.

Crown and General Government exempt.

48. When any lands of the Crown over which the native title has been extinguished as to which no agreement for sale lease or agreement for a lease or license to occupy shall be in force and not hereby exempt from rating shall be unoccupied and any rate shall be due in respect thereof the Superintendent shall for the purpose of recovering the rates due thereon be deemed to be the

Province to pay rates on waste lands to a limited amount.

owner thereof and the rates due in respect of such lands shall be paid to the Board by the Superintendent out of any moneys of the Province for the time being applicable by law for such payment. Provided that the Superintendent shall not pay or be required to pay to any one Board in respect of the before mentioned rates for one year a sum which shall exceed the amount of rates for that year on all the rateable property in the district other than such lands as in this section mentioned nor in respect of a special rate as hereinafter mentioned for one year a sum which shall exceed the amount of such special rate for that year on all the rateable property in the district or part of a district to which such special rate is limited other than such lands as in this section mentioned.

#### SPECIAL RATES.

Petition for special rate.

49. If not less than two-thirds of the persons for the time being qualified to vote for the election of wardens in any Highway District or in any part of such district comprised within one continuous boundary and being liable to pay not less than one half of the amount of rates made under the preceding provisions of this Act in respect of property in the said district or in the said part of such district (which rates are hereinafter called general rates) shall petition the Board of such district to make a special rate as hereinafter provided and the petition shall be in accordance with the provisions hereinafter contained that is to say

- (1). The petition shall be in writing and signed by every petitioner or his agent the authority of the agent being proved to the satisfaction of the Board.
- (2). If there be within the district or part of the district in respect of which such rate is to be made any land in respect whereof the Superintendent may become liable to pay rates under this Act the petition shall be approved by the Superintendent.
- (3). If the petition relates to a part of a district the boundaries of such part shall be clearly defined therein.

- (4). The object for which the special rate is required shall be stated in the petition.
- (5). The term for which the special rate is to continue shall be stated in the petition and shall be one year or a definite number of years.

The Board shall take into consideration such petition.

50. If the Board shall think fit to undertake the work mentioned in such petition and such work shall appear to the Board to be of such a nature as to require the making of a special rate to meet the cost thereof the Board shall make a special rate for the current year by entering in the district rate book for each year the amount of rates payable in respect of each rateable property mentioned in such book and situate in the part of the district to which the rate is limited if the special rate be limited to a part of a district calculated at the rate of one penny in the pound sterling and afterwards whenever during the said term a new general rate is made the Board shall in like manner make a new special rate. A special rate made during the term fixed for the same as aforesaid shall be valid and may be recovered notwithstanding that the term fixed may expire before the same is collected. Every special rate shall be distinguished in the said book from the general rate hereinbefore mentioned and from every other special rate. Every special rate when made shall be payable to the Board by the persons who would be liable to pay the same if it were a general rate and may be collected and recovered in the same manner as a general rate. Board may make special rate.

51. So long as a special rate for any district or a part of any district is in force no other special rate shall be made for such district or for such part as the case may be. No concurrent special rates to be made.

52. The Board shall keep a separate account of all moneys received in respect of each special rate and shall apply the same in payment of the cost of the undertaking on account whereof the rate was made or so much thereof as is payable by the Board and after such cost has been paid the Board shall not make any fresh rate under the same authority notwithstanding that the term Separate account of money raised by special rate.

for which the rate was authorized has not expired After such cost has been paid all moneys received by the Board in respect of such rate shall be dealt with by the Board in the same manner as if they were moneys arising from a general rate.

Special rate  
may be re-  
newed.

53. If the term of years for which any special rate has been authorized shall expire before the moneys payable out of such rate have been paid a new special rate for the same purpose may be made in the same manner as at the first making thereof and so as often as occasion shall require but so that no more than one penny in the pound sterling shall be payable in any one year on account of a special rate in respect of any rateable property.

Liabilities of  
existing  
Boards, how  
to be dis-  
charged.

54. In order to provide for the discharge of liabilities of Boards of Wardens for the management of Highways existing under the Acts hereby repealed or either of them special rates shall be made in the manner following :

- (1.) Immediately after the coming into operation of this Act the chairman of every such Board of Wardens or if there be no chairman some warden thereof shall forward to the Provincial Secretary a statement showing all the debts and liabilities of such Board or of any officer or member thereof which are owing or have been incurred on behalf of the Board remaining undischarged and the names and descriptions of the persons entitled to payment or satisfaction thereof and showing also the whole moneys and other assets belonging or due to or receivable by or on behalf of such Board Provided that if within one month after the coming into operation of this Act no sufficient statement shall have been received then it shall be the duty of the Provincial Secretary to take such steps as he may think fit in order to ascertain the debts liabilities and assets of such Board.
- (2.) If there shall be any doubt or dispute as to any such debt or liability or in respect of any debt due to or receivable by or on behalf of any

such Board the Superintendent may require such doubt or dispute to be settled by agreement or by the decision of some competent Court.

- (3.) The Superintendent shall cause to be made an estimate of the sum necessary to discharge all such debts and liabilities after exhausting the available assets of any such Board.
- (4.) When the district over which any such Board had control immediately before the coming into operation of this Act hereinafter called the abolished district is situated partly within one of the districts constituted by this Act and partly in another the Superintendent shall divide the sum determined by such estimate between the parts thereof in such shares as he shall deem proportionate to the value of the property rateable under this Act within the said parts respectively.
- (5.) The sums so ascertained or the proportional shares thereof shall be raised by special rates on the rateable property comprised within the abolished district or the respective parts thereof as the case may be and shall be paid by the Board or respective Boards within whose district or respective districts the abolished district or the respective parts thereof are comprised.
- (6.) The Superintendent shall direct every Highway Board to make a special rate to the extent which upon any such estimate or division shall appear necessary for raising the sum to be raised and paid as aforesaid and shall notify to the Board the amount determined by such estimate or division.
- (7.) Every Highway Board upon being so directed shall proceed to make a special rate for the succeeding year in the same manner as the other special rates herein mentioned but calculated at such a sum in the pound sterling as will suffice to raise the amount so notified if such amount

do not require a rate exceeding one penny in the pound sterling and if such amount shall require a rate exceeding one penny in the pound sterling the Board shall make successive rates for every year calculated at one penny in the pound sterling or at such less sum as shall be necessary to raise the amount so notified And every special rate made under this provision shall be limited to the rateable properties situate within the abolished district or part of an abolished district whereon the same is hereby required to be raised.

- (8). The proceeds of every special rate made in pursuance of this section shall be applied solely in satisfying the debts and liabilities for the payment whereof it is made and if after satisfying the same there shall be any residue such residue shall be dealt with in the same manner as if it were the proceeds of a general rate.
- (9). Every special rate made in pursuance of this section shall be as valid and may be recovered and collected in the same manner as if made under the other provisions of this Act relating to special rates.

#### CONTROL OF MONEYS. ACCOUNTS AND AUDITS.

Treasurer.

55. Every Highway Board shall from time to time appoint a treasurer and may from time to time remove such treasurer and appoint another. Such treasurer may if he does not derive any profit from his office be a member of the Board He shall give to the Board such security as the Board shall require.

Payments to  
Treasurer.

56. All moneys payable to any Highway Board from any source whatsoever shall be paid to the treasurer personally or to the Bank account hereinafter directed to be kept.

Banking and  
withdrawing  
money.

57. All moneys paid to the treasurer of any Highway Board shall when the sum in his hands amounts to twenty pounds be paid by him into such Bank as the Board shall from time to time appoint to the credit of the Board and



the money for the time being standing to the credit of such account shall be withdrawn only by the cheque of the treasurer countersigned by two members of the Board in pursuance of a resolution of the Board.

58. The Treasurer shall keep true account of all <sup>Accounts.</sup> moneys received and disbursed on account of the Board and of all the assets and liabilities of the Board and shall submit such accounts to the Board at every meeting thereof. A full abstract of such accounts shall be transmitted to the Superintendent in the month of September in each year and shall be laid before the Provincial Council by him at the session thereof next after the receipt of such abstract.

59. The accounts of every Treasurer of a Highway <sup>Audit.</sup> Board shall be audited once in every twelve months by the Provincial Auditor or Deputy-Auditor if he be acting in the place of the auditor and the Treasurer shall produce on such audit all books documents and vouchers necessary to support such accounts.

60. The Board shall expend all money paid to it <sup>Application of money.</sup> under any Act of the Superintendent and Provincial Council in accordance with the provisions of such Act and shall expend all moneys arising from rates levied within the district and all other moneys of the Board not directed by any Act of the General Assembly or of the Superintendent and Provincial Council to be otherwise applied in the construction and maintenance of roads and upon the cleansing maintaining and repairing of streams drains and water courses within the district upon the payment of the salaries of its officers and all other expenses incident to the proper transaction of the business of the Board and all expenses of carrying this Act into effect and generally upon works of public utility to the district for the purpose of maintaining constructing and improving the highways therein. Provided that all moneys arising from special rates shall be applied in the manner prescribed in the sections of this Act relating to special rates.

#### PENALTIES.

61. Every person who shall do any of the following <sup>Offences and penalties.</sup> things that is to say

- (1). Obstruct or attempt to obstruct any member or officer of any Highway Board acting in the execution of this Act.
- (2). Wilfully damage or destroy any highway or any part thereof.
- (3). Leave any stones timber rubbish or other thing on any highway not closed in pursuance of the powers given by this Act at night or any unprotected hole therein so as in either case to endanger any person vehicle or animal passing along such highway

shall be guilty of an offence under this Act and being convicted thereof shall forfeit and pay a penalty not exceeding five pounds.

Suffering  
cattle to  
stray on  
highways..

62. Every person suffering any horse ass mule ox sheep goat or pig or any animal of the said species respectively to be at large on a highway shall be guilty of an offence under this Act and being convicted thereof shall forfeit and pay a penalty not exceeding ten shillings per head and not exceeding £20 for one offence Provided that no information for any offence under this clause of this Act shall be laid unless by some constable or some person authorised by the Board having control over the district where the offence is alleged to have been committed.

#### MISCELLANEOUS PROVISIONS.

Acts of Board  
not to be  
invalidated by  
vacancy.

If Board  
refuses to act  
Superinten-  
dent may ap-  
point a  
Commissioner  
and supersede  
Board.

63. No Act of any Highway Board shall be invalid by reason of any vacancy having occurred or by reason of any member being ineligible to occupy his seat thereat.

64. If any Highway Board shall for one month refuse or neglect to do any act matter or thing required by this Act to be done the Superintendent with the advice of his Executive Council may if he think fit appoint a person to fill the place of such Board and thereupon all the powers rights and privileges of the Board and of the chairman and of every member thereof shall cease and the person so appointed shall have all the powers rights and privileges of the Board and shall be deemed in law to be the Board and may use the name and seal of the Board and exercise

and perform all the powers rights duties and privileges of the Board and of the chairman thereof Provided that when any such person is appointed the Superintendent shall cause meetings for the election of wardens to be held within such district as soon as conveniently may be in the same manner as if the period of three years from the appointment of the Board had expired and when a new Board has been duly elected the persons so appointed shall cease to exercise and perform the powers rights privileges and duties of the Board but such newly elected Board and the wardens thereof shall continue only so long as the late Board and wardens would have continued if such person had not been appointed The person appointed to perform the duties of any Highway Board shall be paid out of the moneys of such Board available for the general purposes of this Act such salary or remuneration as the Superintendent with the advice of his Executive Council shall direct.

65. If under any act of the Superintendent and Provincial Council now in force or hereafter to be in force or of any proclamation made or to be made under any such act the Superintendent or the Superintendent with the advice of his Executive Council shall have the control of any main road in the Province this Act shall with the exceptions hereinafter mentioned be deemed not to apply to any such main road and no Highway Board shall have any control over the same.

Main roads to be excluded from Act.

66. With respect to any such main road as last aforesaid the Superintendent shall from the time of coming into operation of this Act or from the time when any such main road shall be defined or constituted as the case may be have in respect of every such main road all the powers and duties of a Highway Board except the power of making rates and the parts of this Act relating to offences in respect of Highways shall apply to every such main road in the same manner as if it were a highway and with respect to such main road this Act shall be read as if the word "highway" were defined to mean such main road and the public seal of the Province may be used in lieu of the common seal of a Highway Board.

Parts of Act to apply to main roads.

Maps of  
highways to  
be made.

67. For the purpose of determining the public highways in the parts of the Province included within the districts defined in the second Schedule to this Act the Superintendent may cause a survey to be made for the whole or any part of the said parts of the Province and maps to be made showing all the public highways therein whether cartways horseways or footpaths and whether they be main roads or highways coming under the control of Highway Boards. The said maps when made shall be kept in the office of the Provincial Secretary and every highway shown thereon and no other within the area shown on such maps shall be maintained and repaired by the Highway Board of the district within which the same lies unless it be a main road under the control of the Superintendent. Provided that so long as for any Highway District or part of a Highway District no such map shall have been made the Highway Board shall maintain and repair all the public highways in such district or part.

Maps to be  
amended when  
highway  
abandoned.

68. When any highway shown on any such maps is abandoned by a Highway Board such Board shall send to the Provincial Secretary notice thereof with a plan showing the extent of highway abandoned and the Provincial Secretary shall cause the map on which such highway is shown to be amended so as to show the extent abandoned and thenceforth the abandoned highway shall be deemed not to be shown on such map.

New highways  
to be inserted  
in maps.

69. Whenever any highway is opened by any Highway Board within the area comprised in any such map such Board shall send to the Provincial Secretary notice thereof with a plan shewing the position and extent of the new highway and the Provincial Secretary shall cause such map to be amended by shewing thereon the new highway and thenceforth the said highway shall be dealt with as if originally shewn on such map.

Saving of  
private and  
public rights.

70. Neither the surveying nor laying down nor shewing upon any map of any highway shall have any effect by virtue of this Act to take away or interfere with the rights of the Crown or of any person over the land occupied by such highway and the omission from any such map of any public way now existing or hereafter to be in existence

shall not affect the right of public way over the same but shall only relieve the Highway Board from the charge of maintaining and repairing the same.

71. When any road shall have been reserved by the New Zealand Company the Crown or the Provincial Government over any lands held under Crown Grant it shall be lawful for the Board by writing to authorise the owner or occupier of the land on which the same shall pass to occupy and use such road for pastoral purposes only as if the said land were part of the land belonging to such person and the Board may authorise the owner or occupier of such lands to erect gates across such road whenever the same may be crossed by any fence. Provided that such given authority shall not extend at any one time beyond the period of three years from the date thereof. And also provided that such gates so authorised shall be so hung and fastened that any traveller on horseback can conveniently open and shut the same without dismounting. The Board shall also be empowered to authorise the erecting of a gate or gates across any road within their district subject to such special regulations as they may deem suitable to the state of the traffic of such road.

Road may be occupied for pasture under certain conditions.

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## SCHEDULES.

### FIRST SCHEDULE.

#### THE "DISTRICT HIGHWAYS ACT, 1867."

An Act passed in the 20th Session of the Provincial Council intitled "An Act to fix the amount of rates to be levied under the 'District Highways Act, 1867.'"

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### SECOND SCHEDULE.

#### WANGANUI AND WAITOTARA.

Approximate area, 644,000 acres. Bounded on the North-west by part of the north-western boundary of the Province of Wellington, commencing at the mouth of the Patea stream and ending at the junction of the Ohura stream with the Wanganui River; on the East, by the Wanganui River, commencing at its intersection with the north-western boundary and ending at the mouth of the Wanganui River; on the South, by the sea coast, commencing at the mouth of

the Wanganui River and ending at the mouth of the Patea River. Provided that the town of Wanganui and the Town Belt adjoining the said town, as the same are respectively described in the first schedule to "The Municipal Corporations Act, 1867," shall not be included in any Highway District.

#### WANGAEMU.

Approximate area 1,170,000 acres. Bounded on the North by the northern boundary of the Province between the Wanganui and Waikato Rivers; on the East, by the Waikato River and the Wangaehu River; on the West by the sea coast between the Wangaehu and Wanganui Rivers, and by the Wanganui River from its mouth to the northern boundary of the Province.

#### RANGITIKEI.

Approximate area, 1,515,000 acres. Bounded on the North by the boundary of the Province between the Waikato River and the western boundary of the Province of Hawke's Bay; on the East by the Eastern boundary of the Province between the northern boundary of the Province and a point on the top of the Ruahine Range bearing about east from the source of the Rangitikei river; on the South and South-east by a line bearing about east from the source of the Rangitikei river to the top of the Ruahine Range and by the Rangitikei river; on the West by the sea coast between the Rangitikei and Wangaehu rivers, and by the Wangaehu and Waikato rivers.

#### MANAWATU.

Approximate area, 1,125,000 acres. Bounded on the North and North-west by the southern and south-eastern boundaries of the Rangitikei Highway District; on the east by the summit line of the Tararua and Ruahine Ranges; on the South by a line bearing about east from the source of the Waikanae river to the top of the Tararua range and by the Waikanae river; on the West by the sea coast between the Waikanae and Rangitikei rivers.

#### FEATHERSTON.

Approximate area, 442,000 acres. Bounded on the North-east by the Waiohine river from its source to the Ruamahunga river, thence by the Ruamahunga river, to the Huangarua river, thence by the Huangarua river to the Wangaehu river, thence by a straight line to the junction of the Kaikaikuri creek with the Pahaua river, and thence by the Pahaua river to its mouth; on the South-east, South and West by the sea coast between the Pahaua river and Taorakira head, and by the eastern boundary of Wellington Highway District.

#### CASTLE POINT.

Approximate area, 574,000 acres. Bounded on the North by the boundary of the Province between the mouth of the Waimata stream and the junction of the Teraumea and Manawatu rivers; on the East by the sea coast between the Waimata and Whareama rivers; on the South by the Whareama river to the Waihora stream, thence by the Waihora stream to its source, thence by a straight line to the source of the Kaumingi stream, thence by the Kaumingi stream to the Tauheru river; on the West by the Tauheru river to its source, thence by

a straight line to the source of the Teraumea river, and thence by the Teraumea river to the Manawatu river.

## WELLINGTON.

Approximate area, 405,000 acres. Bounded on the North by the southern boundary of the Manawatu Highway District; on the East by the summit line of the Tararua and Rimutaka Ranges; on the South and West by the sea coast between Taorakira Head and the Waikanae river. Provided that the City of Wellington, as defined in the first Schedule to the "Municipal Corporations Act, 1867," shall not be included in any Highway District.

## MASTERTON.

Approximate area, 984,000 acres. Bounded on the North and East by the Manawatu river, from the Gorge to the Teraumea river; by the Southern and Western boundaries of the Castle Point Highway District, and by the sea coast between the Whareama and Pahaua rivers; on the South-west by the north-eastern boundary of Featherston Highway District; on the North-west by the Tararua Range between the Gorge and the northern boundary of Wellington Highway District.

## THIRD SCHEDULE.

To Mr.

Take notice that the sum of \_\_\_\_\_ is due to the \_\_\_\_\_ Highway Board in respect of [special] [general] rates for \_\_\_\_\_ [occupied by you] [owned by you] and that unless the said sum be paid to the Board at \_\_\_\_\_ within thirty days after service or posting of this notice the Board may take proceedings to recover the same [add if necessary] the above amount may be paid by equal instalments, the first payable within the said thirty days, the second at the end of \_\_\_\_\_, the third at \_\_\_\_\_, and so on.

A.B.

Collector.

## HORSE BRANDING.

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

Tit e.

Session XI., No. 5.]

[Assented to 14th July, 1864.]

**W**HEREAS in Session IV an Act No. 13 was passed Preamble. 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

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 IV  
No. 13 extended  
to Horses.

Proviso for  
Branding to  
be optional.

Date of operation.

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.

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

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## IMPOUNDING.

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Title.

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

Session III., No. 8.]

[Assented to 6th February, 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 trespassing 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 twenty-four 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 twenty-four 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 twenty-four hours then may be summarily recovered.

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. (Repealed). Party so aggrieved may summon the other for compensation for damage so done to him,

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 relieved or redeemed under the provisions of this Act\*. Cattle may be impounded on the land where the trespass is committed only when the ownership of such cattle is known to the impounder and written notice thereof shall be given to the owner or left at his abode within twenty-four 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 relieved 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. 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.

5. When any cattle being *bonâ 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 the cattle back into the highway and such trespass shall not be considered as a trespass so long as the driver has not neglected any longer than the unavoidable necessity of the case may require the owner of such cattle shall not be liable to any of the Exception in case of Cattle driven along a highway.

\* See clause 11 of "The Impounding Act Amendment Act, 1872."

penalties of this Act nor the cattle liable to be impounded in respect of such accidental trespass.

In case Cattle be taken to a public Pound, the impounder to give a certain statement of the 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.

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 relieved. 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 advertised in some newspaper if any such be published within twenty miles of such pound. If the cattle shall not be redeemed or relieved within seven days (when the owner is known) or within twenty-one days (when the owner is not known) the Poundkeeper may apply to any 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 tenth day after notice given to him of the impounding and (when not known) on the twenty-fourth day after posting such notice at the pound. Not more than ten head of sheep or goats one horse or one 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 five pounds 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, (Repealed).

Proceeds of sale, how to be applied.

7. The proceeds of sale shall be paid to the Poundkeeper who shall to himself all the fees and expenses of poundage and to the impounder the damage due to him under this Act thirdly to the owner of the cattle if known an ybalance 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.

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* (Repealed).

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.

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*

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

\* See clause 9 of "The Impounding Act Amendment Act 1872."

*permission shall have been asked in writing served on such occupier and shall have been refused any Justice of the Peace may authorize 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 (Repealed.) 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.*

Penalty for driving Cattle from the land of their owner.

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. (Repealed),*

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

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 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. (Repealed).*

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 here-*

tofore existing within this Province shall be public pounds and poundkeepers for the purposes of this Act until disallowed by proclamation as aforesaid.

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 replevied 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 authorized to do that the same or any proportion thereof shall be retained by such poundkeeper for or towards 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.

Duties of the Poundkeeper.

Penalty in case of neglect.

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

With respect to entire animals found at large.

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.

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

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.

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

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 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.

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 Poundkeeper.*

Every head of Great Cattle .....	1s. 0d.
Small do. ....	0s. 3d.

The above charges to be paid for each day or part of a day, and to include water, which the Poundkeeper is to see properly given at least once every day.

SCHEDULE C.

*Form of Poundkeeper'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 Poundkeeper.*

For all Great Cattle .....	1s. 0d.
For all Small do. ....	0s. 3d.

## IMPOUNDING ACT AMENDMENT.

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**Title.**            *An ACT to amend the Act of the Superintendent and Provincial Council Session III No. 8 intituled "An Act to amend and consolidate the law relating to Cattle Trespass and Impounding."*

Session XXII, No. 11.]

[Assented to 17th May, 1872.]

**Preamble.**        **W**HEREAS several of the provisions of the Act of the Superintendent and Provincial Council Session III. No. 8 are such as the Superintendent and Provincial Council had no power to enact and others are inconvenient :

**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 :

**Short Title.**        1. The short title of this Act shall be "The Impounding Act Amendment Act 1872."

**Repeal.**            2. The sections numbered 3, 6, 8, 10, and 11 of the Act Session III. No. 8 hereinafter called the principal Act are hereby repealed and so much of the section numbered 9 of the principal Act as is contained in the following words "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 authorize the party desirous of seeking for his cattle to enter on any land where he believes them to be and seek for and drive away the same" is hereby also repealed.

**Proceedings when cattle impounded and owner known.**        3. 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 and the land on which the trespass was committed the name of the impounder and the amount of 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 statement with a notice added stating the time at which such cattle will be sold under the provisions of the principal Act and this Act if not previously redeemed or replevied which time



shall be not less than ten days after the serving or leaving of such notice.

4. If the owner shall not be known to the pound-keeper he shall post on some conspicuous part of the Pound a notice describing the cattle and the brand (if any) thereon and stating the time at which such cattle will be sold if not previously redeemed or replevied which time shall not be less than twelve days after the first posting of such notice. The poundkeeper shall if any newspaper be circulated within twenty miles of the pound cause such notice to be circulated twice in one such newspaper.

Proceedings when owner not known.

5. If the owner of any cattle impounded shall pay to the poundkeeper the whole amount of the fees and charges payable in respect thereof and of giving notice and advertising and the damage if any claimed by the impounder such poundkeeper shall deliver up such cattle to the owner and shall retain out of the money paid so much of the said fees charges and expenses as he is entitled to claim and shall pay the residue of the money to the impounder.

Cattle to be given up on payment of charges.

6. If the owner of any cattle impounded shall dispute his liability to pay all or any part of the moneys claimed in respect of charges fees expenses and damage and shall inform the poundkeeper that he desires to try the question in some competent Court and shall deposit with the poundkeeper so much of the moneys claimed as is disputed by him and a further sum of £5 as security for speedily trying such question and abiding by the decision of such Court and paying the amount ultimately found payable if any and for indemnifying the poundkeeper against liability for any costs charges or expenses whatever the poundkeeper shall deliver up such cattle to the owner upon payment of such sum if any as the owner admits to be payable which the poundkeeper shall apply as in the last preceding section mentioned.

In case of dispute cattle to be given up on security being given.

7. At the time appointed for the sale the poundkeeper shall sell by public auction all cattle in respect of which notice of sale has been given for such day then remaining impounded. The poundkeeper shall act as auctioneer and he shall not incur any penalty by so acting without a

Mode of sale.

license No more than one animal shall be put up in one lot except in the case of animals of the sheep or goat kind which may be put up in lots of not more than ten Neither the poundkeeper nor the impounder of any cattle shall bid by himself or his agent at such sale and if he shall so bid he shall on conviction forfeit and pay a penalty of five pounds When the amount realized by sale of part of any number of cattle impounded by the same person is sufficient to pay all the fees charges expenses and damages payable in respect of all such cattle the poundkeeper shall not sell the residue (unless the owner is still unknown to him) but shall deliver them to the owner.

Disposal of proceeds of sale.

8. The proceeds of every sale under this Act shall be deemed proceeds of a sale under the principal Act and be dealt with accordingly.

After notice given may enter on land.

9. In lieu of the part of the 9th section of the principal Act hereby repealed the following words shall be substituted Provided that if any person desiring to seek for his cattle on the land of any other person shall by notice in writing delivered to such person or the person in charge of such lands signify such desire he may after the expiration of one hour from the delivery of such notice and between sunrise and sunset enter upon such land and seek for and drive away his cattle without incurring any penalty.

Poundkeeper to provide rack and water

10. Every poundkeeper shall keep in his pound a convenient rack for impounded animals to feed from and a convenient water trough and shall supply a sufficient quantity of water for all animals impounded If any poundkeeper shall wilfully make default in the performance of any of the duties by the principal Act or this Act imposed upon him he shall on conviction forfeit and pay a penalty not exceeding five pounds Provided that no poundkeeper shall be liable to any penalty for default in keeping such rack or trough as aforesaid unless such default shall take place after one month from the passing of this Act.

Penalty.

Impounder may detain cattle.

11. So much of the fourth section of the principal Act as declares that cattle may be impounded on the land where the trespass is committed only when the ownership of such

cattle is known to the impounder and that written notice thereof shall be given to the owner and that at the end of the third day after impounding the same shall be impounded in the nearest public pound is hereby repealed and it is hereby enacted as follows: Every person who under the provisions of the principal Act shall impound any cattle upon the land where the trespass is committed shall on the next day at latest deliver to the poundkeeper at the nearest public pound such statement as is mentioned in the third section of this Act and pay to such poundkeeper the charges for advertisements if any and thereupon the poundkeeper shall give the same notice and proceed to sell the cattle in the same manner as if such cattle had been impounded in his pound on the day when they were actually impounded on the land. The person so impounding such cattle shall on the day before that appointed for the sale unless the cattle have been previously redeemed or relieved deliver the same to the poundkeeper at the pound and if he shall fail so to do he shall release such cattle and lose all claim to payment under the principal Act or this Act for damages fees and charges in respect of the trespass of such cattle. Every person who shall impound any cattle on the land where the trespass is committed shall so long as the same remain in his custody be deemed to be a poundkeeper within the meaning of the 5th and 13th sections of this Act except that he shall not be required to keep any rack or water trough for the impounded animals. And if the owner of any cattle impounded shall make to and with the poundkeeper such payment and deposit as in the sixth section of this Act mentioned the person who has impounded such cattle shall forthwith at the request of the poundkeeper and of the owner deliver the same to the owner between sunrise and sunset at the land trespassed upon. And if he shall neglect or refuse so to do for any longer period than is reasonably necessary for getting in and mustering such cattle he shall on conviction forfeit and pay a penalty not exceeding five pounds.

12. Every person who shall unlawfully drive any cattle lawfully being on any land from such land shall on Penalty for driving catt

off land where they lawfully are. conviction thereof forfeit and pay a penalty not exceeding five pounds and shall remain liable in damages to every person injured by his wrongful act in the same manner as if this section had not been enacted.

Application and construction of Act. 13. This Act shall apply to all cattle remaining impounded when it comes into operation It shall be read as if incorporated in the principal Act and words and phrases in this Act shall have the same meaning as the same words and phrases in the principal Act.

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## INTERPRETATION.

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Title. *An ACT for shortening the Language of Acts of the Provincial Council of Wellington.*

Session I., No. 2.]

[Assented to 16th December, 1853.

Preamble.

**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.

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.

Repealed Provisions to be in force until substituted.

Provisions come into force.

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.

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## LAND OFFICE SITE SALE ACT.

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Title.

*An ACT to authorize the Sale of a piece of Land in Hobson Street in the City of Wellington vested in the Superintendent under the Public Reserves Act.*

Session XXII, No. 2 ]

[Assented to 17th May, 1872.

Preamble.

**W**HEREAS by a grant from the Crown bearing date the twenty-eighth day of March 1872 the piece of land described in the Schedule hereto was granted to the Superintendent of the Province of Wellington under the provisions of the Acts of the General Assembly shortly intituled "The Public Reserves Act 1854" and "The Public Reserves Act Amendment Act 1862" And whereas the said piece of land has been used as a site for offices of the Commissioner of Crown Lands of the Province and other offices and the same being no longer needed for that purpose it is desirable that it should be sold.

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—

Land may be sold by auction

1. The Superintendent may cause the parcel of land described in the Schedule hereto to be put up for sale by public auction in such one or more lot or lots at such time and place as he shall think fit and the sale shall be made after such advertisements and subject to such conditions as he shall think fit and a reserve price for each lot of such amount as he shall determine shall be fixed

and no sale by such auction of any lot shall be made unless an amount not less than the reserve price shall be bid for the same.

2. If the whole or any part of such land shall remain unsold for want of a sufficient bid or if after any contract for sale has been entered into the purchaser shall fail to complete his purchase the Superintendent may proceed to sell so much of the said land as shall then remain unsold either by fresh auction from time to time subject to the same or different conditions and with the same or a different reserve price or by private contract upon such terms as he shall think fit or by both of such means.

After Auction land unsold may be sold by private contract.

3. Upon payment to the Provincial Treasurer of the whole price of any land sold under this Act the Superintendent shall execute under the public seal of the Province such deed or instrument as shall be required for vesting the land sold in the purchaser thereof.

Conveyance to be executed.

4. The Superintendent shall in all things required by this Act to be done by him act by and with the advice of his Executive Council but no purchaser of the said land shall be concerned to enquire whether any such advice has been taken nor be affected by notice of the fact that on any one or more occasions such advice has not been taken.

Advice of Executive Council.

5. All the proceeds of the sale of any land under the authority of this Act shall form part of the ordinary revenue of the Province of Wellington and be subject to appropriation accordingly.

Proceeds of sale to be Provincial revenue

6. This Act shall come into operation on the day next after the expiration of the time within which the same may be disallowed by his Excellency the Governor.

Commencement of Act.

### SCHEDULE.

ALL that piece of land in the Province of Wellington in the Colony of New Zealand, containing by admeasurement one acre more or less, being the reserve numbered two on the plan of the City of Wellington. Bounded towards the North-east by Hobson-street, 200 links; towards the South-east by section No. 595, 500 links; towards the South-west by sections Nos. 585, 586, and 590, 200 links; and towards the North-west by section No. 597, 500 links.

## LICENSING.

Title. \*An *ORDINANCE* for regulating the Sale of Fermented and Spirituous Liquors.

[Assented to 10th February, 1842.]

Preamble. **B**E IT ENACTED by His Excellency the Governor of New Zealand with the advice and consent of the Legislative Council thereof as follows:—

## I.—LICENSE.

License for sale of spirits &c.

1. No person shall unless he be duly licensed sell any quantity less than two gallons of any spirituous liquor wine ale or beer or permit the same to be sold by any other person in or upon his house or premises Provided that no license shall be needed for the sale of any spirituous or fermented liquor as perfumery or medicine or at any military canteen duly established under the regulations of Her Majesty's service Provided also that nothing herein contained shall extend to any sale by auction by any licensed auctioneer.

Form of license.

2. Every license shall be in the form set forth in Schedule A hereunto annexed and shall commence on the first day of July next following the date thereof and shall be in force for one year from such first day of July.

Not to be granted to constables &c.

3. No license shall be granted or transferred as hereinafter mentioned to any constable or bailiff nor shall any license be granted or transferred in respect of any house or premises of which any constable shall be owner or wherein any constable shall be directly or indirectly interested.

## II.—GRANTING AND TRANSFERRING OF LICENSES.

Application for license.

4. Every person desirous of obtaining a license under this Ordinance shall on or before the first Tuesday in the month of April in every year cause to be delivered to the Clerk of the Police Magistrate for the district in which it



is proposed to exercise such license a notice in writing signed by him and in the form in Schedule B hereunto annexed together with a certificate signed by at least five substantial householders residing within such district in the form in Schedule C hereunto annexed.

5. The Clerk shall cause a list of the names and descriptions of all such applicants to be affixed on or before the second Tuesday in the said month of April on the door of the Police Office there to remain for the space of one week. Names of applicants to be affixed on the door of Police Office.

6. On the third Tuesday of the said month there shall be holden at the office of the Police Magistrate a general meeting of the Justices of the district to be called the "Annual Licensing Meeting" for the purpose of taking into consideration applications for such licenses as aforesaid. Two Justices of whom one shall be the Police Magistrate of the district or in case of his unavoidable absence three Justices shall form a quorum. Annual licensing meeting.

7. It shall be lawful for the Justices assembled at such meeting to grant to such persons as shall be approved of by the majority of such Justices certificates authorizing such licenses in the form in Schedule D hereunto annexed. Provided that no Justice of the Peace being a brewer maltster or distiller or an importer of or dealer in any spirituous liquor wine ale or beer or being interested directly or indirectly in any house or premises already licensed or in respect whereof an application for a license is about to be made shall act at any such meeting. Certificates may be granted.

8. The Clerk shall cause a notice of each annual licensing meeting to be inserted at least one calendar month before the holding thereof in one of the newspapers of the district. Notice of meeting.

9. Before the Justices shall grant any such certificate the person applying for the same shall enter into a recognizance with two sureties in the sum of fifty pounds each in the form and with the conditions in Schedule E hereunto annexed. Provided always that no constable bailiff or any person holding a license under this Ordinance shall be taken as a surety in any such recognizance. Recognizances to be entered into by applicant.

10. If any person desirous of obtaining such certificates shall be hindered by sickness infirmity or any other Sickness of applicants.

reasonable cause from attending in person at any such meeting it shall be lawful for the Justices to certify in favour of such person upon three sufficient sureties to be approved of as aforesaid entering into the required recognizances.

Names &c. of parties receiving certificates to be transmitted to Colonial Treasurer.

11. The said Clerk shall also within fourteen days after such meeting transmit to the Colonial Treasurer or the Treasurer of the county or district a list signed by two at least of the Justices specifying the names and residences of all the persons to whom such certificates as aforesaid shall have been granted and of their respective sureties.

Recognizances to be transmitted to Clerk of County or District Court.

12. The said Clerk shall also transmit within one calendar month after the same shall be entered into the said recognizances to the Clerk of the County or District Court as the case may be to be filed in his office.

Recognizances not to bind real property.

13. No such recognizances shall bind or affect any real property of the person entering into the same.

Amount payable for license.

14. Every such certificate shall be null and void unless the same and the sum of thirty pounds or in case the house to be licensed shall be within the limits of any borough then the sum of forty pounds shall be lodged in the office of such Treasurer as aforesaid on or before the thirtieth day of June next following the annual licensing meeting at which such certificate was granted.

Treasurer to issue license.

15. On receipt of such certificate and payment of the said sum of thirty pounds or in case the house to be licensed shall be within the limits of any borough then the sum of forty pounds such Treasurer or such other person as the Governor may for that purpose appoint shall issue and shall register in his office a license in the form hereinbefore prescribed.

Transfer of licenses.

\* 16. *On the first Tuesday in each of the months of September December and March there shall be holden at such place as aforesaid a special meeting of the aforesaid Justices for the purpose of receiving applications for the transfer of licenses subject to the provisions hereinbefore contained with respect to the general annual licensing meeting. (Repealed).*

Transfer to be indorsed.

\* 17. *The Justices so assembled may transfer any such license as aforesaid to the appointee of the original holder*

*of such license by an indorsement on the license in the form in Schedule F hereunto annexed subject to such conditions as are hereinbefore required in respect of the person originally licensed.* (Repealed).

18. In case of the death of any person holding a license his executors or administrators may carry on the business of such person and act under the authority of his license during six months (if the license have so long to run) from the day of his decease The person so carrying on the business shall when required so to do enter into recognizance before the Police Magistrate of the district to the same amount and subject to the same regulations as the person to whom the license was originally granted. Executors &c. may carry on business.

19. In case any person holding a license shall be desirous of removing his business from the house named in such license to any other house it shall be lawful for any two Justices of the district within which such other house shall be situated upon a memorial presented to them for that purpose to authorize such removal by an indorsement upon the original license in the form in Schedule G hereunto annexed Provided always that no such indorsement shall be made until the person so applying for the same shall have entered into a new recognizance to the same amount and subject to the same regulations as the original recognizance. License may be extended to a new house.

### III.—REGULATIONS FOR LICENSED HOUSES.

20. No person holding a license under this Ordinance shall sell or supply any liquor or suffer the same to be drunk in or upon his house or premises except between the hours of six in the morning and ten at night on any working day, or except between the hours of one in the afternoon and seven in the evening of any Sunday Christmas Day or Good Friday. Hours to be opened.

21. At all other hours such house and premises shall be closed Provided always that it shall be lawful for the Justices at such annual licensing meeting on payment of the further sum of ten pounds to grant to any number of innkeepers an extension of the time hereinbefore prescribed for the sale or supply of such liquors as aforesaid until twelve of the clock at night on any working day. When to be closed.

Names &c. to  
be affixed.

22. Every person holding such license as aforesaid shall keep his name painted in legible characters not less than three inches in length with the words "Licensed to Retail Liquors" on some conspicuous part of the house.

Lamp to be  
kept burning.

23. *Every such person shall also 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.* (Repealed).

Money only to  
be taken in  
payment.

24. No licensed person shall take anything whatever in pledge for any liquor sold or supplied nor shall any such person take in payment for the same anything whatever except metallic or paper money.

Wages not to  
be paid in  
licensed house.

25. No such person shall permit any wages to be paid in or upon his house or premises save only the wages of persons employed as servants therein.

License to be  
shown on  
demand.

26. Every person holding such license as aforesaid shall on demand at his licensed house produce his license to any Justice of the Peace or any constable duly authorized by writing under the hand of any Justice of the Peace.

Constable may  
demand  
entrance.

27. Any constable may demand entrance into any licensed house at any hour upon information that this Ordinance is contravened and any unnecessary delay in giving admission to said constables may upon the hearing of the case by the Police Magistrate subject the party to the penalties herein contained.

#### IV.—PENALTIES.

On Justices  
improperly  
acting.

28. If any Justice of the Peace hereinbefore forbidden to act at any general annual licensing meeting shall act at any such meeting or at any meeting for the transfer of licenses he shall forfeit and pay a sum of one hundred pounds to be recovered by action in the Supreme Court by any person who shall sue for the same.

On persons  
selling less  
than two  
gallons.

29. If any person not being duly licensed shall sell any quantity less than two gallons of any spirituous liquor wine ale or beer or permit the same to be sold in or upon his house or premises he shall forfeit and pay for every such offence the sum of fifty pounds to be recovered in a summary way.

30. All such liquors as aforesaid which shall be hawked <sup>Hawking</sup> about or exposed for sale in any unlicensed house or <sup>liquors.</sup> premises shall be forfeited for the use of Her Majesty and may be seized by any constable.

31. If any person being duly licensed shall offend <sup>For other</sup> against any other of the provisions of this Ordinance he <sup>offences</sup> shall forfeit and pay for every such offence a sum of not <sup>against this</sup> less than two pounds nor more than twenty pounds to be <sup>Ordinance.</sup> recovered in a summary way.

32. If any person shall be convicted of drunkenness <sup>For drunk-</sup> before any Justice of the Peace he shall forfeit and pay a <sup>ness.</sup> sum of not less than five shillings nor more than twenty shillings and in default thereof shall be imprisoned for any period not exceeding forty-eight hours. If any person shall have been so convicted three times within the space of six calendar months he shall upon such third conviction forfeit and pay such sum as aforesaid and be imprisoned for the term of seven days.

#### V.—PROVISIONAL LICENSES.

33. Whereas by reason of the formation of new <sup>Provisional</sup> settlements and the rapid increase of the population thereof <sup>licenses.</sup> it may be desirable that licenses should be granted otherwise than at the time and in the manner hereinbefore provided be it enacted that it shall be lawful for any two Justices of the Peace for the district the Police Magistrate being one at any time or times to grant any number of licenses the sum to be paid for every such license being after the rate of forty pounds a year.

34. This Ordinance shall come into operation on the <sup>Commence-</sup> first day of March one thousand eight hundred and forty- <sup>ment of</sup> two. <sup>Ordinance.</sup>

### SCHEDULES.

#### SCHEDULE A.

##### FORM OF LICENSE.

New Zealand } WHEREAS A.B., of \_\_\_\_\_, hath deposited in this office  
to wit } a certificate dated the \_\_\_\_\_ day of \_\_\_\_\_, in the year  
of our Lord one thousand eight hundred and \_\_\_\_\_, authorizing the  
issue to the said A.B. of a license for the house known [or to be known]

by the sign of \_\_\_\_\_, situated at \_\_\_\_\_, in the said Colony of New Zealand: And whereas the said A.B. hath paid into my office the sum of \_\_\_\_\_ pounds sterling as the duty of such license: Now I, the Colonial Treasurer [*or County or District Treasurer, as the case may be*], in virtue of the powers vested in me by an Ordinance of the Governor and Council, passed in the year one thousand eight hundred and forty-two, No. 12, do hereby license the said A.B. to sell any spirituous liquors, wine, ale, or beer, in any quantity in the house aforesaid and in the appurtenances thereunto belonging, but not elsewhere: And this license shall commence on the first day of July next, and continue in force until the thirtieth day of June then next ensuing, both days inclusive.

Given under my hand and seal, at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and \_\_\_\_\_  
N.O., Colonial Treasurer

[*or County or District Treasurer, as the case may be*].  
Registered, P.Q.

### SCHEDULE B.

#### FORM OF NOTICE OF APPLICATION FOR A LICENSE.

To the Worshipful the Justices of the Peace acting in and for the district of \_\_\_\_\_, in New Zealand.

I, A.B. [*State trade or occupation*], now residing at \_\_\_\_\_, in the parish [*town or district*] of \_\_\_\_\_, do hereby give notice that it is my intention to apply at the next annual licensing meeting to be holden for this district for a license for the sale of spirituous liquors, wine, ale, and beer, in the house and appurtenances thereunto belonging, situated at [*Here describe the house proposed to be licensed, specifying the situation of it, the person from whom rented, the present occupier, whether now licensed, and if so, under what sign*]. I further give notice that I propose C.D., of \_\_\_\_\_, and E.F., of \_\_\_\_\_, as my sureties to enter with me into the required recognizance.

Given under my hand, this \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and \_\_\_\_\_

A.B.

### SCHEDULE C.

#### FORM OF HOUSEHOLDERS' CERTIFICATE TO BE APPENDED TO THE ABOVE.

We the undersigned householders residing within the town [*or district*] of \_\_\_\_\_, do hereby certify that the above A.B., of \_\_\_\_\_, is a person of good fame and reputation, and fit and proper to be licensed for the sale of spirituous liquors, wine, ale, and beer.

Witness our hands, this \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and \_\_\_\_\_

\_\_\_\_\_ One \_\_\_\_\_  
\_\_\_\_\_ Two \_\_\_\_\_  
\_\_\_\_\_ Three \_\_\_\_\_  
\_\_\_\_\_ Four \_\_\_\_\_  
\_\_\_\_\_ Five \_\_\_\_\_

## SCHEDULE D.

## FORM OF CERTIFICATE BY JUSTICES TO AUTHORIZE THE GRANTING OF A LICENSE.

New Zealand } At the annual licensing meeting [or an adjournment  
to wit } of the annual licensing meeting] of Her Majesty's  
Justices of the Peace acting in and for the district of \_\_\_\_\_, holden  
at \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, in the year of our  
Lord one thousand eight hundred and \_\_\_\_\_, pursuant to the Ordinance  
of the Governor and Council passed in the year one thousand eight  
hundred and forty-two, No. 12, intituled "*An Ordinance for regulating  
the Sale of Fermented and Spirituous Liquors,*" for the purpose of  
considering applications made to us for licenses pursuant to the said  
Ordinance, we being the majority of the Justices assembled at the said  
sessions do, in virtue of the power vested in us, hereby authorize the  
Colonial Treasurer [or County or District Treasurer, *as the case may  
be*] to issue to A.B. of \_\_\_\_\_, a license under the said Ordinance  
for [*Here state the house, sign, district, or other particulars*] the year  
commencing from the first day of July next: And we do hereby  
certify that we are satisfied the said A.B. is a person of good fame and  
reputation, and fit and proper to be licensed as aforesaid, and also that  
we have taken from the said A.B. and his sureties, C.D., of \_\_\_\_\_,  
and E.F. of \_\_\_\_\_, a recognizance in the sum of fifty pounds each  
according to the form prescribed in the said Ordinance.

Given under our hands and seals, the \_\_\_\_\_ day of \_\_\_\_\_, at  
the place aforesaid.

G.H. }  
I.K. } Justices of the Peace.

## SCHEDULE E.

## FORM OF RECOGNIZANCE TO BE ENTERED INTO BY AN APPLICANT FOR A LICENSE.

New Zealand } BE IT REMEMBERED, That on the \_\_\_\_\_ day of \_\_\_\_\_,  
to wit } one thousand eight hundred and \_\_\_\_\_, A.B., of  
\_\_\_\_\_, C.D., of \_\_\_\_\_, and E.F., of \_\_\_\_\_, came personally  
before us, G.H. and I.K., Esquires, Justices of the Peace, acting in  
and for the district of \_\_\_\_\_, in the said Colony, and acknowledged  
themselves to owe to our Lady the Queen, to wit, the said A.B.  
the sum of fifty pounds, the said C.D. the sum of fifty pounds, and  
the said E.F. the sum of fifty pounds of lawful money of Great  
Britain, to be respectively levied of their several goods and chattels  
lands and tenements to the use of our said Lady the Queen, her heirs  
and successors, in case default shall be made in the performance of any  
of the conditions hereunder written:—

The conditions of this recognizance are such that whereas A.B. is  
to be licensed pursuant to the Ordinance passed in the year one  
thousand eight hundred and forty-two, No. 12, to sell spirituous  
liquors, wine, ale, or beer, in a house being the sign of \_\_\_\_\_,  
situated at \_\_\_\_\_, in the district (or township) of \_\_\_\_\_, for  
twelve months, commencing on the first day of July, one thousand  
eight hundred and \_\_\_\_\_, if the said A.B. do keep the law in selling

such liquors as aforesaid in his [or her] said house and its appurtenances, then the said recognizance to be void; otherwise to remain in full force.

Taken and acknowledged the day and year above written, before us,

G.H. }  
I.K. } Justices of the Peace.

#### SCHEDULE F.

##### FORM OF INDORSEMENT ON LICENSE TO AUTHORIZE A TRANSFER THEREOF.

BE IT REMEMBERED, That we the undersigned, being the majority of the Justices present at a special meeting for the district of held at , for the purpose of transferring licenses, do hereby, upon the application of the within named , transfer the rights, and privileges of the within license to L.M. for the residue of the term for which the same has now to run, the said L.M. having first exhibited the certificate and entered into the recognizance required by law.

G.H. }  
I.K. } Justices of the Peace.

#### SCHEDULE G.

##### FORM OF INDORSEMENT ON LICENSE TO AUTHORIZE A CHANGE OF HOUSE AND PREMISES.

MEMORANDUM.—We do hereby declare that the within license shall henceforth cease to apply to the house and premises therein described, and shall apply instead thereof to the house and premises situate [Describe as in original license].

G.H. }  
I.K. } Justices of the Peace.

### LICENSING AMENDMENT.

Title.

\* *An ORDINANCE to amend an Ordinance for regulating the Sale of Fermented and Spirituous Liquors.*

[Assented to 17th July, 1844.]

Preamble  
reciting Li-  
censing Ordi-  
nance Session  
II., No. 12.

WHEREAS by an Ordinance enacted by the Governor of New Zealand with the advice and consent of the Legislative Council thereof (Session II. No. 12) intituled "An Ordinance for regulating the Sale of Fermented and Spirituous Liquors" it is enacted that in case of the

\* Ordinance of New Munster..



formation of new settlements it shall be lawful for any two Justices of the Peace for the district the Police Magistrate being one to grant licenses otherwise than at the time and in the manner in the said Ordinance provided:

1. Be it further enacted by His Excellency the Governor of New Zealand with the advice and consent of the Legislative Council thereof That such licenses shall not be granted at any time beyond the expiration of two years after the arrival of the first Police Magistrate appointed to reside at such new settlement. Time for granting such Licenses limited.

2. And whereas the establishment of licensed houses in the interior of the country as well as on the sea coast would promote the convenience of the public and would greatly facilitate communication between the various settlements and as the terms and conditions on which the same should be licensed may best be determined by the Governor in Council: Be it also enacted that notwithstanding anything in the said recited Ordinance contained it shall be lawful for His Excellency the Governor with the advice of the Executive Council to license any house for the purpose of the said Ordinance mentioned at such times and in such manner upon such terms and conditions and either with or without any annual payment as to the Governor in Council may seem meet Provided that no house to be licensed under the authority of this Ordinance shall be within three miles from the nearest limit of any town. Houses in the interior, how to be licensed.

3. And be it further enacted and declared That nothing in the said recited Ordinance contained shall be held to prevent a woman from holding a license under the authority thereof. Ordinance, Sess. II., No. 12, applicable to females.

## LICENSING AMENDMENT No. 2.

Title.

*\*An ORDINANCE to amend "An Ordinance (Session II. No. 12) for Regulating the Sale of Fermented and Spirituous Liquors."*

[Assented to 2nd August, 1851.]

Preamble.

WHEREAS by an Ordinance enacted by the Governor of New Zealand with the advice and consent of the Legislative Council thereof (Session II. No. 12) intituled "An Ordinance for Regulating the Sale of Fermented and Spirituous Liquors" provisions are made for the granting of certificates for the issue of licenses and for the prevention of the sale of spirituous and fermented liquors by persons not duly licensed And whereas it is expedient to make further provisions in respect thereof:

Be it therefore enacted by His Excellency the Governor-in-Chief of the Islands of New Zealand with the advice and consent of the Legislative Council thereof:—

Proceeding when the renewal of licenses is refused by Licensing Justices.

1. That whenever the Justices assembled at any annual licensing meeting shall think it necessary to reduce in number the licenses which shall have been granted in any district in the preceding year that they shall effect such reduction by refusing to grant renewals of their licenses to those persons who shall have conducted their houses and premises in the least orderly manner.

Penalty for selling or delivering less than two gallons of the same or different liquors at any one time.

† 2. *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 shall be composed of the same liquor or of 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 purpose 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. (Repealed.)*

\* Ordinance of New Munster. † See following Ordinance.

3. This Ordinance shall be taken as part of the Ordinance for regulating the sale of fermented and spirituous liquors and shall come into operation from and after the first day of October one thousand eight hundred and fifty-one.

Commence-  
ment of Ordinance.

## LICENSING AMENDMENT.

*An ACT to amend the Ordinances of the Legislative Council of New Zealand, Session 2, No. 12, and Session 11, No. 16.*

Title.

Session I., No. 25.]

[Assented to 7th February, 1854.

**W**HEREAS by an Ordinance passed by the Legislative Council of New Zealand Session II. 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."

Preamble.

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.—

Certain enactments in Licensing Ordinances, Sess. II, No. 12, and Session XI No. 16, repealed.

Publicans to keep a light burning from sunset to midnight.

Penalty for selling less than 2 gallons of any one liquor at any one time.

1. That the said hereinbefore recited enactments shall be repealed within and so far as concerns the Province of Wellington.

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.

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 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.

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## PUBLICANS' LICENSES.

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Title.

*An ACT to amend the Licensing Ordinance.*

Session II., No. 11.]

[Assented to 7th March, 1855.]

Preamble.

**W**HEREAS 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 authorizing 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 authorized 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 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 five pounds 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

Penalty for gambling and allowing the same.

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 five pounds 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.

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.

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## LICENSING AMENDMENT.

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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.*

Session VI., No. 4.]

[Assented to 8th April, 1858.]

Preamble.

**W**HEREAS 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 to au-

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.

thorise 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."

## PUBLICANS' LICENSING AMENDMENT.

*An ACT to amend the Ordinance of the second Session of Title. the late Legislative Council of New Zealand, No. 12.*

Session VII., No. 2.]

[Assented to 15th November, 1859.]

**W**HEREAS it is expedient to amend the Ordinance of Preamble. the late Legislative Council of New Zealand Session II. 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 Amendment 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.

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 authorizing 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 authorizing 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.

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## LICENSING AMENDMENT ACT.

*An ACT to amend the Licensing Ordinances now in force in the Province of Wellington.* Title.

Session XIII, No. 10.]

[Assented to August 31, 1865.]

**WHEREAS** under the existing Law Licenses for the sale of Spirituous Liquors Wine Ale or Beer can only be granted at an annual meeting of Justices of the Peace held on the third Monday of the month of April for that purpose and it is expedient to make provision for the granting of such licenses more frequently

**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. *On the third Monday in the months of January April July and October there shall be holden at the Office of the Resident Magistrate in Wellington a General Meeting of the Justices of the District to be called the "Quarterly Licensing Meeting" for the purpose of taking into consideration applications for such Licenses as aforesaid Two Justices of whom one shall be the Resident Magistrate of the District or in case of his unavoidable absence three Justices shall form a quorum.* (Repealed.)

Quarterly Meeting of Justices may be held.

† 2. *It shall be lawful for the Justices assembled at such meeting to grant to such persons as shall be approved of by the majority of such Justices certificates authorizing such licenses in the form of Schedule D to an Ordinance passed in the second Session of the late Legislative Council of New Zealand No. 12.* (Repealed.)

Justices may grant certificates.

3. Provided that no Justice of the Peace being a Brewer Maltster or Distiller or an importer of or dealer in any Spirituous Liquor Wine Ale or Beer or being interested directly or indirectly in any house or premises already licensed or in respect whereof an application for a License is about to be made shall act at any such meeting.

No interested person to act at such meeting.

\* See Act, Session XXI., No. 3, Clause 1.

† See Act, Session XIV., No. 8, Clause 1.

Date of such applications fixed.

4. Applications for such Licenses shall be made on the first Monday in the aforesaid months of January July April and October which Licenses may be granted at any such quarterly meeting as aforesaid And the several conditions and provisions in the said Ordinance and other acts relating thereto and now subsisting enacted with respect to the granting of Licenses *annually* shall apply to the granting of Licenses *quarterly* in the months aforesaid in such and the same manner as if the meetings for the purpose had in the same Ordinance been held quarterly in the months aforesaid instead of annually in the month of April.

Date of commencement of operation of Act.

5. This Act shall come into operation from the date of passing hereof.

## LICENSING AMENDMENT ACT.

Title.

*An ACT to amend an Act of Session XIII. No. 10 of the Provincial Council Wellington intituled "An Act to amend the Licenses Ordinances in force in the Province of Wellington."*

Session XIV., No. 8.]

[Assented to 7th July, 1866.]

Preamble.

**WHEREAS** it is expedient to amend the Licensing Amendment Act of the Province of Wellington Session XIII. No. 10.

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

Clause 2 of former Act repealed.

1. Clause 2 of the said Act is hereby repealed.

Justices may authorize issue of licenses.

2. It shall be lawful for the Justices assembled at any meeting called for the purpose of granting certificates for the sale of spirituous liquors wine ale or beer to grant to such persons as shall be approved of certificates authorizing the issue of such licenses with power to endorse on every such certificate a memorandum that the license to be issued in respect thereof is not to be used until such

time as shall be in such memorandum mentioned And all licenses authorized to be issued at other than the annual licensing meeting shall terminate on the thirtieth day of June following the issue thereof.

3. There shall be paid for each license authorized to be issued at other than annual licensing meetings a sum bearing a proportion to the time such license may have to exist to the sum required to be paid for a similar license authorized to be issued at an annual licensing meeting. Price of licenses fixed.

4. The Short Title of this Act shall be "The Licensing Amendment Act 1866." Short Title.

## LICENSING AMENDMENT ACT.

*An ACT to amend the First Clause of the Licensing Amendment Act Session 13, No. 10.* Title.

Session XXI. No. 3.]

[Assented to 30th June, 1871.

**W**HEREAS by the first clause of an Act to amend the Licensing Ordinances now in force in the Province of Wellington passed in Session XIII. No. 10 it is enacted as follows:—On the third Monday in the months of January April July and October there shall be holden at the office of the Resident Magistrate in Wellington a general meeting of the Justices of the District to be called the "Quarterly Licensing Meeting" for the purpose of taking into consideration applications for such licenses as aforesaid Two Justices of whom one shall be the Resident Magistrate of the District or in case of his unavoidable absence three Justices shall form a quorum And whereas it is advisable to repeal such clause and to make other provision in lieu thereof— Preamble.

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

1. Clause 1 of the Licensing Act Amendment Act Session XIII. No. 10 is hereby repealed. Repealing clause.

General meeting of Justices of each district to be held in the months of January April July and October.

2. On the third Monday in the months of January April July and October there shall be holden a general meeting of the Justices of each district to be called the "Quarterly Licensing Meeting" for the purpose of taking into consideration applications for such licenses as aforesaid Two Justices of whom one shall be the Resident Magistrate of the District or in case of his unavoidable absence three Justices shall form a quorum.

## LICENSES AND FEES.

Title. *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.*

Session I., No. 3.]

[Assented to 17th December, 1853.]

Preamble.

**W**HEREAS by an Ordinance passed in the second Session of the Legislative Council of New Zealand No. 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.

And whereas by an Ordinance passed in the same Session of the Legislative Council No. XIII. intituled "An Ordinance for licensing Auctioneers" and an Ordinance passed in the third Session of the Legislative Council No. 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 :

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.

Publicans' and Auctioneers' Licenses to be issued by 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

Fees taken by certain Officers to be accounted for and paid to the Treasurer of the Province.

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 Auctioneer's 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

## MAIN ROADS.

Title.

† *An ACT to vest in the Superintendent the Control of the Main Roads of the Province.*

Session III. No. 9.]

[Assented to February 6, 1856.

**B**E IT ENACTED by the Superintendent of the Province with the advice and consent of the Provincial Council thereof as follows:

Power to Superintendent to make and maintain certain Main Roads.

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.

Superintendent to have the control and the like powers over such, as are possessed by Boards of Wardens over District Highways.

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

\* 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.

† see Highways Act 1871, section 65 and 66; Toll Gates Act 1871 and Toll Gates Act Amendment Act 1872.

exercise all such and the like powers for such purposes as are or may be possessed by Boards of Wardens for the management of district highways for the purposes of such highways.

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.

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.

5. All penalties imposed under authority of this Act shall be recoverable by summary proceedings.

Power to Superintendent to make Bye-Laws for regulating the Traffic along the same.

Superintendent may declare certain portions of District Highways Act, 1856, to be applicable to any Main Roads.

All penalties recoverable by summary proceedings.

MASTERTON TRUSTS.

*An ACT to declare the Trusts of certain Lands in the Township of Masterton in the Wairarapa District and to provide for the appointment of Trustees therein.*

Title.

Session XXI., No. 11.

[Assented to 30th June, 1871.]

**W**HEREAS by the "Wairarapa Town Lands Management Act, 1870" of the General Assembly it was enacted that all the estate and interest of one Charles Rooking Carter in the lands therein referred to in which are included the lands in the Schedule hereto should upon

Preamble.

**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 Petone, 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.

\* This Act is now repealed.

the passing of the said Act be divested and the same were vested in Henry Humphrey Jackson Samuel Moles and Moritz Hirschberg all of Greytown and in Alfred William Renall Joseph Masters and Robert Hare of Masterton as joint tenants in fee simple and that such and all future Trustees should hold such reserves and the rents issues and profits thereof and also all the rents issues and profits accrued in respect thereof upon trust for such purposes for the benefit of the inhabitants of the district of Wairarapa West and should manage and deal with the same in such manner as should be declared and set forth in any Act to be passed by the Superintendent and Provincial Council of Wellington and with such powers of leasing and exchanging such reserves or any part thereof as in any Act might be specified subject nevertheless to any leases or dealings with the same reserves or any part thereof by the said Charles Rooking Carter by himself or in conjunction with any other person all which leases and dealings might be confirmed by any Act of the Superintendent and Provincial Council of Wellington And it was further enacted that it should be lawful for the Superintendent and Provincial Council of the Province of Wellington in and by any Act to be passed for any of the purposes aforesaid also to make provision for the following purposes (that is to say)—

Defining the purposes in accordance with the provisions of that Act for which the said lands should be held and applied.

Regulating the time for which the Trustees thereby appointed and their successors in office to be elected or appointed as by such Act of the Provincial Council provided should hold office as Trustees.

Regulating the mode of electing or appointing new Trustees.

Regulating the liability and the payment of the costs of the Trustees.

Regulating the application of any funds available for the purposes for which the said lands are held.



And that upon every appointment of any new Trustee or Trustees the trust estates held by their predecessors in office under that Act should vest without any conveyance or assignment in the continuing Trustee or Trustees and such new Trustee or Trustees their heirs executors or administrators as joint tenants or if there be no continuing Trustee then in the new Trustees their heirs executors or administrators upon the same trusts and with the same powers as the original Trustees or Trustee.

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. On some day in the month of April next after the passing of this Act and at a place to be fixed by the present Trustees a meeting shall be held of the persons residing or having land either leasehold or freehold within the town of Masterton and the suburban sections of the township of Masterton as delineated on the official plan of such town and township. Meeting for election of Trustees.

2. At such meeting the persons present shall first elect a chairman and then elect six persons being residents in such town or township to be Trustees of the lands mentioned in the schedule hereto in the place of the Trustees appointed by the recited Act. Manner election.

3. The lands so vested in the Trustees under the provisions of the Act of the General Assembly and of this Act shall be held by them upon trust for the purpose of maintaining educational establishments and a library in connection therewith and the yearly rents and profits already accrued and accruing from the said lands shall be paid and applied in such manner in connection with the purposes aforesaid as the Trustees for the time being shall in their sole discretion think fit. Lands to be held for educational purposes.

4. The Trustees may let the lands so vested in them from year to year or for any number of years not exceeding twenty-one years at such rent and on such conditions as to them or a majority of them may appear advisable and a lease signed by any three of them shall be as valid as if all of them had signed the same. Trustees to let lands:

**Trustees to appoint officers** 5. The Trustees shall appoint a Treasurer to whom all moneys derivable from the trust property shall be paid and also a collector and auditor who shall be paid by the Trustees out of the trust funds in their hands such sums of money for their services as the said Trustees may think fit.

**Minutes of meetings to be kept,** 6. Entries of all proceedings of the Trustees with the names of the members who attend such 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 three 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 such entry as being present thereat or of the signature of any person by whom such entry purports to be signed all which matters shall be presumed until the contrary be proved.

**Trustees to keep accounts.** 7. 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.

**Accounts of Trustees to be audited and published.** 8. 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 lands 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 and all such accounts shall be audited and published in the *Government Gazette*.

**Liability of Trustees.** 9. The Trustees of such lands 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 answerable or accountable for any banker broker or other person with whom or in whose hands or custody any part of the moneys of such lands

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.

10. All acts heretofore done by the Trustees of the said townships in the performance of their trusts *bond fide* and without any wilful default on their part are hereby validated. Past Acts of Trustees validated.

11. The Trustees to be appointed under this Act shall go out of office by rotation in the following manner that is to say on the first Thursday in the month of April in the year one thousand eight hundred and seventy two one third of such body of Trustees shall go out of office and on the first Thursday in April in the following year another third of such body of Trustees shall go out of office and on the first Thursday in April in the year following the remainder of such body of Trustees shall go out of office and on the first Thursday in the month of April in every subsequent year one third of the Trustees being those who have been longest in office shall go out of office and in each instance the places of the retiring Trustees shall be supplied by the election of a like number of Trustees in the manner herein provided. How new Trustees are to retire.

12. Every Trustee going out of office by rotation or otherwise ceasing to be a Trustee may be re-elected and after such re-election he shall with reference to going out by rotation be considered as a new Trustee. Power of new Trustees.

13. If any of the Trustees die or resign or cease for six calendar months to reside in the township of Masterton or be disqualified or cease to be a Trustee from any other cause than that of going out of office by rotation the remaining Trustees if they think fit may within one month from the happening of such vacancy elect another Trustee in his place and every Trustee so elected shall continue in office so long as the person in whose place he is elected would have been entitled to continue in office. Vacancies how to be filled.

14. In order to determine the rotation by which such first body of Trustees to be elected under the provisions of Rotation list.

this Act shall go out of office the Trustees at their first meeting after their election shall meet at some convenient place for the purpose of forming a rotation list and at such meeting the clerk or some person to be then appointed for that purpose by the Trustees shall write the names of all the Trustees on separate slips of paper all as nearly as may be of equal size and having folded them up in the same manner he shall put them into a balloting-box and shall in the presence of the meeting draw out such slips of paper in succession and the names upon the slips so drawn shall be written by the clerk or other person in a list in the order in which they are drawn and the Trustees shall go out of office according to such rotation.

How Trustees going out in rotation are to be elected.

15. For the purpose of electing Trustees from time to time in the place of those who go out by rotation a meeting of the persons residing in the town of Masterton and the suburban sections of the township of Masterton shall be held at a place to be appointed by the Trustees and if no place be prescribed at the principal office of the Trustees on the first Thursday in the month of April in the year one thousand eight hundred and seventy-two and on the first Thursday in the month of April in each succeeding year of which meeting and the time and place of holding the same public notice shall be given by the clerk or if no clerk by the Trustees by advertisement and also by placards affixed on the principal doors of the school-house or some other public place in the town of Masterton seven clear days at the least before the day of election and at such meeting or meetings the persons present thereat having first elected a Chairman shall proceed as herein provided to elect new Trustees in the room of those who shall have gone out of office.

Chairman to preside.

16. The chairman of such meeting 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 three voters present.

If poll demanded.

17. When such poll shall be demanded the Chairman 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.

18. The Chairman shall appoint the necessary poll clerks and prepare the necessary poll books in which shall be inserted the situation of the premises in which the voter resides and for whom he votes. Chairman to provide, &c.

19. As soon after the close of the poll as may be the poll clerks shall transmit the state of their respective polls to the Chairman 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 Chairman for the reimbursement of the expenses attending the same a scrutiny shall be made by the Chairman in such way and manner as he may deem proper and the result of such scrutiny shall be reported at another adjourned meeting to be appointed by the Chairman to be held on a day not later than the third day from such 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 Chairman shall be final The party demanding the scrutiny shall pay the expenses thereof. How poll to be declared, &c

20. All costs attending the poll shall be paid by the Trustees out of any funds which may come to their possession. Costs, how paid.

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### SCHEDULE.

#### RURAL AND TOWN RESERVES IN MASTERTON.

Town acres Nos. 43, 44, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 58, 60, 69, 70, 71, 72, 84, 85, 87, 88, 102, 103, 104, 119, 120.

One-half of Town acre No. 2; a piece of land adjoining to Town Acre No. 26, upon the district road from Masterton to the upper plain measuring 330 feet by 33 feet more or less; also two pieces or parcels of land between Town Acres No. 85 and 87 and the Waipoa River.

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## NEW ZEALAND SOCIETY.

**Title.** \* *An ACT to vest the Property of the late New Zealand Society in the Superintendent and his Executive for certain purposes.*

Session IV, No. 6.]

[Assented to 20th February, 1857.]

**Preamble:**

**W**HEREAS 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 :

**Clause—Pro-**  
**perty of**

1. That from and after the passing of this Act all money goods effects and chattels formerly the property of

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\* In pursuance of this Act the property has been transferred to the New Zealand Institute, under the provisions of "The New Zealand Institute Act, 1867," of the General Assembly.

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.

Society to vest in Superintendent and Executive Council with power of transfer to any Society.

**OBSOLETE AND INVALID ACTS ACT.** Title.

*An ACT to repeal certain Obsolete and Invalid Acts.* Preamble.

Session XXII, No. 4.]

[Assented to 17th May, 1872.

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

1. The Short Title of this Act shall be "The Obsolete and Invalid Acts Repeal Act 1872" and it shall come into operation on the seventeenth day of May 1872. Repeal.

2. The several Acts of the Superintendent and Provincial Council specified in the Schedule are hereby repealed. Savings as to past matters.

3. Notwithstanding the repeal of any such Act as aforesaid all rights and duties arising under any such Act before the coming into operation of this Act may be enforced and all offences under any such Act committed before the coming into operation of this Act may be punished in the same manner as if this Act had not been passed.

**SCHEDULE.**

Title of Act.	Session and Number.
An Act to Establish and Regulate Markets ...	Session I. No. 12.
An Act to make further provisions relative to Fencing within Districts of the Province.	Session I. No. 13.
An Act to provide for the management of the Streets and Drainage in Towns and Populous Places and the preservation of the Health of the Inhabitants thereof. ...	Session II. No. 17.
The Public Boards Act 1856. ... ..	Session III. No. 8.

## OFFICERS AND CONTRACTORS.

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**Title**            *An ACT to make void the Election of certain Members of the Provincial Council.*

Session XIV, No. 2.]

[Assented to 27th June, 1866.

**Preamble.**

**WHEREAS** it is expedient to repeal Act Session I No. 26 of the Provincial Council of the Province 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 :

**Act Session I. No. 26 repealed.**

1. That "The Officers and Contractors Act Session I. No. 26" is hereby repealed.

**Election of Members of Provincial Council void under certain circumstances**

2. If after the passing of this Act any member of the Provincial Council shall accept any office of emolument under the Superintendent other than that of an Officer of the Executive Council or shall directly or indirectly himself or by any person 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 is thereupon and is hereby declared to be void and a Writ shall forthwith be issued 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.

**Penalty in case of non-compliance.**

3. 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.

4. Nothing in this Act shall extend to disqualify for re-election any member whose election shall under its provisions be made void. Such Members may be re-elected.

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## PATENT SLIP.

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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.* Title.

Session XI. No. 1.]

[Assented to 14th June, 1864.]

**W**HEREAS 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 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. Power to Superintendent to guarantee a certain interest on outlay for the erection of Patent Slip, &c. Provided the sum on which such

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\* See clause 5 of "Patent Slip Act 1871."

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

2. Such sums shall be paid out of the general revenue of the Province and at such periods as may be agreed upon.

Title of Act.

3. This Act shall be called the "Patent Slip Act 1864."

## PATENT SLIP SITE.

Title.

*An ACT to authorize the Superintendent to purchase a site for a Patent Slip in this Harbour.*

Session XI. No. 2.]

[Assented to 14th July, 1864.

Preamble.

**W**HEREAS by the "Wellington Patent Slip Act 1863" 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:—

Power to Superintendent to purchase land for site of Patent Slip.

1. The Superintendent may so soon as he shall deem it expedient so to do take and purchase such portion not exceeding 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.

2. The Superintendent is hereby authorized to pay out of the moneys 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."

Superintendent authorized to pay the value of such land.

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.

Power to Superintendent to convey such land to parties undertaking to erect a Patent Slip thereon.

4. This Act shall be called the "Patent Slip Site Act 1864."

Short Title.

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#### 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.

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## PATENT SLIP AMENDMENT.

Title.

*An ACT to make further provision for the erection of a Patent Slip in the Harbour of Port Nicholson.*

Session XX., No. 1.]

[Assented to 24th March, 1871.

Preamble.

**W**HEREAS by "The Patent Slip Act 1864" the Superintendent of the Province of Wellington was empowered with the advice and consent of his Executive Council to contract in manner in the said Act mentioned for the erection of a Patent Slip in the Harbour of Port Nicholson subject to such terms and conditions as the said Superintendent might with such advice and consent deem expedient: And whereas the Superintendent of the said Province did some time since enter into negotiations with Messieurs Kennard Brothers of London for the erection by them of a Patent Slip and for the purposes of such contract the said Messieurs Kennard Brothers did afterwards import to the City of Wellington certain materials engines and plant for the construction and working of the same which materials engines and plant are now lying at Evans' Bay in the harbour of Port Nicholson aforesaid And whereas the said negotiations have since been abandoned and there is no longer existing or of any effect any contract complete or otherwise by or on behalf of the said Messieurs Kennard to construct or work the said Slip And whereas "The Patent Slip Act 1864" was amended by "The Patent Slip Act 1869" And whereas no contract whatever is at present existing for the erection or working of the said Slip and neither the Province of Wellington or the Superintendent on its behalf has any property in or claim to the materials engines and plant now lying in Evans' Bay as aforesaid And whereas by "The Patent Slip Site Act 1864" the Superintendent of the said Province of Wellington was authorized to take and purchase such portion not exceeding twenty acres of a certain allotment of land described in the Schedule thereto as he might consider best adapted for the site of the Patent Slip to be erected under the au-

thority of "The Patent Slip Site Act 1864" And whereas by the third section of the said "Patent Slip Act 1864" that the said Superintendent might with such advice and consent as in the said Act now in recital numbered convey the whole or any part of the land so to be taken and purchased as aforesaid to any person or body corporate or otherwise who would undertake to erect such Patent Slip and the works and buildings necessary for the efficient working of the same and that either absolutely and in fee simple or lease for any term of years and for such price or rent or gratuitously and on such terms and conditions as to him the said Superintendent and his Executive Council might seem reasonable or appear expedient And whereas it is expedient that the said "Patent Slip Act 1869" should be repealed and that authority should be given to Isaac Earl Featherston at present Superintendent of the said Province but who is about shortly to proceed to England as Agent-General for the Government of New Zealand to contract for the erection of a Patent Slip and works connected therewith upon the land described in the Schedule to this Act on such terms and conditions as are contained in and authorized by "The Patent Slip Act 1864" as amended by this 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 Patent Slip Act 1869" is hereby repealed.
2. All the powers authorities acts and deeds by the first section of "The Patent Slip Act 1864" conferred on or authorized to be performed or done by the Superintendent of the Province of Wellington either alone or acting with the advice and consent of his Executive Council on behalf of the said Province may subject to the provisions of this Act be exercised done and performed by the said Isaac Earl Featherston on behalf of the said Province and in any contract which he the said Isaac Earl Featherston may enter into with any person or body corporate or otherwise and in pursuance of the said powers and authorities it shall be lawful for the said Isaac Earl Featherston to contract in the name of the Superintendent of the said

Repealing  
Clause  
Isaac Earl  
Featherston  
may make con-  
tract.

Province on behalf of the said Province and any contract so entered into and signed and sealed by the said Isaac Earl Featherston for and on behalf of the Superintendent of the said Province for the time being shall be as binding on the Superintendent of the said Province for the time being as such and on the said Province and the revenues thereof as if entered into by the Superintendent of the said Province for the time being by and with the advice and consent of his Executive Council and sealed with the Public Seal of the said Province.

Isaac Earl Featherston may contract to convey land

3. The said Isaac Earl Featherston may also in the name and for and on behalf of the Superintendent of the said Province for the time being on behalf of the Province contract to convey to the person or persons or body corporate or otherwise who shall have contracted or undertaken with or to him under the provisions herein contained to erect such Patent Slip as aforesaid any part or portion not exceeding twenty acres of the land described in the Schedule to this Act and that either absolutely 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 said Isaac Earl Featherston may seem reasonable or appear expedient and any such contract so entered into by the said Isaac Earl Featherston under the provisions of this section of this Act shall be as binding on the Superintendent of the said Province for the time being on behalf of the said Province and on the said Province as if entered into by the Superintendent of the said Province for the time being by and with the advice and consent of the Executive Council and under the Public Seal of the said Province.

Sum to be guaranteed not to exceed £37,000.

4. The said Isaac Earl Featherston may in any contract which he may enter into under the provisions created by "The Patent Slip Act 1864" and conferred on him by this Act contract that the sum on which the said guarantee is to be given shall be a fixed sum specified in the said contract Provided however that the said sum so specified shall not exceed the sum of thirty-seven thousand pounds to which sum the said guarantee is limited by the said Act.

5. "The Patent Slip Act 1864" and "The Patent Slip Site Act 1864" so far as the same or any of the provisions of the same respectively conflict or would interfere with the provisions of this Act are hereby repealed.

6. This Act shall be called "The Patent Slip Act 1871."

#### 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.

### PUNISHMENT OF OFFENCES ACT.

*An ACT to declare the mode in which the punishment of offences created by Acts of the Superintendent and Provincial Council of Wellington shall be enforced and for limiting the amount of such punishment.*

Session XXII. No. 5.]

[Assented to 17th May, 1872.

**B**E IT ENACTED by the Superintendent of the Province of Wellington by and with the advice and consent of the Provincial Council thereof as follows :

1. Whenever by any Act of the Superintendent and Provincial Council now in force it is provided that any offence therein mentioned shall be punished by fine forfeiture penalty or imprisonment then unless such offence shall be thereby declared to be a misdemeanour the same shall be punishable to the extent in such act mentioned with the limitation hereinafter prescribed upon summary conviction of the offender by proceedings under the provisions of the Act of the General Assembly of New Zealand shortly intituled "The Justices of the Peace Act 1866" so far as the same relates to summary convictions or of any

Penalties to be recovered by summary proceeding.

Act or Acts of the General Assembly for the time being in force repealing or amend the last mentioned Act or for like purposes.

Penalties limited.

2. Wherever in any such Act of the Superintendent and Provincial Council it is provided that any offence therein mentioned shall be punishable with fine forfeiture penalty or imprisonment and no provision is made for limiting the amount of such fine forfeiture or penalty to a sum not exceeding one hundred pounds for one offence or for limiting the extent of such imprisonment to not more than six months' imprisonment with hard labor. It is hereby declared that the greatest fine penalty or forfeiture to be imposed for any such one offence is and shall be one hundred pounds and the greatest extent of imprisonment to be awarded for any such one offence is and shall be six months' imprisonment with hard labor.

Clauses to be incorporated in future Acts.

3. In every Act of the Superintendent and Provincial Council passed during the present or any future session whereby any offence is created or the punishment of any offence then already created is declared or altered the clauses following shall be deemed to be re-enacted therein unless there be in such Act express provision to the contrary.

- (a). Every offence (not being a misdemeanour) punishable under this Act shall be punished upon conviction of the offender by summary proceedings under the Act of the General Assembly shortly intituled "The Justices of the Peace Act 1866" so far as the same relates to summary convictions or of any Act for the time being in force repealing or amending the same or for like purposes.
- (b). No offence mentioned in this Act shall be punishable under this Act with any greater fine forfeiture or penalty than one hundred pounds for any one offence where a pecuniary punishment is prescribed nor with any greater extent of imprisonment than six months' imprisonment with hard labor where punishment by imprisonment is prescribed.



## SALE OF RECLAIMED LAND CONFIRMATION.

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*An ACT to confirm certain Sales of parts of the Reclaimed Title.  
Land in the Harbour of Wellington made by the  
Superintendent.*

Session XII., No. 7.]

[Assented to 24th January, 1865.]

**W**HEREAS several pieces of land comprised in a Preamble certain grant to the Superintendent dated the eighteenth October one thousand eight hundred and fifty-five 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 III. No. 14 and Session VIII. 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—

1. It shall be lawful for the Superintendent to convey Power to Superintendent to the several persons and body mentioned in the Schedule to convey certain pieces of lands parts of the land comprised in hereto the pieces of lands parts of the land comprised in the grant to him dated the eighteenth October one thousand eight hundred and fifty-six and for the prices which are respectively set opposite to their names in such Schedule hereto. Schedule.

2. This Act shall not come into operation until the Date of operation twenty-first day of May next after the passing hereof— tion.

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Schedule.

## SCHEDULE.

DESCRIPTION OF LAND.	PERSONS TO WHOM SOLD.	PRICE.
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 and George Turnbull	900 0 0
Lot 22—Custom House Quay, 30 feet by 100 feet, £15 per foot	Archibald Paisley Stuart	450 0 0
Lots 24 and 25—Custom House Quay, 30 feet by 100 feet, £15 per foot, 34 feet x a varying depth, £9 per foot	Richard John Duncan— Manager of the New Zealand Steam Navigation Company	756 0 0

## RECLAIMED LAND SALE.

Title. *An ACT to authorise the Sale of a portion of the Reclaimed Land in the City of Wellington.*

Session XXII., No. 13.]

[Assented to 17th May, 1872.]

Preamble.

WHEREAS by two several grants from the Crown dated respectively the eighteenth day of October one thousand eight hundred and fifty-five and the twentieth day of June one thousand eight hundred and sixty-two the parcel of land described in the Schedule hereto was with other land granted and confirmed to Isaac Earl Featherston then Superintendent of the Province of Wellington and to his successors as such Superintendent to hold upon such trusts and for such uses for the public services of the said Province as should be enacted and declared in that behalf by any Acts of the Superintendent and Provincial Council of the said Province: And whereas by the Act of the General Assembly shortly intituled "The Wellington Reclaimed Land Act 1871" it was enacted that the piece of land described in the third

Schedule to the said Act which included the parcel of land described in the Schedule to this Act should be vested in the Superintendent of the Province of Wellington freed from the several sums of money charged thereon under "The Consolidated Loan Application Act, 1869" upon trust for the public use of the said Province: And whereas it is considered that by reason of the above mentioned enactments the said parcel of land described in the Schedule hereto is now vested in the Superintendent subject to the disposal in the manner provided by "The Public Reserves Act 1854" and it is expedient that the same should be sold.

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 Superintendent may cause the parcel of land described in the Schedule hereto to be sold by public auction or private contract in one or more lot or lots at such time and place as he shall think fit and the sale shall be made after such advertisements if any and subject to such conditions as he shall think fit and a reserve price for each lot of such amount as he shall determine shall in case of sale by auction be fixed and no sale by such auction of any lot shall be made unless an amount not less than the reserve price shall be bid for the same.

2. If the whole or any part of such land shall remain unsold for want of a sufficient bid or if after any contract for sale has been entered into the purchaser shall fail to complete his purchase the Superintendent may proceed to sell so much of the said land as shall then remain unsold either by fresh auction from time to time subject to the same or different conditions and with the same or a different reserve price or by private contract upon such terms as he shall think fit or by both of such means.

3. Upon payment to the Provincial Treasurer of the whole price of any land sold under this Act the Superintendent shall execute under the public seal of the Province such deed or instrument as shall be required for vesting the land sold in the purchaser thereof.

Advice of  
Executive  
Council.

4. The Superintendent shall in all things required by this Act to be done by him act by and with the advice of his Executive Council but no purchaser of the said land shall be concerned to enquire whether any such advice has been taken nor be affected by notice of the fact that on any one or more occasions such advice has not been taken.

Proceeds of  
sale to be Pro-  
vincial revenue

5. All the proceeds of the sale of any land under the authority of this Act shall form part of the ordinary revenue of the Province of Wellington and be subject to appropriation accordingly.

Commence-  
ment of Act.

6. This Act shall come into operation on the day next after the expiration of the time within which the same may be disallowed by His Excellency the Governor.

#### SCHEDULE.

Schedule.

All that parcel of land in the City of Wellington, being part of the land lately reclaimed from the Sea: bounded on the North by Brandon street; on the South by Panama street; on the West by Featherston street; and on the East by a line drawn parallel to Featherston street on the east side thereof and distant therefrom 98 feet 8 inches.

## REPRESENTATION READJUSTMENT.

Title.

*An ACT to readjust the Representation of the Province of Wellington in the Provincial Council.*

Session XVII., No. 2.]

[Assented to

Preamble.

**W**HEREAS it is expedient to readjust the Representation of the Province in the Provincial Council:

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

Repealing  
clause.

1. The Representation Adjustment Act 1864 (Session XI. No. 4) and the Act to amend the Representation Adjustment Act 1864 (Session XII. No. 1) shall be and are hereby repealed.

Number of  
members.

2. After the dissolution of the present Provincial Council the Provincial Council shall consist of Twenty-five Members.

3. For the purpose of the election of Members of the said Council the Province shall be divided into eleven Electoral Districts as the same are respectively defined and set forth in the Schedule to this Act.

Number of Electoral Districts.

4. 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.

City of Wellington	...	...	...	7
Karori and Makara	...	...	...	1
Porirua District	...	...	...	2
Hutt District	...	...	...	3
Manawatu District	...	...	...	1
Rangitikei District	...	...	...	2
Wangaehu District	...	..	...	1
Wanganui Town	...	...	...	3
Waitotara and Kai Iwi	...	...	...	1
Wairarapa East	...	...	...	1
Wairarapa West	...	...	...	3

5. 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.

Maps to be deposited in office of Clerk of Council.

6. This Act shall be called "The Representation Readjustment Act 1869."

Short Title.

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 harbor 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 shown upon plan referred to in Clause 5 are to be included in this Electoral District (Karori and Makara).

## PORIRUA ELECTORAL DISTRICT.

Bounded North by the Southern Boundary of the Manawatu Electoral District; East by the Western Boundary of the Hutt Electoral District to the Eastern corner of Section No. 13, Harbor District, thence along the Beach to Kai-warra-warra's 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. The Islands of Mana and Kapiti are also comprised within this District.

## HUTT ELECTORAL DISTRICT.

Bounded North by a line bearing about  $271^{\circ} 20'$  being a continuation of the Southern boundary of the Manawatu 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 Harbor District, thence along that boundary to the Eastern boundary of the Horokiwi 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 Manawatu Electoral District.

Soames' Island and Ward's Island shall be comprised within this District.

## MANAWATU ELECTORAL DISTRICT.

Commencing at the Mouth of the Rangitikei River, thence along the Sea Coast to the Mouth of the Waikanae River, thence up said River to its source, thence on a Bearing of about 90 degrees to the top of the Tararua Range, thence North Easterly along the Tararua and Ruahine Ranges to a point on the latter range bearing about East from the Source of the Rangitikei River to the starting point.

## RANGITIKEI ELECTORAL DISTRICT.

Commencing at the mouth of the Wangaeahu River thence up said River to its source, thence across a Watershed to the source of the Waikato River, thence down the said River to the parallel of 39 degrees South Latitude, thence Easterly along said parallel of Latitude to the Eastern Boundary of the Province, thence along the Eastern Boundary of the Province to a point on the Ruahine Range bearing about East from the source of the Rangitikei River, thence down said

River to its mouth, thence North Westerly along the sea coast to the starting point.

WANGAERHU ELECTORAL DISTRICT.

Commencing at the Mouth of the Wanganui River, thence up said River to the Parallel of 39 degrees of South Latitude, thence Easterly along said Parallel of Latitude to the Waikato River, thence up said River to its source, thence across a watershed to the source of the Wangaehu River, thence down said River to the Sea, thence along the Sea Coast to the starting point.

ELECTORAL DISTRICT OF THE TOWN OF WANGANUI.

Bounded on the North East and East by the Wanganui River, on the South East and South West by the Asylum Road, by Churton Street, by Churton Creek and by Bell Street; and on the North West by Ingestre Street and Plymouth Street.

WAITOTARA AND KAI IWI ELECTORAL DISTRICT

Commencing at the Boundary of the Province at the Mouth of the Patea River, thence North Easterly along the North Western Boundary of the Province to the Wanganui River, thence down the Wanganui River to its Mouth, thence along the sea coast Westerly to the starting point (the Mouth of the Patea River), excepting always the Electoral District of the Town of Wanganui.

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 Lower Wairarapa Lake, West and South by the Kuamahunga 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, thence along that Boundary to the South East corner of the Western Boundary of Manawatu Electoral District, and thence along that Boundary till it strikes the line bearing about 270° being the Boundary of the East Wairarapa Electoral District.

## SCRIP RESTRICTION.

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Title. *An ACT to restrict the operation of Scrip within certain Districts of the Province of Wellington.*

Session IV., No. 1.]

[Assented to 26th January, 1857.

Preamble.

**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 also agricultural small farm reserves and that no Government scrip should be exercised within such districts except in payment to the extent of twenty 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 twenty 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 one hundred thousand 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 twenty pounds per cent. of the purchase money of any allotment therein purchased.

2. The townships and reserves before referred to are :		Enumeration
		of such town-
		ships and
		Reserves.
The township of Featherston in the		
Wairarapa comprising about ...	12,000 acres	
The unsold portion in the township of		
Napier Ahuriri ... ..	96	"
The township of Clive in Ahuriri ...	5,000	"
The Agricultural Reserve in the Ao-		
ranga Block ... ..	5,000	"
Addition to the Small Farm Reserve		
of Masterton in Wairarapa ...	4,000	"
The Agricultural Reserve in the dis-		
trict of Rangitikei ... ..	20,000	"
The Agricultural Reserve at Turakina	10,000	"
Taratahi Plain ... ..	17,000	"
Pahautanui, &c. ... ..	5,000	"
Total ... ..	78,096	"

## SLAUGHTER HOUSES.

*An ACT to make further provision relative to Slaughtering* Title.  
*Cattle within the City of Wellington.*

Session IX, No. 12.]

[Assented to 19th June, 1862.]

**W**HEREAS it is desirable to repeal the existing Act Preamble.  
of the Council relating to the slaughter of cattle  
within the Town of Wellington and to make other provi-  
sions 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 :

1. The Act of the Provincial Council Session 3 No. 2 Act Session 3  
is hereby repealed. No. 2 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 first day of January one thousand eight hundred and sixty-three be void.

Cattle allowed to be driven through the Town of Wellington at certain specified hours only.

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 thirty-first day of March and the first day of September or between the hours of eight in the morning and nine in the evening between the thirty-first day of August and first 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.

Short Title.

4. The Short Title of this Act shall be "The Slaughter House Act 1862."

THISTLE AMENDMENT.

*An ACT to amend the Law relating to Thistles.* Title.

Session III, No. 6.]

[Assented to 4th February, 1856.]

**B**E IT ENACTED by the Superintendent of the Province of Wellington with the advice and consent of the Provincial Council thereof that:

1. Act No. 19 Session I. is hereby repealed.

Repeal of Thistle Act Session I. No. 19.

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 in writing shall be liable to be fined any sum not less than two shillings and sixpence nor more than twenty shillings.

Penalty after certain notice for allowing thistles to seed.

3. It shall be competent for any one personally to serve such notice or to require the constable of the district or other person authorized by the Superintendent in that behalf to do so and it shall be the duty of such constable to assist personally in carrying this Act into operation.

Who competent to serve such notice

4. When obnoxious thistles are permitted to grow on unoccupied land the ownership of which cannot be ascertained by the informant after reasonable inquiry he shall publish twice in one of the newspapers of the Province a notice in form or to the effect of the Schedule A. hereto annexed.

In the case of land so infected the ownership of which cannot be ascertained notice to be published in a newspaper.

\* 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 having jurisdiction within the district.

Portion of said land to be set out by Sheriff.

Said portion to be sold by auction.

With respect to conveyance.

Government to cause the eradication of thistles within the limits of roads under its charge.

Road Commissioners to do the same with respect to the limits of roads under their charge.

In certain cases Superintendent may direct an expenditure for such purposes.

Power to constable to enter upon lands for the purpose of ascertaining the existence of thistles thereon.

Fines to be summarily recovered.

Act to come into operation in any district by Proclamation.

† 7. Such land shall be sold by public auction.

|| 8. A conveyance of land so sold in the form hereto annexed 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 cut down all obnoxious thistles having seed stems growing within the limits of any road which is under its charge and maintenance in all such districts as are proclaimed to be under the operations of this Act.

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.

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 purposes by the Provincial Council to be contributed towards their eradication as he may deem expedient.

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.

13. All fines imposed under authority of this Act shall be recoverable in a summary way.

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

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\* † ‡ || These clauses are controlled by Act of General Assembly, "Sale for Non-payment of Rates Act," No. 35, 1862, for which see Appendix.

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. Proviso with respect to Natives.

SCHEDULE A.

Schedule A:

WHEREAS certain obnoxious thistles having seed-stems are growing on occupied land in District of the owner of which land cannot be ascertained by me after reasonable enquiry : Form of Notice.

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:

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. Form of Conveyance.

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.

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.

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Title. *An ACT to amend the Thistle Act Session III. No. 6.*

Session IV, No. 20.]

[Assented to 20th February, 1857.

Preamble.

**W**HEREAS by the Thistle Amendment Act of the third Session of the Provincial Council of Wellington No. 6 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 two shillings and sixpence nor more than twenty shillings 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 :—

Penalty for not cutting down noxious Thistles having seed stems on land in any persons occupation.

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 two shillings and sixpence nor more than twenty shillings.

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 two shillings and sixpence nor more than twenty shillings 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.

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\* See note to Clause 6 Act Session III No. 6.

†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 so 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.

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

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## TOLL GATES.

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*An ACT to provide for the Erection of Toll Gates on Main Roads in the Province of Wellington.* Title.

Session XXI, No. 6.]

[Assented to 30th June, 1871.]

**B**E it enacted by the Superintendent of the Province of Wellington with the advice and consent of the Provincial Council thereof as follows: Preamble.

1. In this Act the term main road shall mean and include the several roads described in the first schedule hereto as the same are now laid out with the bridges over which the same pass and in case the course of any such road shall from time to time be altered this Act shall apply to such altered road in the same manner as if the alteration had been made before passing of this Act and the road so altered shall be deemed a main road for the purposes of this Act The term toll gate shall mean any bar or gate erected under the provisions of this Act The phrase "vehicle animal or person" shall mean any carriage wagon or other vehicle and any horse mare gelding ass Interpretation

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† See preceding note.

mule bull bullock cow calf sheep pig goat or other animal and any foot passenger chargeable with toll under the provisions of this Act.

Power to define new main roads.

2. When any new line of road shall be opened for traffic after the passing of this Act and the Superintendent and his Executive Council shall be satisfied that such new line of road is of such character or extent as to facilitate communication between places not within the same district or other division constituted and existing under any Act of the General Assembly or of the Superintendent of the Provincial Council relating to District Highways it shall be lawful for the Superintendent with the advice of his Executive Council by proclamation in the Provincial Government *Gazette* to declare such new line of road a main road within the meaning of this Act, and upon the publication of such proclamation this Act shall apply to such new line of road in the same manner as if it had been described in the first schedule hereto.

Superintendent may erect Toll Gates and fix tolls.

\* 3. The Superintendent may from time to time erect a toll Gate with houses and other work necessary thereto at such place on a main road as he shall think fit and appoint and remove keepers for the same taking security from such keepers as shall receive money payable to the Provincial account and issue regulations for their guidance and fix by proclamation in the Government *Gazette* the amount of the tolls to be levied at such Toll Gate and the day on and after which such tolls shall be levied at such Toll Gate and may from time to time by proclamation abolish any such Toll Gate and the levying of tolls thereat on and after a day to be stated in such proclamation and may from time to time vary the amount of tolls to be levied at any such Toll Gate.

Limit of amount of tolls.

4. The tolls to be levied at every such Toll Gate shall in no case exceed the rates specified in the second schedule hereto Provided that it shall not be necessary to charge with tolls all the classes of vehicles or animals or persons mentioned in the said schedule nor to observe the same proportionate rates of toll as are therein specified Provided

\* See Clause 3 of "Toll Gates Amendment Act 1872."



also that the tolls levied under this Act shall be charged upon all vehicles animals and persons equally with the exceptions herein appearing Provided also that no toll shall be charged for any vehicle or animal for any time of passing after the first within the same period of twenty-four hours reckoned from midnight to midnight.

5. No toll shall be demanded or taken for any vehicle animal or person belonging to or under hire to the Government of the Province and employed at the time in Provincial Government service or for any vehicle or animal or person which shall at the time be exempt from toll by virtue of any Act of the Imperial Legislature or of the General Assembly of New Zealand or which shall at the time belong to Her Majesty her heir or successors or be employed in her or their service.\* Exemption from tolls.

6. The Superintendent shall cause to be put up in a conspicuous place at every such Toll Gate a table printed or painted in distinct black letters and figures on a white ground of all tolls then payable thereat and shall cause such table to be kept in a legible condition and to be renewed or restored from time to time as occasion shall require. Tables of tolls to be put up.

7. The Superintendent may at any time and from time to time lease the tolls to be collected at any one or more such Toll Gate 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 and he may if he shall think fit make it a condition of any lease of such tolls that the Superintendent shall during the continuance of such lease be deprived of the power of abolishing the Toll Gate the tolls whereof are leased and of the power of varying the amount of tolls to be collected thereat and thereupon the Superintendent shall be deemed to be deprived of such power to the extent in such condition mentioned. Power to lease tolls.

8. The Superintendent with the advice of his Executive Council may from time to time contract with any person Superintendent may assign tolls of bridge to pay for erection.

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\* See Clause 1 of "Toll Gates Amendment Act 1872."

for the erection of a bridge on any main road or at a place intended to become part of a main road on such terms as the Superintendent with such advice as aforesaid may think fit it being made a condition of such contract that the cost of such bridge shall be paid out of the tolls to be levied thereat and that no debt on the part of the Superintendent or of the Government of the Province shall be incurred thereunder and when any bridge shall have been erected under any such contract it shall be lawful for the Superintendent after a Toll Gate has been erected on or on the approach to such bridge and the tolls to be levied thereat have been fixed to assign the tolls to be levied at such Toll Gate to the person who has contracted for the erection of such bridge to hold and receive the same to him his executors administrators and assigns until the tolls received at such Toll Gate shall have paid either such sum as shall have been fixed for that purpose in the contract or the cost of such bridge with interest on so much thereof as shall for the time being remain unpaid at such rate not exceeding ten per centum per annum as shall be agreed upon between the Superintendent with such advice as aforesaid and the person erecting such bridge the accounts necessary for that purpose being kept and audited in such manner as the Superintendent with such advice as aforesaid shall direct and if so directed the tolls received during such calendar month or other fixed period being added together and charged in the said accounts as having been received on the last day of the month or other fixed period in which the same shall have been received and during the continuance of every such assignment the Superintendent shall be deprived of the power of abolishing the Toll Gate the tolls whereof are so assigned and the power of varying the tolls to be collected thereat except in pursuance of some condition of the contract for the erection of such bridge enabling him so to do.

Penalties on  
keepers of  
Toll Gates.

9. Every keeper of a Toll Gate appointed under this Act and every person whether appointed under this Act or not assuming to act as such keeper or on behalf of such keeper whether there be any duly appointed keeper or not who shall do any of the following things that is to say—

- (1). Knowingly demand from any person a greater toll or a less toll than he shall be authorised to do by virtue of this Act :
- (2). Obstruct or hinder any person in reading the table erected under this Act :
- (3). Refuse or neglect to tell his name or not tell his true name to any person who shall demand the same :
- (4). Unnecessarily detain or wilfully obstruct or hinder any vehicle or animal or any person or the goods of any person desiring to pass through the Toll Gate after payment or tender of such toll as shall be payable in respect of such vehicle animal or person :
- (5). Use scurrilous or abusive language to any person passing or desiring to pass through any Toll Gate :

shall be guilty of an offence under this Act and shall be liable to a penalty not exceeding ten pounds for each such offence.

10. Every person whatsoever who shall do any of the following things that is to say— Other penalties.

- (1). Pass through or attempt to pass through or cause or attempt to cause any vehicle or animal to pass through any Toll Gate without paying the toll legally demandable thereat :
- (2). With intent to avoid payment of toll pass by or attempt to pass by or cause or attempt to cause any vehicle or animal to pass by any Toll Gate by going over any land not being a public highway not being in the occupation of such person or of his employer.
- (3). With intent to avoid payment of toll make any false representation by word or deed concerning himself or his employment or concerning any person vehicle or animal or the employment thereof :
- (4). Injure any Toll Gate or any house fence or building connected therewith or deface or injure any table of tolls erected under the provisions of this Act :

- (5). Use scurrilous or abusive language to any keeper of a Toll Gate appointed under this Act or to any person acting for or in the place of such keeper :

shall be guilty of an offence under this Act and shall be liable to a penalty not exceeding ten pound for each such offence Provided that where any act default or thing declared to be an offence under this Act shall be an offence under the provisions of any Act of the General Assembly now in force or hereafter to be in force in the Province or in the part of the Province where such offence shall be alleged to have been committed this Act shall be deemed not to apply to such act default or thing and the same shall remain and be punishable in the same manner as if the parts of this Act relating to offences and penalties had not been enacted.

Existing Toll Gates not to be interfered with during currency of leases of tolls.

11. During the continuance of any present or future lease of the tolls to be collected at any Toll Gate or Bar under the provisions of any Act of the Superintendent and Provincial Council in force before the passing of this Act it shall not be lawful for the Superintendent to cause any tolls other than tolls on foot passengers to be levied within five miles of the Toll Gate with respect to which such lease shall be in force and on the same main road.

No Toll Gate to be erected within certain towns.

12. No Toll Gate shall be erected under this Act within the limits of the City of Wellington or of the Town of Wanganui. ✓

Proceeds of tolls to form special fund for purposes of Act and maintenance of main road:

13. All moneys received under this Act or the Act of the Superintendent and Provincial Council intituled "An Act to empower the Superintendent to erect a Toll Gate at Kaiwarrawarra" shall be paid into the Provincial account and the Provincial Treasurer shall keep in the books of the Provincial Treasury an account of all such moneys and shall place the same to the credit of an account to be called "The Main Road Account" and all moneys for the time being standing to credit of such account shall be applied in such manner as the Superintendent with the advice and consent of the Provincial Council, shall by any Act from time to time direct but only towards paying the expenses of carrying

this act into effect and towards the construction maintenance and repair of main roads and the bridges thereon and the other works necessary therefor.

14. It shall be lawful for the Superintendent with the advice and consent of his Executive Council by one or more proclamations in the Government *Gazette* to declare that the Act of the Superintendent and Provincial Council passed in the ninth Session of the Provincial Council intituled "An Act to empower the Superintendent to erect a Toll Gate at Kaiwarrawarra" and the Act of the Superintendent and Provincial Council passed in the eighteenth session of the said Council the short title whereof is "The Wanganui Toll Gate Act 1869" or either of the said Acts shall be repealed on a day to be fixed in such proclamation and thereupon the Acts or Act mentioned in such proclamation shall be repealed on and after such day Provided that no proclamation under this section shall be valid unless the day so fixed shall be after the expiration or determination of any lease or agreement for a lease of tolls to be levied at such gate already made or hereafter to be made under the Act or Acts repealed by virtue of such proclamation. Provided also that all tolls and other moneys due all offences committed and all disputes and questions arisen under the said Acts or either of them before the day on which the same shall be repealed may be recovered prosecuted punished heard and determined on and after such day in the same manner as if the said Acts or Act had not been repealed.

Toll Gate at Kaiwarrawarra and Putiki may be abolished after expiration of any current lease.

14. This Act may be referred to as the "Toll Gates Act 1871." Short Title.

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## SCHEDULES.

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### THE FIRST SCHEDULE.

#### MAIN ROADS IN THE PROVINCE WITHIN THE MEANING OF THIS ACT.

The Road from Wellington to the Patea River in the District of Wanganui and the Road from Wellington through the Wairarapa to the boundary line between the Provinces of Wellington and Hawke's Bay.

## \*THE SECOND SCHEDULE.

## LIMIT OF AMOUNT OF TOLLS TO BE LEVIED UNDER THIS ACT.

	£	s.	d.
For every vehicle propelled along a road by steam or other like power ... ..	0	5	0
For every four-wheeled vehicle drawn by one horse	0	1	6
For every additional horse drawing such vehicle ...	0	0	6
For every two-wheeled vehicle drawn by one horse...	0	1	0
For every additional horse drawing such vehicle ...	0	0	6
For every horse saddled or harnessed ... ..	0	0	6
For every horse not harnessed ... ..	0	0	3
For every sheep goat or pig ... ..	0	0	1

This Schedule shall be read as if the words mare gelding ass mule bull bullock cow or calf were inserted after the word horse throughout.

Every vehicle having the tires of all its wheels of a breadth of not less than five inches and so formed that a breadth of not less than five inches comes in contact with the ground on a firm cart road and every horse drawing such vehicle shall be chargeable with tolls at one-half the rates charged at any toll bar.

And where any Toll Gate shall be erected on any bridge or on the approach to any bridge or a main road there shall be chargeable at such gate in addition to any tolls chargeable thereat under the preceding part of this Schedule such toll as shall be fixed by proclamation under this Act not exceeding the rate following—

For every foot passenger ... ..	0	0	2
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## TOLL GATES ACT AMENDMENT ACT 1872.

Title.

*An ACT to amend the Acts of the Superintendent and Provincial Council relating to Toll Gates.*

Session XXII., No. 8.]

[Assented to 17th May, 1872

**B**E IT ENACTED by the Superintendent of the Province of Wellington by and with the advice and consent of the Provincial Council thereof as follows :

Exemption from tolls taken away except in certain cases.

1. Notwithstanding anything in any Act of the Superintendent and Provincial Council to the contrary no vehicle animal or person shall be exempt from payment of toll at any toll gate or bar established or to be established within the Province unless such vehicle animal or person shall at the time be exempt from toll by virtue of

\* This Schedule is now obsolete in consequence of the passing of "The Toll Gates Act Amendment Act 1872."

some Act of the Imperial Legislature or of the General Assembly of New Zealand or shall at the time belong to Her Majesty the Queen her heirs or successors or be employed in her or their service Provided that the Governor for the time being of the Colony and the members of his family and household and his personal staff and vehicles and animals employed by him or them (when so employed) shall be exempt from toll. Proviso.

2. Such toll as is mentioned in the first part of the Schedule hereto shall be demanded and paid for every person passing through any toll gate on or in any public vehicle exempt from toll for the time being unless such person shall be exempt from toll under the provisions mentioned in the preceding section or be actually and *bonâ fide* employed in driving or leading such vehicle and in no case shall more than one person be entitled to exemption on account of driving or leading any one vehicle and every person arriving at or near any such gate as a passenger by any such public vehicle who shall pass on foot or otherwise through the gate and afterwards join such vehicle shall be liable to pay toll as if he had passed through the gate in such vehicle and any person seeking to evade payment of such toll by dismounting from such vehicle shall on conviction forfeit and pay a penalty of five pounds Provided that if the driver or person in charge of any such public vehicle exempt from toll shall pay at any toll gate a sum equal to the toll which would be payable in respect of such vehicle and the animals drawing the same if the same were not exempt from toll no toll shall at that time be demanded in respect of any person passing through or arriving at such gate as a passenger by such vehicle. Persons crossing bridges in vehicle to pay toll.

3. The tolls to be taken at every toll gate or bar now erected or hereafter to be erected within the Province except on the Wanganui Bridge shall until the first day of May 1873 be those stated in the first part of the Schedule hereto and on and after that day the tolls mentioned in the second part of the same Schedule shall be charged for the vehicles and animals mentioned in the said second part in lieu of any tolls chargeable thereon Tolls to be taken in future.

under the said first part and no tolls fixed hereby shall be altered save by Act of the Provincial Council and all Acts of the Provincial Council relating to tolls shall be read as if the said rates had been fixed thereby.

Bridge fund.

4. From and after the passing of this Act one-fifth of all moneys which under the provisions of any Act of the Superintendent and Provincial Council for the time being in force relating to tolls are payable to the Provincial Treasury shall be set apart and carried to a special account to be called the Bridge Fund and all moneys for the time being standing to the credit of such account shall with all accumulations of interest thereon be invested and reinvested by the Superintendent in any stocks funds bills bonds debentures or securities of the Colonial Government and shall form a fund for the repair and reconstruction of any bridges and adjacent accessory and protective works near any bridge on any main road which may from time to time be damaged or destroyed by flood fire or other accident but not for ordinary and usual repairs.

Damage may  
be repaired at  
expense of  
Bridge Fund.

5. When any such bridge or any works adjacent thereto shall be so damaged or destroyed and the Superintendent with the advice of his Executive Council shall consider that it is expedient to repair or reconstruct the same forthwith he may with the advice aforesaid realize and convert into money so much of the securities in which the Bridge Fund is invested as may appear necessary and apply the proceeds in or towards such reconstruction or repair.

Fund may be  
divided into  
branches.

6. If the Superintendent with the advice aforesaid shall think fit so to do he may cause the account of moneys and securities standing to the credit of the Bridge Fund to be divided into two or more branches and cause each branch to be confined to one or more bridges or to the bridges on one or more separate main roads or portions of main roads and in such cases the amounts to be credited to each branch shall be the proportion of moneys received in respect of tolls from the bridge or bridges or on the road or portion of road to which such branch is confined with a share of the income arising from investment of the Bridge Fund proportionate to the sums



for the time being standing to the credit of such branch.

7. If such division into branches is made the amount to be applied out of the Bridge Fund to the repair or reconstruction of any bridge or works shall in no case exceed the amount for the time being standing to the credit of the branch confined to such bridge (alone or with others) or to the road or portion of road on which such bridge is situate as the case may be.

8. Full accounts of the Bridge Fund and of the several branches thereof if any and of the investments thereof and the amounts expended therefrom shall be laid before the Provincial Council during each session thereof.

9. No part of this Act except the first section thereof shall apply to the Bridge over the River Wanganui or to the tolls payable thereat or to any Act affecting such tolls and the Bridge Fund shall not be chargeable with any repairs to or reconstruction of that Bridge or to any works adjacent or accessory thereto.

## SCHEDULE.

### FIRST PART.

#### AMOUNT OF TOLLS TO BE LEVIED UNDER THIS ACT.

	£	s.	d.
For every sheep or other head of small cattle ...	0	0	$\frac{1}{4}$
For every horse saddled or harnessed ...	0	0	6
For every horse not in harness or head of great cattle	0	0	3
For every two-wheeled vehicle with springs drawn by one horse ...	0	1	0
For every additional horse ...	0	0	6
For every two-wheeled vehicle without springs drawn by one horse ...	0	1	0
For every additional horse ...	0	1	0
For every four-wheeled vehicle with springs and drawn by one horse ...	0	1	0
For every additional horse ...	0	0	6
For every four-wheeled vehicle without springs and drawn by one horse ...	0	1	0
For every additional horse ...	0	1	0
For every vehicle propelled along a road by steam or other like power ...	0	5	0
For every bullock dray drawn by two bullocks ...	0	1	0
For every additional pair of bullocks ...	0	1	0
For every foal at foot or calf ...	0	0	3

For every person passing through such gate as a £ s. d.  
 passenger in or on any public vehicle exempt  
 from toll except in cases where the driver of  
 the vehicle pays toll as if not exempt ... .. 0 0 2

This Schedule shall be read as if the words mare gelding ass mulo-  
 bull cow or calf were inserted after the word horse throughout.

Provided that no toll shall be taken on any carriage or horse  
 repassing or returning on the same day except vehicles carrying  
 passengers to and from any other places in the usual business of  
 passenger carriers.

Every vehicle having the tires of all its wheels of a breadth of not  
 less than five inches and so formed that a breadth of not less than five  
 inches comes in contact with the ground on a firm cart road and every  
 horse drawing such vehicle shall be chargeable with tolls at one-half  
 the rate which would otherwise be charged thereon under this part of  
 this Schedule.

#### SECOND PART.\*

For every four-wheeled vehicle drawn by four horses 0 10 0

For every additional horse drawing such vehicle ... 0 5 0

The term horse in this part of this Schedule shall have the same  
 meaning as in the first part.

The term vehicle in this part shall not include any vehicle having  
 the tires of all its wheels of a breadth of not less than five inches and  
 so formed that a breadth of not less than five inches comes in contact  
 with the ground on a firm cart road. (Repealed).

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## TOLL GATES ACT AMENDMENT ACT 1873.

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Title.

*An ACT to further amend the Acts of the Superintendent  
 and Provincial Council relating to Toll Gates.*

Session XXIV. No. 2.]

[Assented to 9th May, 1873.

Preamble.

**W**HEREAS it is by the third section of the Act of  
 the Superintendent and Provincial Council Session  
 XXII No. 8 intituled "An Act to amend the Acts of the  
 Superintendent and Provincial Council relating to Toll  
 Gates" enacted that after the first day of May 1873 the

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\* See following Act, clause 2.

tolls mentioned in the second part of the Schedule to the said Act shall be charged for the vehicles and animals mentioned in the said Act in lieu of any tolls charged thereon under the first part of the said Schedule And whereas it is desirable to amend the second part of the said Schedule :

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

1. The short title of this Act shall be "The Toll Short Title. Gates Act Amendment Act 1873."

2. The second part of the Schedule of the Act Session XXII No. 8 is hereby repealed and in lieu of it the following shall be inserted and shall be read as if it formed part of the said Act. Schedule of Act of 1872 amended.

#### SECOND PART :—

Amount of Tolls to be levied under the Act till the first day of November 1873—

For every four-wheeled vehicle without springs drawn by four horses	....	£0	10	0
For every additional horse drawing such vehicle	.. .... ..	0	5	0

The term horse in this part of the Schedule shall have the same meaning as in the first part of the Schedule to the Act Session XXII. No. 8.

#### THIRD PART :—

Amount of Tolls to be levied under the Act on and after the first day of November 1873—

For every four-wheeled vehicle without springs drawn by three or more horses	.... .... ..	£0	10	0
For every additional horse beyond the first four drawing such vehicle	....	0	5	0

The term vehicle as used herein shall not include any vehicle having the tires of all its wheels of a breadth of not less than five inches and so formed that a breadth of not less than five inches comes in contact with the ground on a perfectly level cart road.

Repeal of  
Passengers  
Tolls.

3. On and after the first day of May 1874 the following clause contained in the first part of the Schedule to the said Act of the Superintendent and Provincial Council Session XXII No. 8 shall be and is hereby repealed viz:—

For every person passing through such gate as a passenger in or on any public vehicle exempt from toll except in cases where the driver of the vehicle pays toll as if not exempt ... .. 2d.

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## TRAFFIC ON HIGHWAYS.

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Title.

*An ACT to Regulate the Traffic on Public Highways.*

Session IX., No. 16.]

[Assented to 19th June, 1862.]

Preamble.

**WHEREAS** it is necessary to regulate the traffic on public highways:

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

Penalty for  
leaving stones  
&c., on high-  
ways.

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 five shillings nor more than five pounds.

Penalty for  
various offen-  
ces on high-  
ways.

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 wagon 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 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 five shillings nor more than five pounds.

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 forty shillings.

Penalty for riding or driving improperly.

4. The christian name surname and residence of the owner of every wain wagon 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 wagon dray and cart Every owner failing to comply with the provisions of this clause shall be liable to a penalty not exceeding forty shillings.

Penalty in case of name not being painted on certain vehicles.

5. All penalties imposed by this Act shall be recovered summarily.

Penalties how recovered.

6. This Act shall come into operation within three months from the passing thereof.

Commencement of Act.

## TRAMWAYS.

**Title.** *An ACT to enable the Superintendent to enter into contracts for the construction of Tramways.*

Session XXI., No. 8.]

[Assented to 30th June, 1871.

**Preamble.**

**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 authorise the construction of Tramways.

1. It shall be lawful for the Superintendent with the advice of his Executive Council from time to time to authorise the construction by private enterprise of any tramway within the Province for the use and benefit of the public and to permit the occupation for a limited period of sites for the same on any highway or main road by and with the consent of the governing body on any district highway within the Province in respect whereof the Superintendent and Provincial Council have power to make laws provided that no liability on the part of the Government of the Province be incurred in respect of the cost of any such tramway.

**Scale of tolls.**

2. The Superintendent may with the like advice frame a scale of tolls for the use of any such tramway and revoke alter and amend the same.

**Tolls by whom to be received.**

3. The Superintendent may with the like advice direct that the tolls receivable for the use of any such tramway shall be received by the persons constructing the same or their representatives.

**Regulations for collecting tolls.**

4. The Superintendent may with the like advice from time to time make vary revoke alter and amend regulations for collecting such tolls and for preventing the evasion thereof and generally for the control and management of any such tramway and such regulations shall be published in the *Government Gazette* If in any such regulations for the time being in force any act default matter or thing shall be declared to be an offence the same shall be an offence under this Act and any person convicted of any offence under this Act shall forfeit a penalty not exceeding five pounds.

**Short Title.**

5. The short title of this Act shall be "The Tramways Act 1871."

## WANGANUI CEMETERY.

*An ACT to provide for the Management of the General Title Cemetery at Wanganui.*

Session IX., No. 4.]

[Assented to 2nd June, 1862.]

**W**HEREAS it is expedient to provide for the manage- Preamble.  
ment of the General Cemetery at Wanganui.

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

1. The management of the General Cemetery at Wan- The manage-  
ganui aforesaid and all matters and affairs relating thereto ment of such  
shall be vested in Trustees not less than three nor more to be vested  
than five to be appointed annually by the Superintendent in Trustees  
by writing under his hand. The first Trustee shall be Their number  
appointed within one month after the passing of this Act and date of ap-  
and the succeeding Trustees shall be appointed or re- pointment.  
appointed in the month of January in each year.

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

3. Every appointment or re-appointment shall be Such election  
notified by publication in the *Government Gazette*. to be gazetted.

4. The Trustees so to be appointed may accept a grant Power to  
or conveyance to them and their successors of the Cemetery Trustees to  
aforesaid and the legal estate in the land and all moneys accept a grant  
goods chattels and effects whatsoever of or belonging to or &c., in trust.  
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.

5. The Trustees of the said Cemetery shall have and Trustees to  
possess and may exercise all such and the like powers have the like  
privileges and immunities with reference or in respect to power &c., as  
and over the ground cemetery and premises so to be vested are conferred  
in them and all matters relating to or concerning the same on Trustees of  
general ceme-

tery in Wel-  
lington by  
virtue of Act  
Session 1  
No. 9

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 injur-  
ing anything  
belonging to  
cemetery.

6. Every person who shall wilfully destroy or injure any building wall or fence belonging to the said Cemetery at Wanganni 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 grave stone 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 dis-  
turbance 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 any body therein or who shall commit any nuisance within such Cemetery shall forfeit for such every offence a sum not exceeding Five pounds.

Penalties how  
to be recover-  
ed.

8. All penalties under this Act may be recovered in a summary way.

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## WANGANUI AND RANGITIKEI RACE COURSES.

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Title.

*An Act to provide for the management of Race Courses in the Wanganui and Rangitikei Districts.*

Session IX, No. 9.]

[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 for the Wanganui and Rangitikei 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 :

1. The management of such public Race Courses shall be vested in five trustees to be elected as hereinafter provided. Number of trustees.

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 Rangitikei 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 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 Trustees how to be elected.

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 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 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 reelected.

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.

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 regulations of the said land. Power to trustees to appoint officers.

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 purposes for which such land shall have been so set apart. Power to trustees to let or fence land.

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. Power to trustees to charge fees for admission to race courses.

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.

## WANGANUI.

Title. *An ACT to change the name of the Town of "Petre" to the name of "Wanganui."*

Session I., No. 11.]

[Assented to 26th January, 1854.]

Preamble. **W**HEREAS the town situated 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 :

Town of Petre to be henceforth called Wanganui.

1. That the said town on the river Whanganui aforesaid now called and known by the name of "Petre" shall from and after the passing of this Act be called or styled by the name of "Wanganui" and shall by such name of "Wanganui" be referred to in all official proclamations notices and otherwise.

Proclamations now in force referring to the town by name of Petre shall so continue.

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 the name "Wanganui" had been written or printed therein respectively instead of the name "Petre."

## WANGANUI FREEMASONS' LAND SALE.

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*An ACT to Authorise the Sale of a Piece of Land at Title.  
Wanganui to the Freemasons.*

Session XXII, No. 12.]

[Assented to 17th May, 1872

**B**E IT ENACTED by the Superintendent of the Province of Wellington with the advice and consent of the Provincial Council thereof as follows:

1. The Short Title of this Act shall be "The Wanganui Freemasons' Land Sale Act 1872." Short Title.

2. "The Wanganui Freemasons' Grant Act 1868" is hereby repealed. Repealing clause.

3. It shall be lawful for the Superintendent of the Province of Wellington to sell at such price as shall seem fit the piece or parcel of land described in the schedule to this Act to such persons as to him shall seem fit and to convey the same to hold upon such trusts for the Society called "The Order of Freemasons" as the Superintendent shall approve and as shall be expressed in such deed or in some accompanying deed. Provided always that in such deed shall be inserted a condition that if such persons or any person claiming through or under them shall at any time dispose of the said land or any portion thereof or if the rent or proceeds therefrom or any part thereof shall be appropriated for any other purposes than those of the said Society then the said parcel of land shall therefrom become and be charged with payment to the Superintendent of the Province of Wellington for the time being of the sum of £100. Superintendent may sell land. Proviso

4. This Act shall come into operation on the day next after the day on which the time within which the same may be disallowed by His Excellency the Governor shall have expired. Commencement of Act.

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Schedule.

## SCHEDULE.

ALL that piece or parcel of land situated in and being in the Town of Wanganui, and being part of the Government Reserve in the said town, known as Cooke's Gardens, containing by admeasurement one-quarter of an acre, more or less, and bounded as follows: On or towards the north-east by St. Hill Street, a distance of one hundred links, commencing at a point distant two hundred links from the junction of St. Hill and Ridgway Streets; from thence on the north-west by a line running at right angles to St. Hill Street aforesaid, dividing the said land from other portion of the said reserve, a distance of two hundred and fifty links; from thence on the south-west by a line dividing the said land from other portions of the said reserve, running towards Ridgway Street aforesaid, at right angles to the last-mentioned boundary, a distance of one hundred links; and from thence on or towards the south-east by a line running parallel to Ridgway Street, and dividing the said land from the reserve to the Mechanics' Institute to the commencing point aforesaid, a distance of two hundred and fifty links, together with the appurtenances thereunto belonging, upon trust for a site for the erection of a Hall or Lodge for the use of the said Order of Freemasons.

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WASTE LAND OCCUPATION RENT.

Title.

*An ACT to fix the Yearly Sum to be received as Rent on renewing or regranting Licenses under the provisions of "The Wellington Waste Lands Act 1870."*

Session XXII. No. 3.]

[Assented to 17th May, 1872.

Preamble.

**W**HEREAS by "The Wellington Waste Lands Act 1870" of the General Assembly it was among other things enacted that on the expiration of any existing occupation license it should be lawful for the Commissioner of Crown Lands of the Province of Wellington to renew or regrant such license for a further term of seven years to the late holder thereof if he should desire the same and if he decline or neglect to apply in writing for the renewal of such license then to grant occupation license of the land comprised therein or any part thereof to any other person for a like term of seven years subject in either case to the

existing Land Regulations in force in the said Province except as thereby modified and at such yearly sum as may be sanctioned by the Provincial Council of the said Province Provided always that such yearly sum should in no case be less than Two Pence per acre.

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 yearly sum to be reserved on every occupation license renewed or regranted by the Commissioner of Crown Lands of the Province under the provisions of the said Wellington Waste Lands Act 1870 shall be twopence for every acre of the land comprised in such occupation license according to the acreage certified to the said Commissioner before the grant of such license. Rent for new occupation licenses to be twopence per acre.

2. This Act may be referred to as "The Waste Land Occupation Rent Act 1872." Short Title.

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## WANGANUI HOSPITAL.

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*An ACT to vest the Management of the Wanganui Hospital Title. and the Property thereof in a Board of Commissioners.*

Session XXII, No. 7.]

[Assented to 17th May, 1872.

**W**HEREAS by a grant from the Crown bearing the date the twenty-eighth day of March 1872 the several parcels of land described in the schedule hereto were granted to the Superintendent of the Province of Wellington and his successors to hold upon trust for the purposes of a public Hospital for all races at Wanganui and to pay and apply the rents issues and profits received or derived from the land thereby granted in and towards the maintenance and support of the said Hospital. Preamble.

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

Short Title.

1. The Short Title of this Act shall be the "Wanganui Hospital Act 1872."

Superintendent may appoint Board.  
Incorporation.

2. The Superintendent may by writing under his hand published in the Provincial Gazette appoint five persons to be members of the Wanganui Hospital Board and thereupon such persons and all other persons whom the Superintendent may in like manner from time to time appoint shall be a body corporate in name and in law and shall be called "The Wanganui Hospital Board" and shall have perpetual succession and a common seal with power to break alter and renew the same. The said body corporate is in this Act called "the Board."

Vacating office

3. If any member of the Board appointed by the Superintendent shall die or by writing under his hand addressed to the Superintendent resign his office or cease for six calendar months to reside in the Province of Wellington or become bankrupt or be removed by the Superintendent who is hereby empowered to remove any such member or shall otherwise cease to be a member the Superintendent may in like manner appoint some person in his place but the number of the members of the Board for the time being in office shall not be increased.

Board may take conveyance.

4. The Board may accept from the Superintendent a conveyance of all the lands and hereditaments described in the schedule hereto and the Superintendent may convey and transfer the said lands and hereditaments to the Board without consideration to hold to them and their successors upon trust for the purposes of this Act.

Powers of Board.

5. The board shall have the following powers:—

- (a). To appoint with or without salary and from time to time to remove a Secretary and Treasurer and such medical or other officers and servants as they shall think expedient for the management of the Wanganui Hospital.
- (b). To make regulations for regulating their meetings and for the despatch of business thereat for determining who shall be chairman and for fixing a quorum and from time to time to alter revoke amend and make anew such regulations.



- (c). To manage the Hospital already erected at Wanganui and to regulate the admission of patients thereto and the payments to be made by all or any of such patients.
- (d). To let for any term not exceeding forty-two years all or any part of the land herein mentioned on such terms and under such conditions as they shall think fit but so that the best yearly rent that can reasonably be obtained be reserved and that no fine premium or foregift be taken.
- (e). To do all such things as shall be incidental to or necessary for the due exercise of the powers hereby given.

6. The Board shall hold all rents and profits of any <sup>Trusts of</sup> land, &c. of the said lands and all moneys received by them in exercise of the powers given to them by this Act or otherwise upon the following trusts:—

- (a). To pay the expenses of the Board incurred by them in carrying out the provisions of this Act.
- (b). To apply the residue in or towards the maintenance and repair of the said Hospital and providing nursing medicine food and attendance for patients receiving aid thereat or therefrom and if there be any surplus after such application to employ such surplus in increasing the efficiency or convenience of such Hospital.

7. The Board shall keep minutes of all their proceedings in fit books and shall provide and keep books in which shall be entered true and regular accounts of all sums of money received and paid by them and of all liabilities incurred by them and shall in the month of March in each year prepare a balance sheet containing a true statement of all their receipts engagements assets and liabilities and shall submit such balance sheet with all needful vouchers before such auditor or auditors as the Superintendent shall from time to time appoint as he is hereby empowered to do. Any payment which any such auditor shall be entitled

<sup>Minutes of</sup> proceedings  
<sup>accounts,</sup>  
<sup>audit.</sup>

to shall be paid by the Board as part of the expenses of the Board The Board shall forward a copy of such balance sheet to the Superintendent together with a full report of their proceedings and of the progress and condition of the Hospital during the preceding year.

## Schedule.

## SCHEDULE.

ALL that parcel of land situated in the town of Wanganui in the Province of Wellington in the Colony of New Zealand, containing four (4) acres, more or less, being town sections numbered 514, 515, 516, 517, 518, 519, 520, 521, 526, 527, 528, 529, 530, 531, 532, and 533, on the plan of the said town, bounded towards the north-east by Harrison street eight hundred (800) links; towards the south-east by town sections numbered 525 and 522 five hundred (500) links; towards the south-west by Bell street eight hundred (800) links; and towards the north-west by Plymouth street five hundred (500) links. Also, all that piece or parcel of land situated in the town of Wanganui aforesaid, containing three (3) acres and one (1) rood more or less, being town sections numbered 474, 475, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, and 490, on the said plan; bounded towards the north-east by Tongariro Quay five hundred (500) links; towards the south-east by Ingestre street one hundred and seventy-four (174) links, and by town sections numbered 479, 478, 477, and 476, four hundred and forty (440) links; again towards the north-east by town section numbered 476 one hundred and thirty-nine and a-half ( $139\frac{1}{2}$ ) links, and again towards the south-east by town section number 473 two hundred and seventy (270) links; towards the south-west by town section (489) two hundred and thirty-two and a-half ( $232\frac{1}{2}$ ) links, and by Harrison street four hundred and sixty-five (465) links; and towards the north-west by Mathieson street one thousand and seventy (1070) links. Also, all that piece or parcel of land situated in the town of Wanganui aforesaid, containing one (1) acre and one (1) rood, more or less, being town sections numbered 127, 128, 129, 130, and 131, on the said plan; bounded towards the north-east by town sections numbered 125 and 126 four hundred (400) links; towards the south-east by Cameron Terrace two hundred and fifty (250) links, and by town section number 132 one hundred and twenty-five (125) links; towards the south-west by the said section number 132 two hundred (200) links, and by Bell street two hundred (200) links; and towards the north-west by Greyton street three hundred and seventy-five (375) links. Also, all that piece or parcel of land situated in the town of Wanganui aforesaid, containing one (1) acre and two (2) roods, more or less, being town sections numbered 133, 134, 135, 136, 138, and 139, on the said plan; bounded towards the north-east by Bell street four hundred (400) links; towards the south-east by Cameron Terrace two hundred and fifty (250) links and by town sections numbers 137 and 140 two hundred and fifty (250) links; towards the south-west by town section number 137 two hundred (200) links, and by

Campbell street two hundred (200) links ; and towards the north-west by Greyton street five hundred (500) links. Also, all that piece or parcel of land situated in the district of Wanganui containing four (4) acres and three (3) roods, more or less, being suburban section numbered 33 on the plan of the said district ; bounded towards the north-east by Tongariro Quay two hundred and thirty (230) links, and two hundred and sixty (260) links ; towards the south-east by Sydney Place nine hundred and forty-five (945) links ; towards the south-west by Bell street four hundred and forty (440) links ; and towards the north-west by Liverpool street one thousand one hundred (1100) links. And also all that piece or parcel of land situated in the said district of Wanganui, containing three (3) acres and one (1) rood, more or less, being suburban section numbered thirty-four (34) on the plan of the said district ; bounded towards the north-east and south-east by Tongariro Quay five hundred and forty-five (545) links, and five hundred and sixty (560) links respectively ; towards the south-west by Bell street four hundred and sixty (460) links and towards the north-west by Sydney Place eight hundred and sixty-five (865) links ; together with all the rights and appurtenances thereto belonging.

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## VOLUNTARY ASSOCIATIONS INCORPORATION.

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*An ACT for Incorporating Charitable and other Institutions* Title.  
*within the Province of Wellington.*

Session XXII., No. 6.]

[Assented to 17th May, 1872.

**W**HEREAS there are and may hereafter be within the Preamble.  
Province of Wellington various voluntary associations formed for the purpose of administering charities libraries and institutes and it is desirable that the members of such associations should be incorporated.

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. Whenever after the passing of this Act it shall be made to appear to the Superintendent that there is within the Province any association of persons not incorporated and not registered under the provisions of any Act of the Superintendent may pro-claim certain associations to be bodies corporate.

General Assembly and that such association has been formed for the purpose of effecting any one or more of the following objects :

- (a) The relief of diseased aged incurable or destitute persons to the maintenance of any institution established or intended to be established for any such object.
- (b.) The maintenance of any library public hall or institution for lectures discussions entertainments or other like purposes where the members of such associations derive no pecuniary profit from the use of such library public hall or institution.

it shall be lawful for the Superintendent by proclamation in the Provincial *Gazette* to declare such association a body incorporated by such name as shall be agreed on at the meeting mentioned in the next section and in the same proclamation he shall declare according to the wish of a majority of the members of the association present at such meeting as is mentioned in the next section whether such body shall be a nominated body or a body composed of persons contributing to the funds thereof or a body composed in part of nominated members and in part of persons contributing to the funds thereof.

Consent of majority of members to be obtained.

2. It shall be the duty of the Superintendent before issuing any such proclamation in respect of any association to satisfy himself that a majority of the members of the association present at some meeting thereof convened by notice or advertisement desire that the same may be incorporated and have also expressed a wish as to the mode in which the body shall be constituted but every proclamation so issued shall be valid and effectual notwithstanding that a majority may not have so desired.

In case of nominated body names to be published. Who shall be contributing members.

3. If the body shall be declared to be a nominated body the Superintendent shall in the same proclamation state the names of all the persons intending to be incorporated.

4. If the body shall be declared to be composed of persons contributing to the funds thereof every person who has contributed money to the funds of the association by way of annual subscription or as a composition for life and

who is at the time a member of such association shall be a member of the body corporate and every person who shall contribute by way of annual subscription or as a composition for life such sum as by the rules of such association is required to constitute any person a member thereof and who shall otherwise conform to the rules of such association as to membership shall be a member thereof during every year for which he so subscribes or for life as the case may be subject to the provisions for removing members hereinafter contained.

5. If by any such proclamation the body shall be declared to be composed in part of nominated members and in part of persons contributing to the funds thereof the names of the nominated members shall be stated by the Superintendent in the same proclamation and upon the publication of such proclamation all the persons named therein and all other persons whom the Superintendent shall from time to time by proclamation published in the *Provincial Gazette* appoint to be members of such body and all other persons who shall fulfil such conditions as to contribution and membership as are contained in the last-preceding section shall be a body corporate by the name given to them in such first-mentioned proclamation and shall have perpetual succession and a common seal Provided that the Superintendent may from time to time by a like proclamation declare that any nominated member of such body shall cease to be a member and thereupon he shall cease to be a nominated member but if he shall fulfil the aforesaid conditions as to contribution and membership he may nevertheless be a contributing member.

Incorporation of composite body. Who shall be members thereof

6. Upon the publication of any such proclamation declaring any association to be a body corporate and that such body shall be a nominated body the persons named in such proclamation and all other persons whom the Superintendent shall from time to time by proclamation published in the *Provincial Gazette* appoint to be members of such body shall be a body corporate by the name given to them in such first-mentioned proclamation and shall have perpetual succession and a common seal Provided that the Superintendent may from time to time by a like

Incorporation of nominated body.

proclamation declare that any person shall cease to be a member of such body and thereupon he shall cease to be a member.

Incorporation  
of body com-  
posed of con-  
tributing  
members.

7. In the case of any association incorporated by proclamation declaring that the body shall be composed of persons contributing to the funds thereof the persons who shall from time to time be members of such association shall be a body corporate by the name given to them in such proclamation and shall have perpetual succession and a common seal.

Power of  
bodies.

8. Every body incorporated under this Act shall have power to make revoke and vary regulations providing for making breaking or altering its seal and for the custody thereof for the time and mode of convening meetings thereof and of committees thereof and for determining the number to be a quorum at any such meeting and who shall preside thereat and for the conduct of business at such meetings and for electing or appointing committees of its members and giving the management of all or any part of its affairs to any such committee and in the case of a body composed wholly or in part of persons contributing to the funds thereof it shall also have power from time to time to determine what contribution either annual or for life shall constitute any person a member and for requiring that persons desiring to be members shall first be approved by the body or by a committee thereof and for providing that in certain cases of default or misconduct any person shall cease to be a member and every such body shall also have power to acquire accept and hold property real and personal for the purposes for which such body was originally constituted.

Proceedings  
at meetings  
until regula-  
tions framed.

9. Until such regulations shall have been made all things to be done by any such body shall be done according to the votes of a majority of the members thereof present at any meeting convened as herein provided The first of such meetings shall be held at such time and place as the Superintendent shall in the proclamation incorporating the body appoint and afterwards from time to time as the body shall direct At every meeting until the body shall have provided who shall be chairman the meeting

shall first proceed to elect a chairman who shall preside and have a deliberative vote and in case of equality of votes a casting vote also.

10. It shall be the duty of every such body to administer the funds and property of the body for the purposes for which such body was originally constituted to keep minutes of all its proceedings and regular accounts of all its receipts and disbursements which shall be audited once in every year by auditors to be appointed by the body for that purpose. In the case of a body composed wholly or in part of nominated members a copy of such accounts when audited shall be forwarded to the Superintendent and in the case of a body composed wholly or in part of contributing members shall be submitted to a meeting of all the members of the body to be convened once in every year for such purpose.

Duties of  
bodies ac-  
counts audit.

11. Immediately upon the incorporation of any body under this Act all persons in whom any real property of the association shall be vested or in whose possession or control any personal property of such association shall be shall convey assign deliver and transfer the same to the body corporate.

Property of  
associations  
to be trans-  
ferred to cor-  
porate body  
when formed.

12. Every such body corporate may sell exchange or lease any real or personal property of such body and may invest any moneys belonging to such body in such manner and on such conditions as they shall think fit provided that all proceeds of any sale or lease and all income arising from any such investment and all property acquired by any exchange shall be applied and used by such body only for the purposes for which such body was originally constituted.

Management  
of property.

13. The short title of this Act shall be "The Voluntary Associations Incorporation Act 1872."

Short Title.

## VOLUNTEER FREE GRANTS.

Title. *An ACT to enable the Superintendent of the Province of Wellington to issue to Volunteers and Militiamen Remission Certificates for the purchase of Land.*

Session XV. No. 3.]

[Assented to 11th June 1867.]

Preamble.

**W**HEREAS by "The Volunteers Land Act 1865" of the General Assembly of New Zealand it is enacted that it shall be lawful for the Superintendent of any Province to grant to Volunteer and Militiamen who shall have served as in such Act mentioned Certificates entitling them to the remission of such sums as such Superintendent may with the advice and consent of the Provincial Council appoint in the purchase of land within such Province under any law or regulation for the time being in force for the disposal of Waste Lands of the Crown within such Province not exceeding the sums mentioned in the scale contained in such Act.

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

Volunteers and Militiamen entitled to certificates after 5 years' service.

1. Every Officer of Volunteers or efficient Volunteer after five years' service shall be allowed a certificate entitling him to the remission of the sum of £30 in the purchase of land within the Province of Wellington under the regulations for the time being in force for the disposal of Waste Lands of the Crown within such Province.

Volunteers and Militiamen entitled to certificates after 6 months active service.

2. And every Officer Volunteer or Militiaman after six months' active service in which he shall have been actually engaged against the Queen's enemies and for every subsequent six months of such active service shall be allowed a certificate entitling him to the remission of the sum of £5 for every such six months' service in the purchase of land within the said Province of Wellington under the regulations for the time being in force for the disposal of the Waste Lands of the Crown within such Province.



3. Provided that no Officer Volunteer or Militiaman shall be entitled to such certificate who has already received any land in payment or consideration of his services. When not entitled to certificates.

4. The short title to this Act shall be "The Volunteer Free Grants Act 1867." Short Title.

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## VOLUNTEER FREE GRANTS ACT AMENDMENT,

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*An ACT to amend the Volunteer Free Grants Act 1867.* Title.  
 Session XVIII. No. 6.] [Assented to 29th November, 1869.]

**W**HEREAS by Act of the Superintendent and Provincial Council No. 3 of Session XIV. intuled "The Volunteer Free Grants Act 1867" it was enacted that certain Officers Volunteers and Militiamen should be allowed certificates entitling them to a remission of a certain sum in the purchase of land within the Province of Wellington under the regulations for the time being in force for the disposal of Waste Lands of the Crown within the Province: Preamble.

AND WHEREAS it is expedient to prohibit the exercise of such privilege in the purchase of land within the block hereinafter mentioned:

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

1. No person holding a certificate entitling him to a remission of any sum of money in the purchase of land in the Province under the provisions of the above recited Act shall be entitled to exercise such privilege or to claim or receive the remission of any sum of money in virtue of such certificate in the purchase of land within the boundaries of the Manawatu-Rangitikei Block as described in the Schedule hereunto annexed. Certificates not to be exercised in Rangitikel-Manawatu Block.

Short Title.

2. The short title of this Act shall be "Volunteer Free Grants Act Amendment Act 1869."

## SCHEDULE.

PROVINCE OF WELLINGTON DISTRICT OF MANAWATU RANGITIKEI  
MANAWATU BLOCK.

## BOUNDARIES:

Bounded on the North by the Rangitikei river from its mouth to the Waitapu creek thence on the East by a direct line from the mouth of the Waitapu creek to Te Umutoi the north-western point of the Ahuaturanga Upper Manawatu Block thence on the East and South-east by the Oroua river to its junction with the Manawatu river thence by the Manawatu river to Pakengahau and thence by the northern boundary of the Awahou block to Kai-Iwi and thence by the sea coast to the mouth of the Rangitikei river the commencing point.

## WANGANUI ODD FELLOWS' GRANT.

Title.

*An ACT to authorise the Sale of a piece of Land at Wanganui to the Ancient Independent Order of Odd Fellows.*

Session XXIV. No. 3]

[Assented to 19th May, 1873.

Preamble.

**B**E IT ENACTED by the Superintendent of the Province of Wellington with the advice and consent of the Provincial Council thereof as follows:

Short Title.

1. The Short Title of this Act shall be "The Ancient Independent Odd Fellows' Land Sale Act 1873."

Superintendent may sell land.

2. It shall be lawful for the Superintendent of the Province of Wellington to sell at such price as to him shall seem fit the piece or parcel of land described in the Schedule to this Act to such persons as to him shall seem fit and to convey the same to hold upon such trusts for the Society of Ancient Independent Odd Fellows as the Superintendent shall approve and as shall be expressed in such deed or in some accompanying deed. Provided always that in such deed shall be inserted a condition that if such persons or any person claiming through or

under them shall at any time dispose of the said land or any portion thereof or if the rent or proceeds therefrom or any part thereof shall be appropriated for any other purposes than those of the said Society then the said parcel of land shall therefrom become and be charged with payment to the Superintendent of the Province of Wellington for the time being of the sum of one hundred pounds.

3. This Act shall come into operation on the day next after the day on which the time within which the same may be disallowed by his Excellency the Governor shall have expired. Commence-  
ment of Act.  
Schedule.

#### SCHEDULE.

All that piece or parcel of land situate in the town of Wanganui, containing by admeasurement one rood more or less being part of the reserve lettered E on the plan of the town of Wanganui, bounded towards the North-east by Harrison Place 74 links and 206 links; towards the South-east by Ridgway Street 24 links; towards the South-west by land granted to the Board of Ordnance 238 links; and towards the North-west by other parts of the reserve E 165 links.

## LOCAL BOARDS.

*An ACT to establish Local Boards in the Province of* Title.  
*Wellington.*

Session XXIV, No. 5.]

[Assented to 19th May, 1873.

**W**HEREAS it is desirable for the purpose of promoting self-government to establish Local Boards in the different seats of population within the Province of Wellington and to give to such Local Boards such general powers as are hereinafter mentioned. Preamble.

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

1. The Short Title of this Act shall be "The Local Boards Act 1873." Short Title.

2. In the interpretation of this Act the words and phrases mentioned in this Act shall (unless the context Interpretation

shows that a different meaning is intended) have the meanings hereby assigned to them that is to say :

“ District ” shall mean a district constituted under this Act.

“ The Board ” shall mean the Board of Commissioners elected in any district constituted under this Act under the provisions herein contained.

The term “ main roads ” shall mean any road or part of any road which may from time to time be proclaimed by the Superintendent to be a main road for the purposes of this Act.”

Petition.

3. It shall be lawful for the inhabitants of any locality in the Province of Wellington exclusive of the inhabitants of the towns of Wellington and Wanganui to apply by petition to the Superintendent of the Province praying that in such locality a Board of Commissioners may be appointed with the several powers and authorities given by this Act.

Area of Districts.

4. No such locality shall exceed two square miles in area and no one point in such area shall be distant more than four miles from any other point therein.

Two-thirds of householders to sign petition.

5. In every such locality there shall be resident at the date of such petition at least thirty householders and two-thirds of the number of such householders shall concur in any such petition and each signature to such petition shall be verified by the attestation of some respectable witness. Such petition shall set forth accurately the boundaries of the locality to which such petition shall refer.

Penalty for signing petition without authority.

6. Any person signing the name of any householder to such petition without the authority of such householder for so doing or attesting the signature of any person thereto without first ascertaining that such person is a householder in such locality shall be liable for every such offence to a penalty not exceeding five pounds to be recovered in a summary way.

Superintendent may proclaim district.

7. On the receipt of any such petition the Superintendent of the Province of Wellington may issue a proclamation declaring that the provisions of this Act shall come into force within such locality such locality is herein-

after termed a district Such proclamation shall accurately define the boundaries of the district in accordance with the description contained in the petition and shall declare the name by which such district shall hereafter be known.

8. In each such district there shall be established a Board of Commissioners to be called "The Local Board" Each such Board shall be a Corporation with perpetual succession and a common seal. Board of Commissioners

9. The Board of Commissioners shall be five in number and any three of them shall constitute a quorum They shall hold office for a period of two years At the first election every householder within the district shall be qualified to be elected a Commissioner but at subsequent elections no person shall be qualified to be elected a Commissioner unless he shall be rated for the purposes of this Act at an annual rental of ten pounds at least. Number and qualification of members of Board.

10. Every person whose name shall appear on the Electoral Roll for the House of Representatives for the electoral district within which the district is included and who shall own or occupy property situated within the district shall be entitled to vote at the first and any other election of Commissioners prior to any rate being levied under this Act and after any rate shall have been levied under this Act all persons who shall have paid the last rate levied and none others shall be entitled to vote. Qualification of voters.

11. The Superintendent of the Province shall appoint the Returning Officer at the first election and at any subsequent election the Returning Officer shall be appointed by the Board. Returning Officer.

12. The first election shall take place at such time and place as the Superintendent of the Province shall by proclamation appoint but in no case shall the time for such election exceed three calendar months from the date of the proclamation declaring and defining the district. First election of Board.

13. The Returning Officer appointed by the Superintendent shall preside at the election Each candidate shall be proposed and seconded by a person duly qualified to vote at the election After all the candidates have been nominated the Returning Officer shall call for a show of hands separately in favor of each candidate and after Mode of conducting election.

such show of hands shall declare in accordance with the result of such show of hands the person or persons on whom the election has fallen. If any candidate or any two electors on behalf of any candidate shall demand a poll a polling shall take place on the next day not being a Sunday. The poll shall open at nine o'clock in the forenoon and close at four o'clock in the afternoon of the same day. The mode of voting shall be by ballot and the voting shall be conducted in the same way as is provided for the election of members to the Provincial Council of Wellington. The Returning Officer shall as soon as possible after the election return to the Superintendent the names of all persons elected and the names so returned shall be published in the Wellington Provincial *Gazette*. The expenses of any such election shall be paid by the Board out of the general rates authorised by this Act to be levied.

Subsequent elections.

14. Every subsequent election shall take place at intervals of two years on the same day of the year on which the first election took place unless such day shall fall on a Sunday and in that case on the following Monday.

Superintendent may appoint in certain cases.

15. If from any cause no Commissioner shall be elected or the requisite number of Commissioners shall not be elected the Returning Officer shall send to the Superintendent of the Province notice that no Commissioner has been elected or that the requisite number of Commissioners have not been elected as the case may require and thereupon the Superintendent shall appoint a fit and proper person or persons to fill up the vacancy or vacancies.

In certain cases Chairman may order fresh election.

16. If any Commissioner shall by writing addressed to the Board of which he is a member resign his office of Commissioner or die or become of unsound mind or become bankrupt or compound with his creditors or be convicted of any felony or indictable misdemeanor or absent himself without the leave of the Board from four or more consecutive meetings of the Board or become interested either solely or jointly with any other person in any contract with the Board of which he is a member otherwise than as a member of any incorporated or registered company or of any body corporate or accept or hold any place of profit under the Board he shall immediately cease to be

a Commissioner Upon any member of the Board ceasing to be a Commissioner from any of the causes in this section mentioned the Chairman of the Board shall thereupon in writing under his hand direct a fresh election to be held and shall appoint a Returning Officer and a fresh election shall thereupon be held and shall be conducted in all respects as prescribed by the thirteenth clause of this Act.

## GENERAL POWERS AND DUTIES OF BOARDS.

17. Every Board shall have power to make regulations for the orderly conduct of the business of the Board and for determining the times and places of meeting of the Board and may from time to time suspend revoke alter vary and amend such regulations Provided that nothing in any such regulations shall be inconsistent with this Act. Business.

18. The Superintendent of the province shall by notice in the Wellington Provincial *Gazette* as soon as possible after the names of the members returned have been issued in the *Gazette* appoint a time and place for the first meeting of the Board The Commissioners present shall select some member of the Board to be Chairman who shall continue to be Chairman until he shall cease to be a Commissioner or shall by writing addressed to the Board resign his office of Chairman. First meeting.  
Chairman.

19. The Chairman shall when present preside at every meeting of the Board and shall have an original and a casting vote Provided that if at any meeting of the Board the Chairman shall be absent the Commissioners present shall elect one of their number to be Chairman for the day and he shall for that day have all the powers of Chairman. Chairman to  
preside.

20. The Board shall have power from time to time as it shall think fit to employ at such salaries as it shall think fit or without salary all such clerks engineers collectors surveyors and other persons as may be required to carry out the purposes of this Act and the same from time to time to remove and to appoint others in their place. Officers of  
Board.

Collector.

21. Every collector or other person appointed to receive any rate levied under the provisions of this Act shall give sufficient security to be approved of by the Board to the Board for the faithful execution of his office and the duly accounting for all moneys received by him on behalf of the Board.

Board to have charge of streets &c.

22. The Board shall have charge and control over all the streets roads except main roads pathways lanes bridges except bridges on main roads and thoroughfares and all streams watercourses ditches gullies and drains not being private property within its district and shall have power to make and keep in repair all such streets roads pathways lanes bridges and thoroughfares and to cleanse scour and embank all such streams watercourses ditches gullies and drains aforesaid Provided that nothing herein contained shall give to the Board control over any Toll-gate or Toll-bar erected or to be erected on any main road or over any bridge on any main road or authorize the Board to receive any toll that may be levied thereat.

Board to make streets &c.

23. The Board may from time to time cause all or any of the public streets of the district not being a main road or any part thereof respectively to be flagged macadamized or otherwise made good and the ground or soil thereof to be raised lowered or altered in such manner and with such materials as they shall think fit and the Board may also pave or make with such materials as they may think fit any footway for the use of passengers in any such street and they may cause such streets and footways to be repaired from time to time.

Board may erect bridges &c.

24. The Board may from time to time erect bridges and establish ferries over any stream river or watercourse within the district and may from time to time cause to be made good or repaired any existing bridges or ferries under their management.

Penalty for interfering with works.

25. If any person shall without the consent of the Board alter obstruct or in any way interfere with any street road pathway lane bridge or thoroughfare or any streams watercourses ditches gutters or drains after the same shall have been made by or taken under the charge of the Board such person shall be liable to make good all



charges and expenses which may be incurred in reinstating and making good the work so altered obstructed or interfered with and shall also incur and pay for every offence a penalty not exceeding twenty pounds.

26. Every person who encroaches on any public street within the district by erecting making digging or planting therein any building ditch hedge fence or drain shall for every such offence incur a penalty not exceeding five pounds and the Board may cause such building ditch hedge fence or drain to be pulled down filled up or otherwise made good at the expense of the person by or in whom the same shall have been made or belong.

Penalty for encroachment on streets.

27. The Board may during the temporary repair of any road under their management make a road through the land adjoining to that part of the road where such temporary repair shall be going on and shall pay to the owner or occupier of such land reasonable compensation for so doing.

Board may make temporary road.

28. The Board may from time to time enter on any land within the district and search for and dig raise gather and carry away therefrom and from any river or creek any materials necessary for making or repairing any street road or bridge but nevertheless so as not to damage any street building road or ford or to divert or interrupt the course of any river or creek and shall pay to the owners or occupiers of such land or of the soil of or adjoining such river or creek a reasonable compensation for the damage they may respectively sustain by the exercise of any of the powers hereby given Provided the Board shall have no power to enter on or take any material from any plantation orchard or garden.

Board may enter on land for material.

29. The Board may from time to time enlarge alter arch over or otherwise improve all or any of the sewers in the district under their management.

Board to manage sewers.

30. No person shall without the consent of the Board make any drain into any drain or sewers under the management of the Board or shall without such consent stop or obstruct any such last-mentioned drain or sewer and any person offending against the provisions of this section shall incur a penalty not exceeding twenty pounds.

Private persons not to make sewers without consent of Board.

## PROVISIONS AS TO FIRES

Board may purchase fire engines.

31. The Board may purchase fire engines and all other necessary apparatus for extinguishing fires and may provide suitable places for keeping such engines and apparatus.

Board may establish fire Brigades.

32. The Board may establish a fire brigade and make regulations and bye-laws for the governance thereof and may make bye-laws imposing a penalty not exceeding five pounds for the breach of any such bye-laws Provided that no-bye law made by the Board shall be valid until approved of by the Superintendent of the Province with the advice of his Executive Council and such approval shall have been notified in the Provincial Government *Gazette* of the Province of Wellington.

Householders to keep two buckets.

33. Every householder residing within any district shall at all times keep and supply on the occasion of any fire two good sound water buckets and any person neglecting to keep two such buckets or refusing to supply the same on the occasion of any fire shall be liable to a penalty of not less than one pound nor more than five pounds for every such offence.

## LIGHTING.

Coard may contract for lighting streets.

34. The Board may contract for any period not exceeding three years at any one time with the owners of any gas works or with any other person for the supply of gas oil and other means of lighting the streets and may provide such lamps lamp-posts and other works as they shall think necessary for lighting the streets and all such lamp-posts works and the fittings thereof shall be vested in the Board.

## WATER SUPPLY.

Board to furnish supply of water.

35. The Board shall cause all public reservoirs tanks cisterns pumps wells conduits and other waterworks used for the gratuitous supply of water to the inhabitants within the district existing at the time of the constitution of such district to be continued maintained and supplied with water or they shall substitute other such works equally convenient and cause them to be maintained and

supplied with water and such public reservoirs tanks cisterns and other works shall be vested in the Board.

36. The Board may contract for any period not exceeding three years at one time with the owners of any waterworks or any other person for the supply of such water as the Board shall think necessary for the purposes of this Act. Board may contract for waterworks.

37. The Board may cause all necessary works machinery and assistance for securing an efficient supply of water in cases of fire to be provided and maintained and for effecting this purpose may enter into all such contracts as shall be necessary. Board may provide for supply of water in case of fire.

#### MARKETS.

38. The Board shall have power to do the following things or any of them within the district:— Board may provide market place &c.

- (1.) To provide a market place and construct a market house and other conveniences for the purposes of holding markets.
- (2.) To provide houses and places for weighing carts.
- (3.) To make convenient approaches to such market.
- (4.) To provide all such matters and things as may be necessary for the convenience of such market.

39. It shall be lawful for the Board to demand receive and have of and from any person exposing or offering for sale or selling any corn grain hay straw meal poultry eggs fish milk butter vegetables or other provisions or any horses cattle sheep in any market established or to be established within the district or who shall rent or use any stable or standing place in the said market also from every person who shall use any building place or machine for the weighing of carts such sums of money as and for rents tolls and stallages as shall from time to time be fixed by the Board by general regulations in such behalf respectively and be allowed by the Superintendent with the advice and consent of his Executive Council Provided that no such rent tolls and stallages shall be levied until such a notification has been published in the Provincial Board to receive rents tolls &c.

Government *Gazette* of the Province of Wellington of the approval thereof by the Superintendent with the consent of his Executive Council.

Board may  
let rents tolls  
&c.

40. The Board may from time to time demise or let to farm for any term not exceeding twelve months all or any of the rents tolls or stallages from time to time payable under this Act in respect of any market provided hereunder and may also demise or let for any term not exceeding twelve months any stall or standing in such market.

Board to give  
notice of open-  
ing of market.

41. Before any market shall be open for public use the Board shall give not less than ten days' notice of the time when the same will be opened and such notice shall be given by the publication thereof in some newspaper published or usually circulating within the district and by printed handbills posted over some conspicuous places within the district.

Markets to be  
held.

42. After the market place is opened for public use markets shall be held therein on such days not being Sundays as the Board shall from time to time appoint.

Penalty for  
selling un-  
wholesome  
meat.

43. Every person who shall sell or expose for sale any unwholesome meat or provisions in any market established under this Act shall be liable to a penalty not exceeding ten pounds and in addition to such penalty the unwholesome meat or provisions so sold or exposed for sale may be seized and destroyed by any Inspector of provisions or other officer appointed by the Board.

#### POUNDS.

Board may  
establish  
pounds.

44. The Board shall alone within the district have power to establish pounds and appoint and remove poundkeepers and fill up vacancies in the office of poundkeeper and to erect repair or remove any pound and to appoint to whom pound fees shall be paid and the Board shall provide the expenses of the erection removal and repair of all pounds within the district and all pounds existing and all poundkeepers in office at the time of the first constitution of any district shall be deemed to all intents and purposes to have been respectively established and appointed by the Board and all fines penalties and forfeitures

which by reason of any Act of the Superintendent and Provincial Council shall be payable by any person within the district shall be part of the ordinary revenue of the Board and shall be paid to the Board accordingly. Provided that nothing herein contained shall empower the Board to alter vary or amend any scale of fees or fines authorized by any Act of the Superintendent and Provincial Council of the Province of Wellington to be taken or levied by any poundkeeper and that except as herein expressly provided or altered all the provisions of the Act of the Superintendent and Provincial Council of Wellington Session 3 No. 8 and of "The Impounding Act Amendment Act 1872" now in force shall remain in operation as if this Act had not been passed.

## PUBLIC BATHS.

45. The Board may from time to time purchase rent or otherwise provide within the district convenient land and buildings to be used for public baths and wash-houses and may fit up the same with all requisite and proper conveniences and may enlarge renew and repair the same from time to time and may afford the use thereof to the inhabitants of the district under and subject to such bye-laws as the Board shall from time to time make and either without charge or at such reasonable charges as the Board shall by any such bye-laws direct.

Board may construct baths.

## PLACES OF PUBLIC RECREATION AND INSTRUCTION.

46. The Board may from time to time purchase rent or otherwise provide lands grounds buildings or other places within the district to be used as pleasure grounds libraries museums gymnasiums or places of public resort and may from time to time drain level plant lay out and improve any such public lands grounds buildings or other places and may afford the use and enjoyment thereof to the inhabitants of the district subject to such bye-laws as the Board may make on that behalf.

Board may provide places for public recreation, &c.

## HOSPITALS.

47. The Board may from time to time on such terms and conditions as they may think fit appropriate any por-

Board may provide hospitals.

tion of the ordinary revenue of the Board to the erecting establishing or aiding any hospital asylum or other institution for the relief of the sick or aged poor of the district.

GENERAL RATES.

Rateable property.

48. All land within any district with all buildings thereon and whether the same shall have been sold or leased or contracted to be sold or leased or not shall be rateable property within the meaning of this Act except the same shall be the property of or in the occupation of the Crown or of the Government of the Colony or of the Province of Wellington or shall be occupied by or used for hospitals asylums or benevolent institutions or shall be used exclusively for public charitable purposes or for literary or scientific institutions churches chapels or places of public worship or schools established or aided under the provisions of some Act for promoting education in the Province of Wellington.

Rates to be personal debt.

49. Nothing in this Act shall be taken to charge or affect any land or hereditaments whatsoever (except so far as any rate made under this Act may be or become a charge on or affect any land under and by virtue of any Act of the General Assembly now or hereafter to be in force) it being the intention of this Act that all rates made under this Act shall be a personal debt of the respective persons hereby declared liable to pay the same.

Assessment.

50. The Board shall within one calendar month after the first election of the members thereof in pursuance of this Act and afterwards in the same month at the expiration of every period of three years appoint some competent person or persons to assess the annual value of the rateable property comprised within the district and may if need be appoint a new assessor in the place of any assessor who may die or refuse or become incapable to act and such assessor or assessors shall enter in a book to be kept for that purpose to be called "The District Rate Book" a list in alphabetical order of all persons liable to pay rates within the district under this Act and the value of the property for which each such person is respectively liable to be rated and shall return the same to the chair-

man of the Board within six weeks after such person or persons shall have been appointed assessor or assessors. If any person liable to be rated under the provisions of this Act shall own or occupy rateable property in different parts of the district he shall be separately assessed for each of such properties. Provided that where any rateable property is unoccupied and the owner is unknown it shall be sufficient to enter in such book "owner" instead of the name of such owner. Provided also that no valuation or rate shall be questioned on the ground of any such assessor not having been duly appointed.

51. The Board shall within one week after the chairman of the Board shall have received such book give public notice by advertisement and by the posting up of handbills within the district of a place within the district where such book may be inspected and such book shall be open between the hours of ten o'clock in the forenoon and four o'clock in the afternoon for the inspection of all persons liable to be rated and of all persons claiming to be affected thereby on every day not being a Sunday or public holiday during thirty days next after the publication of such notice.

Notice for inspection of rate book.

52. If any person thinks himself aggrieved on the ground of unfairness or incorrectness in the valuation of any rateable property he shall within one month after such notice is first published or posted give notice in writing addressed to the chairman of the Board of his objection to such valuation and of the reason on which such objection is founded.

Appeal.

53. The Board shall not earlier than fourteen days after the expiration of the thirty days during which such book shall have been open for inspection hold a special meeting of which at least fourteen days' notice shall be given for the purpose of hearing objections to such valuation but such objections shall only be entertained on the ground of unfairness or incorrectness in the valuation of any rateable property or on the ground that the applicant is not the owner or occupier of the property in question and the decision of the Board on such objections shall be final and conclusive. The assessor who valued the pro-

Special meeting for hearing of appeals

perty and whose valuation is objected to shall attend such special meeting of the Board for the purpose of answering all such enquiries as may be put to him by the Board or by the person objecting to his valuation in respect of the valuation made by him.

Board may  
alter valuation.

54. The Board may amend any valuation in the said district rate book in accordance with their decision on any objection thereto and in so doing may increase reduce alter or amend the valuation of any property which shall in their opinion have been incorrectly or unfairly valued Provided however that the Board shall in no case increase the valuation of any such property without first delivering to the owner or occupier of such property or sending to him or her through the post addressed to him or her at his or her last known place of abode in the Province of Wellington a notice in writing stating the increased amount beyond the then valuation at which it is proposed to value such property and also stating a place day and hour at which the Board will sit for the purpose of hearing any objection that such owner or occupier may have to make against any increase of the said valuation The Board shall sit at the day place and hour in such notice mentioned In case of the Board deciding that the valuation shall be increased the Board shall as soon as conveniently can be amend the rate book in accordance with the decision of the Board in respect of such valuation.

Board to make  
rate.

55. When the said district rate book has been made up and the time for objecting thereto has expired it shall continue in force until a new district rate book shall have been made up and the time for objecting thereto has expired and the Board shall proceed to make a rate by entering in the said district rate book against the valuation of each rateable property in the district the amount of rates payable in respect thereof calculated at the rate of one shilling in the pound sterling and afterwards as nearly as may be on the same day in each year while the said district rate book shall be in force the Board shall make a like rate in the same manner but not exceeding the above-mentioned amount of one shilling in the pound sterling The said district rate book shall when the rate



is so made remain at the office of the Board open to the inspection of every person liable in respect of the said rate at all reasonable hours for one month after the making of the rate. When the rate is so made as aforesaid it shall become at once due and payable to the Board.

56. When any rate shall become due the Board shall <sup>Notice of rate.</sup> cause a notice in the form in the Schedule to this Act to <sup>Schedule.</sup> be served or sent through the post by a collector duly authorised to recover payment of the rate to every person liable to pay the same and such notice shall appoint a time and a place within the district when and where a collector will personally attend to receive payment of the rate and the Board shall also cause a notice to be affixed to some conspicuous place in the district of such time and place for the attendance of the Collector as aforesaid and the collector shall attend at the times and places in such notices mentioned and if such rate be not paid to the collector at the time and place in such notice mentioned or within thirty days after the serving or posting of such notice or after the affixing of such notice it may be forthwith recovered as herein provided but such service or sending through the post or such affixing of notice shall not be a condition precedent to the recovery of such rate. Provided also that the Board may receive payments of any rate by equal instalments payable at such intervals as the Board shall fix.

57. In lieu of serving or sending through the post <sup>Notice may be</sup> such notice as is in the last section mentioned the Board <sup>advertised or</sup> may by advertisement to be inserted in some newspaper <sup>posted.</sup> circulating in the District where the persons to be affected by such rate shall reside give notice of the times and places where a Collector will personally attend for the receipt of rates and a Collector of the Board shall attend at the times and places in such advertisement or notice mentioned. Provided that neither such advertisement or notice nor the attendance of a Collector shall be a condition precedent to the recovery of the rate.

58. All rates when made as herein provided shall be <sup>Rates to be</sup> deemed to be the property of the Board and may be <sup>the property</sup> recovered at the suit of the Board and the Collector of the <sup>of the Board.</sup>

Board shall be the agent of the Board for the purpose of recovering such rate unless the Board shall appoint some other person as their agent for such purpose.

Who to pay rates.

59. Any rates payable in respect of any rateable property shall be paid by the occupier thereof or if there shall be no occupier then by the owner. Provided that the owner of any rateable property which is let for a period not exceeding one month shall be rated and pay the rates instead of the occupier.

Cases of joint occupiers.

60. When any rateable property is jointly occupied or if let for any period not exceeding a month or unoccupied is jointly owned by more persons than one each of such persons shall be deemed to be the owner or occupier of rateable property of equal value to that of the whole of such first mentioned property divided by the number of such joint owners or occupiers thereof.

Persons quitting without paying rates.

61. When the occupier of any rateable property shall have quitted the same without having paid all the rates to which he shall have become liable in respect thereof and then payable by him the Board may either recover such rates from the person so having quitted or may elect to recover the same from the owner of the property who shall thereupon be liable to pay the same. Provided that no owner shall be liable under this provision for more than one year's arrears of rates.

Transfer of property.

62. When after the making of a district rate book for any district and while the same remains in force any rateable property is transferred to another occupier or owner the person liable to pay any rate in respect thereof shall be determined according to the occupation or ownership thereof at the time of making such rate and when any part of any rateable property is so transferred the Board in whose district such rateable property is situate shall nevertheless continue to make rates in respect of the whole property and shall apportion the rates payable in respect thereof between the persons owning or occupying such parts in such shares as the Board shall deem proportionate to the value of the several parts determined according to the value thereof respectively at the time of making the district rate book for the time being in force.

## SPECIAL RATES.

63. If not less than two-thirds of the householders within the District being together liable to pay or who shall together be liable to pay and shall have paid one moiety of the last general rate levied under this Act shall petition the Board to make a special general rate as hereinafter provided and such petition shall be in accordance with the provisions hereafter contained that to say :

- (1). The petition shall be in writing and shall be signed by every petitioner or his agent the authority of the agent being proved to the satisfaction of the Board.
- (2). The object for which the special rate is required shall be clearly stated in the petition and such object must be one of public general utility and if such object be the construction alteration repair or amendment of any road or street such object shall be for the benefit of the whole of the district and not of any particular portion of it.
- (3). The term for which the special rate is required shall be stated in the petition and shall be one year or a definite number of years.

The Board shall take such petition into consideration.

64. If the Board shall think fit to undertake the work mentioned in such petition and the Board shall think such work to be of such a nature as to require a special general rate the Board shall make a special rate for the current year by entering in the District Rate Book for each year the amount of rates payable in respect of each rateable property mentioned in such book and situate in the part of the District to which the rate is limited if the special rate be limited to a part of a District calculated at the rate of \_\_\_\_\_ in the pound sterling and afterwards whenever during the said term a new general rate is made the Board shall in like manner make a new special rate A special rate made during the term fixed for the same as aforesaid shall be valid and may be recovered notwithstanding that the term fixed may expire before the same

Petition for special rate.

Board may make special rate.

is collected Every special rate shall be distinguished in the said book from the general rate hereinbefore mentioned and from every other special rate Every special rate when made shall be payable to the Board by the persons who would be liable to pay the same if it were a general rate and may be collected and recovered in the same manner as a general rate.

No concurrent special rate.

65. So long as a special rate for any district or a part of any district is in force no other special rate shall be made for such district or for such part as the case may be.

Separate account of special rates.

66. The Board shall keep a separate account of all moneys received in respect of each special rate and shall apply the same in payment of the cost of the undertaking on account whereof the rate was made or so much thereof as is payable by the Board and after such cost has been paid the Board shall not make any fresh rate under the same authority notwithstanding that the term for which the rate was authorized has not expired After such cost has been paid all moneys received by the Board in respect of such rates shall be dealt with by the Board in the same manner as if they were moneys arising from a general rate.

New special rate if original one insufficient.

67. If the term of years for which any special rate has been authorized shall expire before the moneys payable out of such rate have been paid a new special rate for the same purpose may be made in the same manner as at the first making thereof and so as often as occasions shall require but so that no more than one shilling in the pound sterling shall be payable in any one year on account of a special rate in respect of any rateable property.

#### CONTROL OF MONEYS AND AUDIT.

Treasurer.

68. The Board shall from time to time appoint a Treasurer and may from time to time remove such Treasurer and appoint another Such Treasurer may be a member of the Board provided he does not derive any profit or emolument from his office.

Balance sheet to be prepared

69. The Treasurer of the Board shall in the month of March in every year prepare a balance sheet and a detailed statement of account to be published or posted in

some public place for the information of the ratepayers shewing the various sums received and expended by or on behalf of the board during the past year and also showing the assets and liabilities of the Board generally. Provided that the Board may require from the Treasurer at any time and from time to time a full and particular statement of the accounts assets and liabilities of the Board.

70. The accounts of the Treasurer shall be audited by one or more independent Auditors appointed by the Superintendent of the Province. Accounts to be audited.

#### MISCELLANEOUS PROVISIONS.

71. No act of any Board shall be invalid by reason of any vacancy having occurred or by reason of any member being ineligible to occupy his seat thereat. Vacancy not to invalidate acts of Board.

72. As soon as a Board shall have been established under this Act in any District the provisions of "The Highways Act 1871" shall cease to apply to the land comprised in such District and to the owners and occupiers of land therein and the ratepayers within such District shall cease to vote at any meeting summoned under the provisions of the last-mentioned Act in respect of land within such district. Highways Act not to apply to districts constituted under this Act.

73. The Board may by bye-law or bye-laws adopt so many of the subdivisions or parts not subdivided herein called subdivisions contained in the thirteenth Schedule of an Act of the General Assembly of New Zealand intitled "The Municipal Corporations Act 1867" as may be necessary or convenient for the carrying out of the powers and authorities herein vested in the Board and such bye-law or bye-laws shall come into force within one month after the adoption thereof shall have been approved of by the Superintendent of the Province with the advice of his Executive Council and such approval shall have been notified in the Provincial Government *Gazette* of the Province of Wellington. Board may adopt parts of Municipal Corporations Act.

74. Upon such notification by the Superintendent of the Province as in the last section mentioned all provisions of any Act of the Provincial Council and all provisions and regulations theretofore in force in the district Regulations repugnant to bye-laws to become inoperative.

which shall be inconsistent with or repugnant to the provisions of any such bye-law or bye-laws or which shall in any respect deal or purport to deal with the subject matter of such bye-law or bye-laws shall be repealed within such district.

Schedule.

## SCHEDULE.

To Mr.

TAKE Notice that the sum of \_\_\_\_\_ is due to the \_\_\_\_\_ Local Board in respect of rates upon property (owned) (occupied) by you and that the Collector of the Board will attend during \_\_\_\_\_ at \_\_\_\_\_ between the hours of \_\_\_\_\_ o'clock in the forenoon and \_\_\_\_\_ o'clock in the afternoon to receive payment of the same and that unless the same be paid within thirty days after service or posting hereof the Board may take proceedings to recover payment of the same (add if necessary) the above amount may be paid by equal instalments as follows :—

## EDUCATION ACT AMENDMENT.

Title.

*An ACT to amend and explain "The Wellington Education Act 1871."*

Session XXIII. No. 1.]

[Assented to 10th October, 1872.]

Preamble.

**B**E IT ENACTED by the Superintendent of the Province of Wellington by and with the advice and consent of the Provincial Council thereof as follows :

Short Title.

1. The short title of this Act is "The Wellington Education Act Amendment Act 1872."

Reference to Act 1871.

2. The Wellington Education Act 1871 is herein referred to as "the Act" and this Act shall be read with and be deemed to be part of the Act.

Three members of the Board to be a quorum.

3. Three members of the Education Board referred to in the Act shall be a quorum instead of five as provided by clause 16 of the Act.

The board to have further powers.

4. The Board shall have and be deemed to have had from the first day of July 1872 in addition to the powers given thereto by the Act the following powers viz :

- (a) The power to appoint and remove from time to time all such officers as the Board may deem requisite to carry into effect the objects of the Act and shall have the power to pay such officers such salaries or remuneration as the Board may think reasonable.
- (b.) The power at any meeting from time to time to appoint Committees of members of the Board for any purposes which in the opinion of the Board may be better regulated and managed by means of a Committee and to fix the quorum of any such Committee and continue alter and discontinue any such Committee.
- (c.) The power to allow to any member of the Board residing at a distance of not less than twenty miles from any place fixed or to be fixed for a meeting of the Board or a Committee thereof such travelling expenses to and from the place of such meeting as the Board shall think proper.
- (d.) The power to exchange any land vested in the Board for other land when in the opinion of the Board any such exchange may be deemed advantageous to the property of the Board And every exchange of any such land by any such Board shall be by deed duly executed by the Chairman of any such Board and sealed with the common seal thereof and attested by the Secretary of such Board.
- (e.) The power to delegate the control and management of any school to be established under the Act to two or more managers and to remove any of such managers and to appoint others in their stead.
- (f.) To discontinue any school established under the said Act or to change the site of any school so established if such change shall be deemed by the said Board expedient and for the general benefit of the children living in the district in which such school shall be situated.

Parents or guardians to give a true statement of number and age of children

5. Every parent or guardian shall on being applied to for that purpose by a person duly authorised by the Board to require the same give to such person or send to him or to the Board at their office in the City of Wellington a true statement in writing of the number and ages of his or her children or wards. Such application may be made to the parent or guardian personally or by leaving the same in writing at his or her residence. Every parent or guardian wilfully neglecting to give or send such statement as before mentioned for fourteen days after application made shall be liable to forfeit to the said Board a sum of forty shillings to be recovered in a summary way.

Penalty for neglect.

Capitation fee when payable.

6. The capitation fee payable under the twenty-third clause of the said Act shall for the year 1872 be payable on the first day of the month next after a notice of the establishment of a school under the Act shall have been inserted in the *Government Gazette* and shall have been fixed on the door of the school-house established anything in the twenty-third clause of the Act to the contrary notwithstanding.

No exemption from fee allowed, where &c.

7. No exemption from such capitation fee shall be allowed in respect of a child who may have attended for three months before the first day of September in any year at any school established or assisted under any of the Acts repealed by the Act.

To whom capitation fees payable.

8. All capitation fees shall be payable to the collector or at the office of the said Board.

For what period payable.

9. The rates and capitation fees to be paid in the year 1872 shall be deemed to be paid for the year commencing the first day of July last and ending the first day of July 1873.

Repeal of 22nd clause of the Act, and substitution.

10. The 22nd clause of the Act is hereby repealed and in lieu thereof the following clause is enacted: The Board shall annually within 14 days after the commencement of the first session of the Provincial Council of the said Province of Wellington in each year present to such Council a report of all the proceedings of the Board for the period elapsed between the beginning of the first session of the said Council in the preceding year and the session in which such report is so presented by the Board.



11. The following words shall be added to clause 20 of the Act and the same shall be read as if they had originally formed part of the said clause of the Act: And when the manner of the occupation letting or disposition of any such lands shall not be directed by such instrument or authority the occupation letting and disposition of all lands vested in the Board the same may be at such rents and upon such terms and conditions as the Board may think expedient.

Addition to clause 20 of the Act.

12. The figures 14 in the fourth line of the 23rd clause of the Act shall be omitted therefrom and the word fifteen shall be inserted in lieu thereof.

Substitution of the words fifteen for fourteen in clause 23 of the Act.

13. The Treasurer of the Board shall in the first week of the month of March in every year submit his accounts to auditors pursuant to clause 42 of the Act.

Treasurer to submit accounts to auditors.

14. Clause 43 of the Act is hereby repealed and in lieu thereof the following clause is enacted: The Treasurer of the Board shall within 14 day after the commencement of the first session of the Provincial Council in each year present to such Council a copy of his accounts audited as herein provided for the period which shall have elapsed between the commencement of the first session of the Council in the preceeding year and the session in which such report is presented.

Repeal of clause 43 and substituted clause.

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## EDUCATION ACT AMENDMENT.

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*An ACT to amend "The Wellington Education Act 1871."* Title.

Session XXIV., No. 8.]

[Assented to May 19th, 1873.

**W**HEREAS Assessors appointed under "The Wellington Education Act 1871" have in many cases omitted to assess the value of certain lands under the said Act and it is desirable that lands so omitted to be assessed should be brought under the provisions of the said Act

Preamble.

And whereas it is also desirable to amend the said Act in manner herein appearing.

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

Short Title.

1. The Short Title of this Act shall be "The Wellington Education Act 1871 Amendment Act 1873."

Interpretation

2. The term "the said Act" when used herein shall mean "The Wellington Education Act 1871."

Board may  
appoint assess-  
sors.

3. Whenever it shall appear to the Board that any rateable property within the Province has not from any cause whatsoever been assessed under the provisions of the said Act it shall be lawful for the Board to appoint some competent person or persons to assess the value of such rateable property and such person or persons so appointed shall assess such rateable property accordingly and make a return in writing to the Chairman of the Board within one calendar month after his or their appointment of the names of the persons liable to pay rates under the said Act in respect of such rateable property and of the value of the property for which each such person is respectively liable to be assessed. Provided however that when any rateable property is unoccupied and the owner is unknown it shall be sufficient in such return to insert the word "owner" instead of the name of such owner. Provided also that no valuation shall be questioned on the ground that any person so appointed by the Board to assess was not duly appointed.

Notice of  
assessment.

4. The Board shall within one week after the Chairman of the Board shall have received such return as is in the last section mentioned give a similar notice to that in the twenty-eighth section of the said Act mentioned of the place where such return may be inspected and upon such notice being given such return shall be dealt with in all respects as the Book made up in accordance with the provisions of the twenty-seventh section of the said Act is directed by the said Act to be dealt with and such return shall be open to the inspection of all persons liable to be rated in respect of such return and of all persons claiming to be affected thereby and of any person authorised by

them or any of them in writing for such terms as are in the twenty-eight section of the said Act prescribed And any person who thinks himself aggrieved by such return on the ground of unfairness or incorrectness shall within one month after such notice is first published give such notice as is in the twenty-ninth section of the said Act mentioned and in default of such notice as last aforesaid shall not be entitled to object to such return.

5. The provisions of the thirtieth and thirty-first sections of the said Act shall apply to such return in every respect as if the words "or return" had been inserted after the words "such book" in the thirtieth section of the said Act. Thirtieth and thirty-first clause of said Act to apply.

6. When any return shall not have been objected to by the owner or occupier of any rateable property affected thereby within the time hereby prescribed and when any valuation objected to shall have been decided on by the Board the Board shall whether such return shall have been amended or not amend the Education rate Book by inserting therein the name of the owner or occupier of any rateable property included in such return and the value of the property for which each such person is respectively liable to be rated And the Board shall proceed to make a rate on such rateable property as last aforesaid as if it had been originally included in the Education Rate Book and such rate shall be retrospective for one year only and shall become payable forthwith. Board may add to rate book.

7. Whenever it shall appear to the satisfaction of the Board that the name of any person has been erroneously inserted in the rate book as liable to pay any rate in respect of property for which some other person ought to be rated it shall be lawful for the Board after giving thirty days notice to the parties interested to amend the rate book by striking out the name of the person erroneously rated and inserting in lieu thereof the name of the person who ought to have been rated in respect of such property After the rate book has been so amended the person whose name shall then appear as the person rated shall be liable to pay all rates then due in respect of the property for which he shall be so rated as if he had been originally rated. Board may amend rate book.

Board may  
alter valuation.

8. Notwithstanding anything in the said Act or in this Act contained the Board may in the month of July in every year if they shall think fit so to do increase reduce alter or amend the valuation of any property which shall have been in their opinion unfairly or incorrectly valued Provided however that the Board shall in no case increase the valuation of any such property without first delivering to the owner or occupier of such property or sending to him or her through the Post addressed to him or her at his or her last known place of abode in the Province of Wellington a notice in writing stating the increased amount beyond the then valuation at which it is proposed to value such property and also stating a place day and hour at which the Board will sit for the purpose of hearing any objection that such owner or occupier may have to make against any increase of the said valuation The Board shall sit at the day place and hour in such notice mentioned In case of the Board deciding that the valuation shall be increased the Board shall as soon as conveniently can be amend the rate book in accordance with the decision of the Board in respect of such valuation.

Eighteenth  
clause of said  
Act amended.  
Thirty-third  
clause of said  
Act repealed.  
Notice of rate  
to be given.

9. The words "books stationery and materials" shall be struck out of the eighteenth clause of the said Act.

10. The thirty-third section of the said Act is hereby repealed.

11. When any rate shall become due the Board shall cause a notice in the form in the Schedule to this Act to be served or sent through the post by a Collector duly authorized to receive the same to every person liable to pay the same and such notice shall appoint a time and a place not distant more than ten miles from the residence of the person to whom such notice shall be sent were the Collector will personally attend to receive payment of such rate and the Collector shall attend at the times and places in such notice mentioned and if such rate be not paid to the Collector at the time and place in such notice mentioned or be not paid within thirty days after the posting of such notice it may be forthwith recovered as by the said Act provided but no such service

or sending through the post nor the attendance of the Collector of the Board in accordance therewith shall be a condition precedent to the recovery of the rate. Provided that the Board may accept payment of any such rate by instalments at such intervals as the Board shall think fit.

12. In lieu of serving or sending through the post such notice as is in the last section mentioned the Board may by advertisement to be inserted in some newspaper (if any) circulated in the Education District where the persons to be affected by such rate shall reside and if there be no newspaper published in such district then in the nearest Education District and also by a notice to be posted in some conspicuous place within the district where the persons to be affected by such rate shall reside give notice of the times and places where a Collector will personally attend for the receipt of rates and a Collector of the Board shall attend at the times and places in such advertisement or notice mentioned. Provided that neither such advertisement or notice nor the attendance of a Collector shall be a condition precedent to the recovery of the rate.

Notice may be advertised or posted.

13. Any Trustees in whom any freehold leasehold or personal estate or property in the Province of Wellington is now vested on any trusts which are solely for educational purposes or of an educational nature may convey and assign the same to the Board to be held by the Board on the same trusts as such estate or property was held by the Trustees before such conveyance or assignment and the Board shall occupy let and dispose of such estate or property as aforesaid in such manner as shall not be inconsistent with the original trusts affecting such estate or property but no person purchasing leasing or dealing with the Board in respect of any such property shall be concerned to enquire into the nature of the trusts nor be affected by notice of the trusts.

Trustees may convey trusts.

14. This Act shall be read with and as part of the said Act.

To be read as part of said Act.

Schedule

## SCHEDULE.

To Mr.

Take notice that the sum of \_\_\_\_\_ is due from you to the Education Board of the Province of Wellington on account of the rate on property at \_\_\_\_\_ (owned) (occupied) by you and that the Collector of the Board will attend at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 187 between the hours of \_\_\_\_\_ to receive payment of the rate due by you and that unless the same be paid to the Collector at the time and place aforesaid or within thirty days from service or posting of this notice the Board may proceed to recover the said sum (add if necessary) the said sum may be paid by equal instalments at the following dates viz. :

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DISEASED SHEEP ACT AMENDMENT.

Title

*An ACT to Amend "The Diseased Sheep Act 1872."*

Session XXIV. No. 6.]

[Assented to 19th May, 1873]

Preamble

**W**HEREAS by the thirty-first section of "The Diseased Sheep Act 1872" it was enacted that any person owning or having in charge any sheep should in the month of January in every year deliver in writing to the Inspector of the district in which such sheep should be depasturing a return of the number of sheep above six months old owned by him or under his charge and should append thereto a declaration that such return is true to the best of his knowledge and belief AND WHEREAS by the thirty-third section of the same Act it was enacted that every person owning or having charge of any sheep should in the month of August in every year pay on demand to the Inspector of the district in which such sheep should be depasturing or other person authorized to receive the same the sum of one-half penny per head for all sheep over the age of six months so owned by him or under his charge in accordance with the return made by him in the preceding month of January if any and if no such return should have been made then in accordance with the number owned by him or under his charge in the said month of January AND WHEREAS in consequence of the said Act not having been passed till the month of May 1872 no such return as in the thirty-first section of the said Act mentioned could be

made to the Inspector in the month of January 1872 and doubts have arisen whether the persons owning or having in charge any sheep were liable to pay in the month of August 1872 the amount mentioned in the thirty-third section of the said Act AND WHEREAS it is expedient to remove and set at rest such doubts:—

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

1. The Short Title of this Act shall be “The Short Title Diseased Sheep Act 1872 Amendment Act 1873.”

2. Every person who owned or had in his charge any sheep in the month of January 1872 and who has not made the return hereinafter mentioned shall within two calendar months after the passing of this Act deliver in writing to the Inspector for the time being of the district within which such sheep were depasturing in the month of January 1872 a return of the number of all sheep above six months old owned by him or under his charge in the month of January 1872 and shall append thereto a declaration that such return is true to the best of his knowledge and belief Every person wilfully neglecting or refusing to make such return shall be liable to a penalty of not less than five pounds nor more than twenty pounds. Return to be made for 1872.

3. Every person wilfully making a false declaration in respect of the number of sheep owned by him or under his charge in the month of January 1872 shall be liable to a penalty of not less than ten pounds nor more than fifty pounds. Penalty for false declaration.

4. Every person who owned or had in charge any sheep in the month of August 1872 shall be deemed to have been liable to pay to the Inspector of the district in which such sheep were depasturing or other person authorised to receive the same the sum of one-half penny per head for all sheep so owned by him or under his charge in the month of January 1872 and such sum shall be deemed to have become and to have been a debt to the Inspector of the district for the time being and the same in every case in which it is now unpaid may be Owners of sheep and others liable to pay assessment on sheep owned in January 1872.

recovered by the Inspector of the district by summary or other proceedings in any competent Court.

Sheep imported into Province to be dipped or dressed.

5. After the first day of May 1874 all sheep imported into any port of the Province of Wellington shall be dipped or dressed to the satisfaction of the Inspector of the district within which such port is situated before they shall be removed to a greater distance than one mile from the place of landing such sheep. In default of such dipping or dressing the owner or importer of such sheep shall incur a penalty of twenty pounds. The owner or importer of such sheep or his agent shall immediately on the landing of such sheep give notice in writing to the Inspector of the district of such landing and of the place where such sheep then are and in default of such notice he shall forfeit and pay a sum not exceeding twenty pounds to be recovered in a summary way.

Sheep not to be removed without authority from Inspector.

6. Any person removing or assisting or attempting to remove any such sheep as in the last section mentioned from the place they shall have been first put after such landing before an authority in writing from the Inspector of the district within which such sheep shall be or some person authorised by him for the removal of such sheep shall have been obtained shall incur a penalty not exceeding five pounds for every sheep so removed or attempted to be removed. Provided that the penalty to be incurred for removing or assisting or attempting to remove any number of sheep at any one time shall not exceed the sum of one hundred pounds.

Penalty for having scabby sheep.

7. From and after the first day of June 1874 the owner of any flock of sheep which shall have been infected with scab for the space of twelve months shall be liable to a penalty of not less than ten pounds. If the sheep shall have been so infected for the space of eighteen months he shall be liable to a penalty of not less than twenty pounds. At the end of each further period of six months until the flock shall become clean he shall be liable to such a penalty as will be represented by the addition of the sum of ten pounds to the amount of the penalty for which he was liable at the expiration of the previous period of six months. Provided that in no case



shall the penalty exceed the sum of one hundred pounds Any such penalty may be recovered in a summary way.

8. It shall be the duty of the Inspector of the district within which such flock shall be to lay a fresh information against the owners of any sheep declared to be infected with the disease called scab at the expiration of every six months from the date of such infection until such sheep shall have been cleaned to the satisfaction of the Inspector.

Inspector to lay fresh information every six months.

9. Every owner of a flock of not less than five hundred sheep shall in the event of scab being discovered in such flock be immediately liable to a penalty of not less than twenty-five pounds or more than one hundred pounds unless he shall have had in readiness at the time of such discovery of such scab a dip and other appliances requisite for the treatment of that disease to the satisfaction of the Inspector of the district within which such sheep shall be.

Owners of sheep to erect dip, &c.

10. This Act shall be read as if part of and incorporated with "The Diseased Sheep Act 1872."

To be part of Act of 1872.

## IMPOUNDING ACT AMENDMENT ACT.

*An ACT to further amend the Acts of the Superintendent and Provincial Council relating to Impounding.*

Session XXIV., No. 7.]

[Assented to 19th May, 1873.

**W**HEREAS by the several enactments now in force relative to Impounding it would appear that no provision has been made for preventing breach of pound.

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 short title of this Act shall be "The Impounding Act Amendment Act, 1873."

Short Title.

2. If any person shall rescue or attempt to rescue any cattle which shall have been lawfully seized for the purpose of being impounded or shall break down injure or destroy any pound legally constructed whether any cattle shall be impounded therein or not or shall commit

Penalty for rescue of cattle.

any pound breach or rescue whereby any cattle of any description shall escape or be enlarged from any such pound every such person upon conviction of such offence before any competent Court shall be liable to a penalty of not less than two pounds nor more than twenty pounds.

Repeal of section 6 of Act of Session XXII. No. 11.

3. The section numbered 6 of the Act of Session XXII. No. 11 is hereby repealed.

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

4. 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.

Repeal of clause 9 of "Impounding Act Amendment Act 1872."

5. Clause 9 of "The Impounding Act Amendment Act 1872" is hereby repealed.

## GREYTOWN COURT HOUSE AND TELEGRAPH OFFICE SITE.

Title.

*An ACT to authorise the Superintendent to convey a Piece of Land at Greytown to Her Majesty the Queen.*

Session XXIV., No. 3.]

[Assented to 19th May, 1873.]

Preamble.

**W**HEREAS by deed bearing date the thirteenth day of December, one thousand eight hundred and sixty-seven, made between Charles Rooking Carter therein described of the one part and Isaac Earl Featherston therein described as Superintendent of the Province of

Wellington of the other part for the consideration therein mentioned the said Charles Rooking Carter did convey and assure unto the said Isaac Earl Featherston as such Superintendent as aforesaid all that piece or parcel of land containing one acre more or less situate in Greytown in the Province of Wellington aforesaid and being the section numbered thirty-two on the plan of the said town and bounded towards the North-east five hundred links by a public road towards the South-west five hundred links by section number thirty-four and towards the North-west and South-east two hundred links respectively by public roads together with the rights and appurtenances thereunto belonging as the same piece or parcel of land was delineated in the plan drawn in the margin of the now reciting deed and therein coloured red To hold unto the said Isaac Earl Featherston and his successors Superintendents of the Province of Wellington in trust as a site for a Court House and Telegraph Office And whereas the said Isaac Earl Featherston hath ceased to be such Superintendent as aforesaid and the said parcel of land is now vested in William Fitzherbert Esquire as the Superintendent of the said Province And whereas the said parcel of land hath heretofore been used as a site for a Court House and Telegraph Office and it is expedient that the Superintendent should be empowered to convey the same to Her Majesty in the manner hereinafter mentioned:

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 Short Title of this Act shall be “The Grey- Short Title town Court House and Telegraph Office Site Sale Act 1873.”

2. In the construction of this Act the expression Interpretation “the Superintendent” shall mean and include the said William Fitzherbert or other the Superintendent of the said Province for the time being.

3. It shall be lawful for the Superintendent to convey Superintendent and surrender to Her Majesty the Queen her heirs and Superintendent may convey land to successors the parcel of land conveyed by and described

Her Majesty  
upon certain  
trusts.

in the hereinbefore in part recited deed together with the appurtenances thereunto belonging to hold the same (free from all incumbrances) upon trust as a site for a Court House and Telegraph Office or as a site for such other public buildings for the use and convenience of the General Government of the Colony as the Governor on behalf of Her Majesty may determine.

## HIGHWAYS ACT 1871 AMENDMENT.

Title.

*An ACT to amend "The Highways Act, 1871."*

Session XXIV., No. 9.]

[Assented to May 19th, 1873.]

Preamble.

**W**HEREAS assessors appointed under "The Highways Act 1871" have in many cases omitted to assess the value of certain land liable to be rated under the said Act and it is desirable that land so omitted to be assessed should be brought under the provisions of the said Act And whereas it is also desirable to further amend the said Act in manner herein appearing:

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

Short Title.

1. The short title of this Act shall be "The Highways Act 1871 Amendment Act 1873."

Interpretation

2. The words "the said Act" when used herein shall mean "The Highways Act 1871."

Properties omitted may be assessed by person appointed by Board.

3. Whenever it shall appear to the Board of any district that any rateable property within such district has not from any cause whatsoever been assessed under the provisions of "The Highways Act 1871" it shall be lawful for the Board to appoint some competent person or persons to assess the value of such rateable property and such person or persons so appointed shall make a return in writing to the chairman of the Board within one calendar month after his or their appointment of the names of the persons liable to pay rates under the said Act in respect of such rateable property and of the value of the property for which each such person is respectively

liable to be assessed Provided however that when any rateable property is unoccupied and the owner is unknown it shall be sufficient to enter in such return the word "owner" instead of the name of such owner Provided also that no valuation or rate shall be questioned on the ground that any person so appointed by the Board to assess was not duly appointed.

4. The Board shall within one week after the chairman of the Board shall have received such return as is in the last section mentioned give a similar notice to that mentioned in the thirty-sixth section of the said Act of the plate where such return may be inspected and upon such notice being given such return shall be dealt with in all respects as the book made up in accordance with the provisions of the thirty-fifth section of the said Act is directed by the said Act to be dealt with and such return shall be open to the inspection of all persons liable to be rated in respect of such return and of all persons claiming to be affected thereby and of any persons authorised by them in writing for such times as are in the thirty-sixth section of the said Act mentioned And any person who thinks himself aggrieved by such return on the ground of unfairness or incorrectness shall within one month after such notice is first published give such notice as is in the thirty-seventh section of the said Act mentioned and in default of such notice as last aforesaid shall not be entitled to object to such return.

Notice for inspection of assessment.

5. The provisions of the thirty-eighth and thirty-ninth sections of the said Act shall apply to such return in every respect as if the words "or return" had been inserted after the words "such book" in the thirty-eighth section of the said Act.

Sections 38 and 39 of this Act to apply.

6. When any return shall not have been objected to by the owner or occupier of any rateable property affected thereby within the time hereby prescribed and when any valuation objected to shall have been decided on by the Board the Board shall whether such return shall have been amended or not amend the district rate book by inserting the name of the owner or occupier of any rateable property included in any such return and the value

In certain cases rate to be retrospective.

of the property for which each such person is respectively liable to be rated And the Board shall proceed to make a rate on such rateable property as last aforesaid in the same manner as if it had been originally included in the district rate book and such rate shall be retrospective for one year only and shall become payable forthwith.

Board may  
amend rate  
book.

7. Whenever it shall appear to the satisfaction of the Board that the name of any person has been erroneously inserted in the rate book as liable to pay any rate in respect of property for which some other person ought to be rated and it shall appear to the Board that no injustice will be done to any one by erasing the name of the person erroneously rated and substituting the name of the person who ought to have been originally rated for the same property it shall be lawful for the Board after giving thirty days' notice to the parties interested to amend the rate book by striking out the name of the person erroneously rated and inserting in lieu thereof the name of the person who ought to have been rated in respect of such property After the rate book has been so amended the person whose name shall then appear as the person rated shall be liable to pay all rates then due in respect of the property for which he shall be so rated as if he had been originally rated.

Board may  
reduce valuation.

8. Notwithstanding anything in the said Act or in this Act contained the Board may in the month of July in every year if they shall think fit so to do increase reduce alter or amend the valuation of any property which shall have been in their opinion unfairly or incorrectly valued Provided however that the Board shall in no case increase the valuation of any such property without first delivering to the owner or occupier of such property or sending to him or her through the post addressed to him or her at his or her last known place of abode in the Province of Wellington a notice in writing stating the increased amount beyond the then valuation at which it is proposed to value such property and also stating a place day and hour at which the Board will sit for the purpose of hearing objections that such owner or occupier may have to make against any increase of the said valuation The Board

shall sit on the day place and hour in such notice mentioned In case of the Board deciding that the valuation shall be increased the Board shall as soon as conveniently can be amend the rate book in accordance with the decision of the Board in respect of such valuation.

9. The forty-first section of the said Act is hereby repealed. Section 41  
repealed.

10. When any rate shall become due the Board shall cause a notice in the form in the schedule to this Act to be served or sent through the post by a collector duly authorised to receive the same to every person liable to pay the same and such notice shall appoint a time and a place not distant more than ten miles from the residence of the person to whom such notice shall be sent where the collector will personally attend to receive payment of such rate and the collector of the Board shall attend at the times and places in such notice mentioned and if such rate be not paid to the collector at the time and place in such notice mentioned or be not paid within thirty days after the posting of such notice it may be forthwith recovered as by the said Act provided but neither such service or sending through the post nor the attendance of the collector of the Board in accordance therewith shall be a condition precedent to the recovery of the rate Provided that any Highway Board may receive payment of any rate by equal instalments payable at such intervals as the Board shall fix. Notice of rate.

11. In lieu of serving or sending through the post such notice as is in the last section mentioned the Board may by advertisement to be inserted in some newspaper (if any) circulated in the Highway District where the persons to be affected by such rate shall reside and if there be no newspaper published in such district then in the nearest Highway District and also by a notice to be posted in some conspicuous place within the district where the persons to be affected by such rate shall reside give notice of the times and places where a Collector will personally attend for the receipt of rates and a Collector of the Board shall attend at the times and places in such advertisement or notice mentioned Provided that neither such adver- Notice may be  
advertised or  
posted.

tisement or notice nor the attendance of a Collector shall be a condition precedent to the recovery of the rate.

Board may advertise notice.

12. It shall be lawful for the Superintendent to proclaim the following clause to be in force in any Highway District on receiving an application from the Board of Wardens of a Highway District:—Whenever it shall appear to the satisfaction of any Highway Board that the weight carried on vehicles having the breadth of their wheels of less than five inches requires to be restricted the Board may by notice posted in the district or by advertisement inserted at least twice in some newspaper circulating in the district give notice that all such vehicles will be subject to a penalty of not less than one shilling per hundred weight or fractional part of a hundred weight so carried above the weight of one ton five hundred weight on two wheels or two tons ten hundred weight on four wheels and that such penalty shall be recoverable at the suit of the Collector or other agent appointed for that purpose by the Board. Provided for the carrying into operation of this clause the Board shall be empowered to take such steps as to them shall appear necessary for ascertaining the weight of any load and no liability or damage shall accrue for any necessary delay in ascertaining the said weight.

To be part of Act of 1872.

13. This Act shall be read with and as part of the said Act.

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#### SCHEDULE.

To Mr.

Take notice that the sum of \_\_\_\_\_ is due from you to the Highway Board of the Province of Wellington on account of the rate on property at \_\_\_\_\_ (owned) (occupied) by you and that the Collector of the Board will attend at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 187 between the hours of \_\_\_\_\_ to receive payment of the rate due by you and that unless the same be paid to the Collector at the time and place aforesaid or within thirty days from service or posting of this notice the Board may proceed to recover the said sum (and if necessary) the said sum may be paid by equal instalments at the following dates viz.:

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## HIGHWAY BOARD EMPOWERING.

*An ACT to confer on Highway Boards constituted under Title. Provincial Laws certain Powers which cannot be conferred by Provincial Legislatures and for other Purposes.\**

No. VIII.]

[Assented to 16th November, 1871.

**W**HEREAS by the nineteenth section of the Constitution Act it is enacted that it shall not be lawful for the Superintendent and Provincial Council of any Province to make or ordain any Law or Ordinance amongst others for the following purposes that is to say—

- (1.) The establishment or abolition of any Court of Judicature of civil or criminal jurisdiction except Courts for trying and punishing such offences as by the law of New Zealand are or may be punishable in a summary way or altering the constitution jurisdiction or practice of any such Court except as aforesaid.
- (2.) Altering in any way the criminal law of New Zealand except so far as relates to the trial and punishment of such offences as are now or may be by the criminal law of New Zealand punishable in a summary way as aforesaid.
- (3.) Affecting lands of the Crown or lands to which the title of the Aboriginal Native owners has never been extinguished.

And whereas by "The Provincial Councils Powers Act 1856" it is enacted that it shall be lawful for the Superintendent and Provincial Council of any Province in New Zealand to make or ordain Laws or Ordinances for altering the civil jurisdiction of any Court of summary procedure having jurisdiction in such Province in all suits or proceedings where the debt or damage claimed shall not exceed twenty pounds and that the Superintendent and Provincial Council of any Province in New Zealand

\* Act of the General Assembly.

shall have power by any Acts or Ordinances to enact that certain acts or omissions contrary to the provisions of such Acts or Ordinances shall be offences within the Province to which such Act or Ordinance shall relate punishable summarily or otherwise as may thereby be directed Provided always that no felony shall be thereby created nor any punishment or penalty attached to any such act or omission which shall exceed six months' imprisonment with hard labour or one hundred pounds sterling in amount for any one offence :

And whereas under divers Provincial laws now in force Highway Boards and other bodies have been constituted in various parts of the Colony for the purpose of constructing and maintaining roads and for other similar public purposes and by such laws the bodies so constituted are generally authorised to make and levy rates on land and the owners and occupiers thereof :

And whereas by reason of the restrictions contained in the said nineteenth section of the Constitution Act Provincial Legislatures are unable to provide that persons aggrieved in or by the making of rates shall have a right to appeal to the Courts established in the Colony or to establish a Court for the hearing of such appeal :

And whereas it is expedient that provision should be made whereby persons aggrieved as aforesaid may in certain cases have an appeal :

And whereas doubts have been raised whether it is competent for such Legislatures to provide that rates may be imposed on lands sold by the Crown but of which no grant has been made or on lands leased by or occupied under license from the Crown or on the occupiers or owners of lands so sold leased or occupied and it is expedient that power should be given to impose rates on such lands and the occupiers and owners thereof in some cases :

And whereas it is also expedient to enable such Boards or other bodies as aforesaid to make by-laws for certain purposes and by such by-laws to provide for the imposition of a penalty for the breach thereof and to enable such Boards or other bodies to take land compulsory for

certain purposes without first obtaining a special Act or Ordinance:

And whereas it is expedient that certain other provisions relating to such Boards and other bodies should be made by Act of the General Assembly:

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 Highway Boards Empowering Act 1871” It is divided into parts as follows:—

PART I.—Preliminary.

PART II.—Rating Occupants of Crown and Native Lands.

PART III.—Appeals from Rates. Recovery of Rate.

PART IV.—By-laws.

PART V.—Main Roads.

PART VI.—Trial of Validity of Elections.

PART VII.—Power to take Lands for Permanent Works.

## PART I.

### PRELIMINARY.

2. Save where there is something in the context repugnant thereto or inconsistent therewith the following words and expressions shall mean and include the matters following:—

The words “Highway District” shall mean any Highway District Road District or other district howsoever denominated heretofore or hereafter to be constituted by or under any Provincial Act heretofore or hereafter to be passed and providing for the construction maintenance or repair of highways.

The words “governing body” shall mean the Council Board Trustees or the persons or body as the case may be having the management control or care of the highways in any Highway District.

Every act which the Superintendent is hereby authorized or required to perform he shall perform solely in accordance with the advice of his Executive Council for the time being if any and such advice shall be recorded on the minutes of the Council.

All or any parts of Act may be extended to Highway District

3. The Superintendent of any Province upon the recommendation of the Provincial Council may from time to time by Proclamation declare that any or all of the Parts of this Act numbered two three four five six and seven shall extend and apply to any Highway District constituted or to be constituted by or under any Provincial Act heretofore or hereafter to be passed or to the inhabitants ratepayers or governing body of any such district as the case may require and upon such day as shall be fixed in and by any such Proclamation the part or parts therein specified shall be in force in and as to such Highway District or with regard to the inhabitants ratepayers or governing body of such district as the case may require.

Act not to apply to Westland.

4. This Act shall not apply to the County of Westland nor to any borough constituted under "The Municipal Corporations Act 1867" nor to any borough to which parts of the said last-mentioned Act may by law be applied.

## PART II.

### RATING OCCUPANTS OF CROWN AND NATIVE LANDS.

Crown and Native lands liable to rates in certain cases.

5. Within any Highway District in which this Part is in force in addition to any other land liable to be rated therein the land hereinafter specified shall be rateable property and the same and the owners and occupiers thereof in respect thereof shall be liable to be rated by the governing body of such district in the same manner and in like proportion as other land within such district and the owners and occupiers thereof is or are liable to be rated that is to say—

- (1.) All Waste Lands of the Crown or other Crown Lands sold or granted or contracted to be sold or granted.

- (2.) All Waste Lands of the Crown or other Crown Lands leased or occupied under license or other lawful authority otherwise than for mining for gold except such as shall be occupied or used for public purposes or by the Crown or Government of the Colony or of the Province in which the land is.
- (3.) All lands in respect of which a certificate of title has been issued under "The Native Lands Act 1865" if in the occupation of any other than an Aboriginal Native.
- (4.) All lands over which the Native title has not been extinguished if in the occupation of any other than an Aboriginal Native.

Every person occupying any Waste Lands of the Crown or other Crown Lands for pastoral purposes only except in the case of lands held under lease the holders of which have the power of purchase or the right of preventing the lands being offered for sale shall be rated in respect of the same in proportion of one-half part only of the annual value of the same for pastoral purposes including all improvements thereon Notwithstanding any provision in the Provincial Act under which the governing body of the district is authorised to levy rates on the owners of lands within the district in default of the occupier or otherwise the Crown shall not be rated to or be liable to pay any rate.

Lessee of Crown Lands for pastoral purposes to be assessed at one-third of ordinary rates

### PART III.

#### APPEALS AGAINST RATES: RECOVERY OF RATE.

6. If any person think himself aggrieved on the ground of unfairness or incorrectness in the valuation or in the estimation of acreage or measurement of any rateable property included in any rate made by the governing body of any district in which this Part of this Act is in force or to which it has been extended or in the amount assessed on such property he may at any time within one month after such rate is made appeal to the Resident Magistrate's Court or Court of Petty Sessions holden nearest to such rateable property but no such appeal shall

Appeal against rates for certain causes to Resident Magistrate's Court or Petty Sessions.

be entertained by such Court unless seven days' notice in writing of such appeal be given by the aggrieved party to such governing body and at the sitting of the Court for which such notice is given or any adjournment thereof the Resident Magistrate and Justices there present shall hear and determine all matters of complaint on the ground of unfairness or incorrectness in the valuation or estimation of the acreage or measurement of such rateable property or in the amount assessed thereon of which notice has been given but no other objection and their decision shall be final but such Resident Magistrate and Justices shall not have power to quash or set aside any rate. Provided that nothing herein contained shall authorize the levying after the thirtieth of June next of any rate exceeding the equivalent of any rate of five per centum upon the annual value of any property or one penny in the pound on its value for sale and any such rate imposing a contribution upon any property in excess of such amount shall upon appeal be reduced to such equivalent and that not more than one such maximum rate or smaller rates collectively amounting to a similar sum shall be levied in one year.

Appeal for  
other causes  
to District  
Court or Su-  
preme Court.

7. If any person think himself aggrieved for any cause of grievance not cognizable under the last section by any rate by the governing body of any district within which this part of this Act is in force or to which it has been extended or by any matters included in or omitted from such rate he may at any time within one month after the same is made give notice of his intention to appeal to the next sitting of the District Court for the district in which the property is wholly or partly situate holden not less than fourteen clear days after such notice but if such property is not wholly or partly within any district over which a District Court has jurisdiction the last-mentioned appeal shall be to the next sitting of the Supreme Court appointed for such appeals sitting in the Judicial District within which the property is wholly or partly situate and shall be to such Supreme Court at a sitting thereof specially appointed by the Court for appeals hereunder and if sittings of the Supreme Court be usually holden at more places than one in such Judicial District

the appeal shall be to the Court holden at that place which is nearest to the rateable or rated property Provided no such appeal shall be entertained at such Court unless seven clear days' notice in writing of such appeal stating the nature of the grounds thereof be given by the aggrieved party to the governing body of such district Provided also that no such notice of appeal shall prevent the recovery of any such rate.

8. The District Court or Supreme Court as the case may be shall hear and determine the appeal in a summary way at the sitting thereof for which any such notice of appeal is given or at the following sitting when the Court thinks fit to adjourn the appeal to the following sitting and the decision of the Court shall be final and conclusive on all parties.

Appeal to be determined in a summary way and to be conclusive.

9. Upon any such appeals as aforesaid where there shall appear to be just cause for giving relief the Resident Magistrate's Court or Court of Petty Sessions and the District Court and Supreme Court respectively shall have the power to amend the rate in respect of which the appeal is made by altering the sum at or upon which any person is rated therein and the said Resident Magistrate's Court District Court and Supreme Court respectively shall have similar power by inserting therein or striking out therefrom the name of any person or in any other manner which such Courts respectively shall think necessary for giving relief and without quashing or wholly setting aside such rate Provided always that if any District Court or the Supreme Court shall be of opinion that it is necessary for the purpose of giving relief to the person appealing that the rate should be wholly quashed then such District Court or Supreme Court as the case may be may quash the same Provided also that if such District Court or Supreme Court shall quash such rate then notwithstanding the quashing of such rate all sums of money charged by such rate on any person charged by such rate may if such Court so order be levied by such means and in the same manner as if no appeal had been made against such rate and the money which any persons charged on such rate pays or which is

Courts to have power to amend rates.

recovered from him shall be taken as a payment on account of the next effective rate made on him.

Power to  
award costs.

10. It shall be lawful for the Resident Magistrate's Court and Court of Petty Sessions and for the District Court and Supreme Court respectively upon any such appeal as aforesaid to order and award to the party for whom such appeal shall be determined or upon proof there to be made of notice of any appeal having been given under the provisions hereinbefore contained where the person giving such notice has not afterwards prosecuted such appeal to order and award to the person to whom such notice shall appear to have been given such costs and charges as by the Court in its discretion shall be thought reasonable and just to be paid respectively by the party against whom such appeal shall be determined or by the party so giving notice and not prosecuting as the case may be and all such costs and charges may be recovered by the like means and in like manner respectively as any costs awarded by such Court respectively in cases of appeal may lawfully be recovered. Provided that no such Resident Magistrate's Court or Court of Petty Sessions shall order or award any costs to be paid to any person having appealed to it as aforesaid in any case in which the sum at or upon which such person was rated shall have been by such Court reduced by an amount less than one-fifth thereof.

Orders not to  
be removed by  
*certiorari*.

11. No order of the said Resident Magistrate's Court or Court of Petty Sessions or of any such District Court upon any such appeal shall be removed by *certiorari* or otherwise into the Supreme Court.

Badness of  
rate not to  
prevent re-  
covery.

12. Upon any suit for the recovery of any rate from any person the invalidity or badness of the rate as a whole shall not avail to prevent such recovery.

#### RECOVERY OF RATE.

Rate book to  
be evidence

13. In any proceeding to levy and recover or consequent on the levying or recovering of any rate made by the governing body of any district within which this part of this Act is in force or to which it has been extended the books of rates of the governing body and all entries



purporting to be made therein in the manner directed by the Provincial Act under which the rate is made shall by the production thereof alone under the hand of the Chairman or Clerk of the governing body be evidence of such rate and of the contents thereof.

14. In addition and without prejudice to any other mode of recovery of any rates made by the governing body of any district within which this part of this Act is in force or to which it has been extended if any person quit or be about to quit any house or rateable property before he has paid any such rates as aforesaid and then payable by him in respect thereof and do not pay the same to the governing body or their collector on demand any Justice may on the complaint of the governing body or any such collector as aforesaid or any other officer of the governing body and upon such proof as shall appear satisfactory to such Justice *ex parte* or otherwise make an order directing the same to be paid by such person to the governing body or such collector or officer as aforesaid either forthwith or at such time or times as to such Justice shall seem fit and in default of immediate payment to levy for the same by distress and sale of the goods and chattels of such person.

If persons about to quit without paying rates Justices may issue order and distress warrant.

15. Any Justice or Resident Magistrate and any Judge of any District Court and any Judge of the Supreme Court not being a member of the governing body notwithstanding that such Justice Resident Magistrate or Judge is liable to be rated within any Highway District within which this part of this Act is in operation or is a resident or is owner or occupier of land within any such Highway District may hold any Court or do any act matter or thing or adjudicate in the recovery of rates and in appeals against rates and may hear and determine informations and complaints and hear and adjudicate upon all other matters and things which such Justice Resident Magistrate Judge of a District Court or a Judge of a Supreme Court might hold do or adjudicate upon if he had not been liable to be so rated or had not been such resident owner or occupier.

Justices Judges &c. to hear and determine though liable to be rated.

Justices not to be disqualified from acting though ratepayer.

16. No Justice of the Peace or Resident Magistrate shall be disqualified from acting as such in any matter by reason of his being a ratepayer of the district in respect of the recovery or otherwise of the rates of which he may be called upon to act.

Court fees not to exceed ten shillings.

17. No Court fees shall be payable in respect of any action brought to recover any highway rates and the costs to be awarded in respect of any such action for any amount under twenty shillings shall not in any case exceed the sum of ten shillings.

#### PART IV.

##### BY-LAWS.

Power to make by-laws.

18. The Governing body of any Highway District within which this Act is in force may from time to time make or revoke by-laws as they think fit for any of the purposes for which they can or may hereafter be able legally to provide And such governing body may by such by-laws impose such reasonable penalties to be recovered in a summary way upon all persons offending against such by-laws as such body think fit not exceeding twenty pounds for any one offence and every such by-law shall be so framed as to allow the Justice before whom any such penalty may be sought to be recovered to order a part only of such penalty to be paid if such Justice think fit.

By-laws to be published.

19. A copy of every by-law imposing any penalty shall be transmitted to the Superintendent of the Province in which the Highway District is for his approval The Superintendent may if he think fit approve of such by-law or refuse his approval thereof or return the copy of the by-law to the governing body of the Highway District with such amendments as he thinks ought to be made therein and if the governing body think fit it may adopt such amendments and transmit the copy of the by-law so amended for the approval of the Superintendent and on the approval of the Superintendent being given thereto the by-law shall be published in the *Government Gazette* of the Province in which such Highway District is and at the expiration of one month next after such publication

but not before such by-law shall have the force of law throughout such Highway District and a copy of any by-law purporting to be a copy certified under the hand of an officer or member of such body to be a true copy and to have been duly notified shall be evidence of such by-law and the due notification thereof.

20. If any person rated upon the rate last made for the time being for any such Highway District shall desire to dispute the validity of any such by-law and shall pay into the Supreme Court the sum of fifteen pounds as security for the costs of the proceedings hereinafter mentioned it shall be lawful for such person to apply to the said Court upon an affidavit of the facts for a rule calling upon the governing body of the said district to show cause why such by-law should not be quashed for the illegality thereof and the said Court may make the same absolute or discharge it with or without payment of costs as to the Court shall seem meet but if payment of costs be ordered no more than the sum of fifteen pounds shall be allowed.

Power to try validity of by-law.

## PART V.

### MAIN ROADS.

21. The term "Main Road" when used in this Part of this Act shall mean any road or part of road which may from time to time be declared by the Governor to be for the purposes of this Part of this Act a main road.

Interpretation of "Main roads."

The expression "Colonial Contribution Money" shall mean that share of the moneys appropriated by "The Payments to Provinces Act 1871" or by an other Act of the General Assembly to Road Boards which shall be allotted under that Act to the Highway District with reference to which the expression is used.

"Colonial Contribution Money."

22. If at any time there shall be within any Highway District within which this Part of this Act is in force a main road continuing up to the boundary of such district and there shall not be within the adjoining Highway District situate in the same Province or County whether

Where a main road formed up to boundary of a district and no continuous

road in adjoining district governing body of either district may apply to Superintendent to order road to be made and expense to be borne by Public Works Construction Fund of the adjoining District or jointly by the Public Works Construction Funds of both districts.

this Part of this Act has been extended to such adjoining district or not a main road or a main road sufficiently formed continuing from such first-mentioned road through such last-mentioned district it shall be lawful for the governing body of such first-mentioned district to petition the Superintendent of the Province within which such districts lie for an order that a sufficient road shall be formed through such last-mentioned district.

Such petition shall if the governing body petitioning is willing that some portion of the Colonial Contribution Moneys of such first-mentioned district should be applied towards the formation of such road state that the governing body is willing that a portion of such moneys shall be so applied.

On the receipt of such petition the Superintendent shall transmit a copy of such petition to the other governing body and the Superintendent shall fix a time and place at which he will proceed to inquire as to the necessity for the formation of such road and give notice to the governing body of each of such districts of the time and place so fixed and shall then proceed to inquire in such manner as he shall think fit into the circumstances of the case.

If the Superintendent shall think fit it shall be lawful for him by an order in writing published in the Government *Gazette* of the Province to order that a road of such length and direction as he shall think fit shall be formed in or through the district hereinbefore in this section secondly mentioned by the governing body of such secondly mentioned district.

If the Superintendent shall think that the expense of such formation should be defrayed alone out of the Colonial Contribution Moneys of the district within which such road is to be formed he shall in the said order so declare and shall from time to time retain out of the Colonial Contribution Moneys of such district thereafter payable to such district an amount sufficient to defray such expense and apply the same as hereinafter provided.

If the Superintendent shall think that such expense should be defrayed partly out of such last-mentioned

moneys and partly out of the Colonial Contribution Moneys of the other district he shall in and by such order as aforesaid direct what proportion of the cost of the construction of such road shall be defrayed out of each of such moneys and the Superintendent shall out of the Colonial Contribution Moneys of each Highway District retain such amounts as shall be sufficient to defray the proportion of the expenses to be borne by it and shall apply the same as hereinafter provided.

23. Before any order for the formation of any such road as last aforesaid shall be made such Superintendent shall notify to the governing body of the district within which such road is to be formed that it is intended to make such order and he shall describe the road or part of road which is to be the subject of such order with sufficient particularity to enable such governing body to cause a sufficient plan specification and estimate of cost of such road to be prepared.

Before order made Superintendent to call on governing body for plans and estimates to be certified by persons appointed by Superintendent.

Upon the receipt of such notification the governing body shall cause to be prepared and transmitted to the Superintendent a plan and estimate of the cost of the work together with a certificate under the hand or hands of such person or persons as the Superintendent shall for the purpose appoint (whose name or names shall be specified in the notification sent by the Superintendent) that the plan is sufficient and such certificate shall also contain a statement that the estimated cost is in the opinion of such person or persons as aforesaid fair and reasonable.

After the receipt of such plan and estimate and certificate if the Superintendent shall approve of the same it shall be lawful for him to make such order as in the last preceding section is provided and the order shall refer to the plan.

If after such notification shall have been made to such governing body such body shall neglect within such time as the Superintendent shall think reasonable to forward such plan estimate and certificate it shall be lawful for the Superintendent to cause a plan and estimate to be prepared and to make such order as aforesaid and the governing body shall comply with such order.

After compliance with order is certified Superintendent empowered to issue order for payment to the contractor &c. out of the district.

24. When any order made under the last two preceding sections shall have been complied with by the governing body bound to comply therewith and they shall have forwarded to the Superintendent a certificate by such person or persons as the Superintendent shall appoint for the purpose that such order has been complied with such Superintendent may issue his certificate to the Provincial Treasurer certifying what amount shall be paid out of the Colonial Contribution Moneys of the district in which the work is not executed to the governing body which shall have performed the work and what amount shall be paid out of the Colonial Contribution Money of the district in which the work is executed and in like manner the Superintendent may from time to time during the progress of such works authorize the Provincial Treasurer to make payments on account of such work out of the said moneys.

Treasurer to issue receipt of order out of the fund.

25. The Provincial Treasurer upon the receipt of any such certificate as aforesaid from the Superintendent of the Province authorizing him to pay any such sum as in the last preceding section mentioned shall pay such sum to the governing body which shall have formed such road or been ordered to form such road out of the Colonial Contribution Moneys of the district named in such certificate if there shall be sufficient money standing to the credit of such district or if not so much as shall then be standing to the credit of such district and shall out of any moneys which may thereafter stand to the credit of such district pay thereout the moneys so authorized to be paid or so much as shall not have theretofore been paid.

If orders not complied with Superintendent may appoint persons to effect construction who are to have same power as governing body.

26. If the governing body of any district shall fail to comply with any order made under the four preceding sections of this Act within the time appointed by the order the Superintendent may if he think fit order that such person or persons as he shall think proper and appoint for the purpose shall have power to effect the construction of the works specified in such order.

The person or persons appointed by the Superintendent to effect such construction is or are hereby authorised upon such order being made to effect such construction

and such person or persons shall for the purpose aforesaid have all the powers by law vested in the governing body in that behalf and it shall be lawful for the Superintendent to notify to the Provincial Treasurer that he has made such order as last aforesaid and to request the Provincial Treasurer to retain and to pay to such person or persons aforesaid out of any Colonial Contribution Moneys of the district the governing body of which shall have failed to comply with the order as aforesaid such sum as the Superintendent shall think will be required for the formation of such road or such sum which together with any sums payable out of the Colonial Contribution Moneys of any adjoining district will be sufficient for such purpose.

The Provincial Treasurer shall then issue and pay out of the Colonial Contribution Moneys of such district to such person or persons so appointed as last aforesaid such moneys to be applied in paying the expense of such construction and there shall also be payable to the person or persons so appointed to construct such road the sum (if any) ordered to be paid out of the Colonial Contribution Moneys of any district adjoining to the district in which the road is to be formed in like manner as such moneys would have been payable to the governing body ordered to construct such road.

## PART VI.

### TRIAL OF VALIDITY OF ELECTIONS.

27. Upon proof by affidavit or otherwise that any person declared elected to be chairman or member of the governing body of any Highway District within which this Part is in force whether such election shall have been held before or after the coming into force in such district of this Part has been elected unduly or contrary to the Provincial Act under which the election has been held or any Act amending the same or that any person whether before or after the coming into force of this Part in such district has been elected to or holds or exercises such office of chairman or member being incapable under the provisions of any such Provincial Act of being or con-

*Resident  
Magistrate's  
Court to try  
right to hold  
office in  
governing  
body.*

tinuing such chairman or member as the case may be it shall be lawful for the Resident Magistrate's Court of the Resident Magistrate's district within which is the place where the governing body usually holds its meetings to grant a summons in such form as it shall think fit calling upon such person to show cause to the Court why he should not be adjudged by the said Court to be ousted of the said office and where upon the return of such summons it shall appear to the Court on affidavit or evidence given orally before it that such person so elected or holding or exercising such office respectively was elected unduly or contrary to any such Act or Acts or was at the time of his election or while holding or exercising such office respectively incapable under the provisions thereof of being or continuing such chairman or member as the case may be the Court may adjudge such person to be ousted of such office accordingly or if the matter shall not so appear may dismiss such summons and in either and every such case the Court may order the payment of costs to or by either party as to the Court shall seem meet and the person against whom any adjudication of ouster from office shall be made shall be deemed thereby to be ousted of such office accordingly And in any proceeding under this section the Resident Magistrate's Court shall have and may exercise all the powers and authorities as to summoning witnesses and orders for payment of costs and the enforcing of such orders and otherwise as such Court has and may exercise in its ordinary jurisdiction in civil cases.

The Supreme Court shall have no jurisdiction to try any question that can under the provisions of this section be tried by the Resident Magistrate's Court. No proceedings in any Resident Magistrate's Court under this section shall be removable into the Supreme Court by *certiorari* or otherwise.

## PART VII.

### POWER TO TAKE LAND FOR PERMANENT WORKS.

What shall be works &c; for which land may be taken &c.

28. As to any Highways District within which this Part of this Act is in force the works and undertakings hereafter specified shall be deemed to be permanent works



and undertakings within the meaning of this Part of this Act that is to say—

The making of new public roads and the diverting altering or increasing the width of roads within the highway if approved of by the Superintendent of the Province within which the district is.

The raising lowering and alteration of the ground or soil of roads.

The construction and establishment of bridges.

The making of drains for the drainage of such roads.

The erection or construction of any building structure or fence necessary for the proper formation of such roads or for the use or service of the governing body.

29. Whenever any governing body of a district within which this Part is in force shall deem it expedient to execute any such permanent work or undertaking as they are by this Part of this Act empowered to execute they shall cause their surveyor to prepare such specifications maps plans sections or elevations as may be necessary expressing the nature and extent of such work or undertaking and the exact site and admeasurements thereof and on or through what lands the same is proposed to be placed and to extend and the names of the owners or reputed owners lessees or reputed lessees and the occupiers thereof so far as known and the same when so prepared and approved by the governing body shall be deposited at the office of such governing body or such other place within the district as the body shall appoint and shall be open for inspection by all persons interested at all reasonable hours for the space of forty clear days after notice shall have been given by advertisement in the *Government Gazette* of the Province within which the district is as next hereinafter provided and any clerk or other person having the custody of the said specifications maps or other papers who shall refuse to permit such inspection shall on conviction in a summary way before any two Justices forfeit

Plans &c. of permanent works to be prepared.

and pay for every such offence a penalty not exceeding five pounds.

Publication of  
notice.

30. The governing body shall forthwith after the said specification maps plans sections and elevations shall have been deposited cause to be published in the said *Gazette* and twice in some newspaper appointed by such body a notice describing shortly the purport of the said specifications maps and other papers and stating that the same are deposited for inspection and the place where they are so deposited and calling upon all persons affected by the proposed work or undertaking to set forth in writing addressed to such governing body within forty days from the publication of such notice in the *Gazette* all objections which they may have to the work or undertaking and shall further within one week after such publication in the *Gazette* serve a notice in manner hereinafter mentioned on every owner or reputed owner lessee or reputed lessee and occupier of such lands defining in each case the particular land intended to be taken and requiring an answer stating whether the person so served assents dissents or is neuter in respect of taking such land such notice to be served—

Service of  
notice.

By delivery of the same personally to the person required to be served or if such person is absent from New Zealand to his agent or when the place of abode of such person and that of his agent are unknown by publishing the same at least three times in some newspaper published in or near the district in which such work or undertaking is proposed to be made or

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

By forwarding the same by post in a registered letter addressed to the usual or last known place of abode of such person.

Objections.

31. At the next meeting of the governing body after the expiration of forty clear days from the publication of such notice in the *Gazette* any person affected by the pro-

posed work or undertaking or his agent or manager for the property in respect of which he is so affected who shall have set forth in writing his objections to the said work or undertaking within the time hereby limited for the purpose may appear before the governing body in support of such objections.

32. The said governing body shall touching all such objections have authority to hear receive and examine evidence and by summons under the hand of the person who shall act as chairman of the meeting of the governing body to require all such persons as the governing body may think fit to appear personally before the governing body at their office at a time to be fixed in and by such summons and to produce to it all such books and papers in their possession or under their control as may appear necessary for the purpose of their examination and the person who shall act as chairman at the meeting shall administer and receive all necessary oaths affirmations and declarations.

Power to take evidence.

33. If after the expiration of such term of forty days and hearing all objections (if any) so set forth as aforesaid and such evidence as the governing body shall require it shall appear to them expedient to proceed with the work or undertaking they shall make an order directing the work or undertaking to be executed according to the specifications maps plans sections and elevations deposited as aforesaid and shall cause such order together with true copies of all such specifications maps plans sections and elevations and with the written objections (if any) set forth as aforesaid to be transmitted to the Superintendent and the said order before being so transmitted shall be published in the *Gazette* of the Province in which the Highway District is and in one newspaper circulating in such district and the Superintendent shall by notice published in such *Gazette* and in a newspaper circulating in such district fix a time and place for taking into consideration the said order and the objections made as aforesaid such time not being earlier than ten days from the publication of such notice and any person who shall have made any such objections may by himself or his counsel

Order for execution of work.

solicitor or agent appear before the Superintendent in support of such objections and the Superintendent shall touching all such objections have the like powers authorities and duties as by the thirty-second section of this Act are conferred or imposed on a governing body or the chairman thereof and the Superintendent shall consider the same respectively and the evidence adduced and may confirm the said order with or without variation or may disallow such order and notice of the confirmation or variation of any such order shall be forthwith published in the *Gazette* of the Province within which the district is.

After confirmation work may be executed.

34. Upon the confirmation of such order as aforesaid and the payment of the compensation payable to the owners and persons interested in the lands to be taken or used and not before the governing body shall be authorised to execute the work or undertaking referred to therein and to take and use subject to the provisions hereinafter contained for the purpose of such work or undertaking all such land as shall be described in and by the said specifications maps plans and sections as being required for the said work or undertaking Provided that the governing body shall make to the owners of and all persons interested in any lands taken or used for the purposes of such work or undertaking or injuriously affected by the execution thereof full compensation for the value of the lands so taken or used and for all damage sustained by such owners occupiers and other persons by reason of the exercise as regards such lands of the powers vested in the governing body by this part of this Act and the amount of such compensation shall be ascertained and determined in manner hereinafter provided.

Compensation being made.

What land may not be taken.

35. Nothing herein contained shall empower any governing body to take or use for any such work or undertaking as aforesaid any house garden yard park planted walk or avenue to a house or any enclosed ground planted or set apart as an ornament or shelter to a house or planted or set apart as a nursery for trees or any part thereof respectively without the consent of the owner or proprietor thereof in writing first had and obtained.

36. "The Lands Clauses Consolidation Act 1863" and all Acts amending the same are hereby incorporated with and shall form part of this part of this Act and be construed together herewith and shall take effect with regard to all such permanent works and undertakings as aforesaid which the governing body shall be authorised to execute and not otherwise and for such purpose the governing body shall be deemed the promoters of the undertaking and the term "special Act" where used in the said Lands Clauses Consolidation Act shall be deemed to include this part of this Act and any order and order of confirmation thereof made under this part of this Act.

"Lands Clauses Consolidation Act 1863" incorporated.

## HIGHWAY BOARDS EMPOWERING.

*An ACT to amend "The Highway Boards Empowering Act, 1871."\** Title.

No. XXXVIII.]

[Assented to 21st October, 1872.]

**W**HEREAS it is expedient to repeal the proviso to section six of "The Highway Boards Empowering Act, 1871." Preamble.

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same as follows:—

1. The Short Title of this Act shall be "The Highway Boards Empowering Act, 1872." Short Title.

2. Section six of "The Highway Boards Empowering Act, 1871" is hereby amended by the addition of the following proviso at the end of the section Provided further that when it appears to the governing body that any work or improvement is for the special benefit of any particular portion of the Highway District the governing body may for defraying the expenses incurred in doing or

Proviso to section 6 of Act of 1871 amended.

\* Act of General Assembly.

executing such work by special order distinctly defining such portion and approved by the Superintendent make and levy a rate or rates, to be called a "separate" rate equally on all rateable property situated within such portion and no such rate or rates made in any one year shall exceed in the aggregate the amount of one shilling in the pound of the annual value of such property or one penny in the pound of the value to sell. Provided always that public notice in some newspaper usually circulated in the district shall be given of the intention to levy such a rate at least one month before the same is levied and if within such time a protest be left at the office of the governing body signed by at least one-half of the ratepayers within such portion reckoned according to their votes then such rate shall not be levied and such separate rate when levied shall be expended only for the purposes for which the same has been made anything herein contained to the contrary notwithstanding.

Rates to be on annual value or value for sale.

3. All rates hereafter to be imposed shall be levied either upon the annual value of any land and buildings or upon their value for sale.

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## LICENSING.

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Title. *An ACT to regulate the Sale of Intoxicating Liquors.\**

[Assented to 3rd October, 1873.]

Preamble. **W**HEREAS it is expedient that amended provisions should be made for regulating the sale of intoxicating liquors:

**BE IT THEREFORE ENACTED** by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows:

Short Title. 1. The short title of this Act shall be "The Licensing Act 1873."

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\* Act of the General Assembly.

2. The expression "alcoholic liquors" in this Act shall mean and include every description of distilled spirits wine ale beer cider perry or other fermented liquor of an intoxicating nature. The words "public bars" shall be deemed to mean and include any room passage or lobby in any licensed public-house open immediately to any street highway or public thoroughfare wherein the public may enter and purchase any spirituous or fermented liquors. The word "district" shall mean any licensing district created or defined by the provisions of this Act. The words "Resident Magistrate" shall mean the Resident Magistrate appointed to hold Licensing Courts in any such district.

Interpretation  
of certain  
terms.

## DISTRICTS.

3. The Governor shall as soon as conveniently may be after the passing of this Act by proclamation in the Government *Gazette* define such territorial divisions as he may think proper to be licensing districts for the purposes of this Act and from time to time may alter and redefine the boundaries of the same. Such districts shall wherever practicable and convenient be identical with existing Municipal wards and Road Board districts or School districts but if none of these can be conveniently adopted then the licensing district shall be so defined as may be most convenient for the carrying into effect the objects of this Act.

Governor  
may proclaim  
districts.

4. The provisions of this Act shall be carried into effect in every district by such Resident Magistrate as shall be appointed for the purpose by the Governor by warrant notified in the Government *Gazette* whether he be the Resident Magistrate acting within the district for other purposes or not.

Resident  
Magistrate  
appointed to  
act.

5. If any certificate shall be applied for beyond the limits of any district defined under this Act the application shall be made to and disposed of by the Resident Magistrate or Licensing Board respectively of the nearest district in conformity in all respects with the provisions of this Act.

Application  
for certificate  
to be made to  
the Resident  
Magistrate of  
nearest dis-  
trict.

## LICENSES.

No person unless duly licensed to sell alcoholic liquors &c.

6. No person unless he shall be duly licensed under this Act shall sell any alcoholic liquors or permit or suffer the same to be sold by any other person on his behalf and any person who shall be convicted of doing so shall be liable to a penalty of not exceeding fifty pounds for every such offence. Provided that no license shall be required for the sale of any alcoholic liquors as perfumery and not for drinking or for the sale by any chemist, druggist or apothecary of spirits as medicine or for any *bona fide* sale at auction by a duly licensed auctioneer.

What licenses may be granted.

7. Licenses of the following kinds and designated as follows and such as may be provided for by any Act or Ordinance of the Provincial Council of the Province in which the house for which such license is to be granted is situated namely:—Wholesale license publican's license bottle license and packet license and such licenses shall be in force from the time of granting the same until the thirtieth day of June next ensuing and no longer.

Wholesale license.

8. The wholesale license shall be in the form in the Schedule B hereunto annexed and shall authorize the holder thereof to sell and deliver alcoholic liquors in quantities of not less than two gallons of any one description of liquor to one person at any one time such liquors not to be consumed in or upon the vendor's house or premises.

Publican's license.

9. The publican's license shall be in the form in the Schedule C hereunto annexed and shall authorize the holder thereof to sell and dispose of alcoholic liquors in any quantity in the house or on the premises therein specified.

Holder of publican's license to have only one public bar &c.

10. No person being the holder of a publican's license issued under this Act shall be entitled to have in or upon the premises in respect of which the said license shall have been issued more than one public bar for the sale of spirituous and fermented liquors therein and any person offending against this provision shall be held to be guilty of selling without a license and liable on conviction thereof to a penalty of not less than five pounds nor more than fifty pounds.



11. The packet license shall be in the form in the Schedule D hereunto annexed and may be granted to the master or commander for the time being of any steam packet or other vessel therein mentioned being a vessel making passages and carrying passengers from any place to any other place within the said Colony of New Zealand, and such master or commander shall be thereby authorized while such packet or vessel is actually being navigated between any port or harbor or on any river or lake within the limits of the said Colony to sell and dispose of any alcoholic liquors on board such packet or vessel to any *bona fide* passengers by such packet or vessel.

Packet license may be granted to master of vessel.

12. The Provincial Treasurer of any Province or if there shall be no such person then any other person or persons appointed by the Governor may and shall issue to any person a wholesale license for any house or premises within any town or borough or in any licensing district on production of a certificate from any Licensing Court held under this Act. Applications for wholesale licenses shall be lodged with the Clerk of the Court at the same time and in the same manner as hereinafter provided for the application for and granting of certificates for publicans' licenses but no certificate of householders shall be necessary in the case of wholesale licenses or steam packet licenses. Provided always that in any Province where such license fees have been made portion of municipal revenue any person authorized by any such Municipality shall have power to issue such licenses on the production of such certificate as aforesaid.

Provincial Treasurer to issue wholesale license on production of certificate.

#### PUBLICANS' LICENSES.

13. Every person who shall desire to obtain a publican's or bush license or the renewal of one under this Act shall on or before the first Tuesday in the month of March in every year cause to be delivered to the Clerk of the Resident Magistrate of the district a notice in writing signed by him in the form in Schedule E hereunto annexed accompanied by a certificate signed by at least ten householders of the district in the form contained in the Schedule hereunto appended.

Notice by applicants for publican's licenses.

Clerk of the Court shall post list of applicants.

14. The Clerk of the Court to whom any such notice shall have been given shall on or before the second Tuesday in the said month of March in each year cause a list of the names and places of abode of all such applicants to be posted on the door of the Court House or other conspicuous place in the district there to remain until the day whereon the licensing meeting hereinafter mentioned shall be held.

Meeting of Licensing Court.

15. On the third Tuesday in the month of April following or on some day to be fixed by the Resident Magistrate as soon thereafter as conveniently may be there shall be holden at the office of the Resident Magistrate or other place appointed by him a Court to be called the Annual Licensing Court for the purpose of taking into consideration applications for certificates.

Number of members of Licensing Court.

16. In the Proclamation declaring the several districts as hereinbefore prescribed, the Governor shall in each case declare the number of persons of whom the Licensing Court of such district shall consist such number not being more than seven nor less than three.

Mode in which Licensing Courts shall be constituted

17. Such Licensing Courts shall be constituted in the following manner:—

- (1.) The Resident Magistrate or Chairman of Petty Sessions having jurisdiction within any district proclaimed under clause three and any other persons to be nominated as Commissioners for the purpose by His Excellency the Governor.
- (2.) Every member of such Licensing Court shall hold office for two years Vacancies occurring in the interval by death bankruptcy or becoming otherwise disqualified to sit on such Court shall be filled up by the Governor such nominated member to hold office only till the expiry of the current period.
- (3.) The Clerk to the Resident Magistrate of the district shall act as Clerk to the Licensing Court unless in case of necessary absence or personal disability in which case the Court may appoint a Clerk.

18. At every meeting of the Licensing Court the Resident Magistrate or Chairman of Petty Sessions if present shall be Chairman thereof and in the event of his absence the members of the Licensing Court shall elect one of their number to be Chairman thereof and the Chairman of every such Licensing Court shall have an original and casting vote and shall sign on behalf of the Court all certificates and other documents if any issued or recorded by it.

19. No person shall be qualified to be appointed or to sit as a member of such Court who is a brewer wine or spirit merchant maltster distiller importer of or a dealer in alcoholic liquors or in partnership with any such person or the owner in fee or for any less estate of any licensed house or house or building in which any trade in a manufacture of alcoholic liquors is carried on or interested therein or as mortgagee or otherwise in any such house or building and any person so disqualified acting or sitting as a member of any Licensing Court shall be liable to a penalty of fifty pounds for every such offence.

20. The Clerk of the Court shall cause a notice of such Annual Licensing Court to be inserted not less than three times in one or two newspapers published in the nearest town and usually circulating in the district at least one calendar month previous to the date of such Court and such notice shall set forth the names of all applicants in respect of premises previously or not previously licensed together with the situation of the premises in respect of which their applications have severally been made and shall also deliver notices of such Court specially to the members thereof.

21. If any cause shall prevent the Court being held on the day advertised or on any other day to which it may be adjourned the Court shall stand adjourned from day to day until the members thereof shall be able to hold such Court.

22. The Licensing Court shall exercise its discretion in granting or refusing any certificate for any description of license and shall not be obliged to grant the same

Chairman of  
Licensing  
Court.

Certain persons disquali-  
fied from  
sitting in  
Court.

Notice of  
Annual  
Licensing  
Court to be  
published.

Adjournment  
of Court.

Licensing  
Court to exer-  
cise discretion  
in granting,  
&c.

merely because the requirements of the law as to accommodation or personal fitness of the applicant are fulfilled unless in its opinion there is a necessity for the public house or other establishment for the sale of spirituous liquors for which application is made.

When certificate not to be granted.

23. No certificate shall be granted if a memorial against the granting of the same signed by at least two-thirds of the adult residents in the district be presented to the Court. The genuineness of such signatures to be verified on oath before the Court by the person or persons in whose presence the same may have been written.

Testing number of signatures &c. . .

24. Such memorial shall be in the form contained in Schedule F hereto appended.

Upon the receipt of any such memorial the Licensing Court shall before granting or refusing the said certificate objected to satisfy itself by such means as it shall think fit of the number and authenticity of the signatures thereto and if it shall contain the requisite number of genuine signatures shall give it effect as heretofore directed if it shall not contain such signatures then the Court shall exercise its discretion in granting such certificate as if no such memorial shall have been presented. Provided that such memorial shall be deposited with the Clerk of the Licensing Court of the district seven clear days before the day appointed for the annual or other licensing meeting at which the same is to be decided.

Police to attend Court and report &c.

25. At such Annual Licensing Court it shall be the duty of the principal Officer of Police and any other police officers within the district to be present and report to the Court on the conduct of every licensed house within the district for which a renewal of license is desired and upon the accommodation provided in such houses and in any houses for which a new license is desired.

Householder may object to license being granted.

26. At such Annual Licensing Court it shall be lawful for any householder within the district to appear in person and state objections to the granting or renewal of any license applied for. Provided however that any householder desiring to appear in opposition to any application shall give to the Clerk of the Court seven days'