



NEW ZEALAND GOVERNMENT GAZETTE.

Published by Authority.

All Public Notifications which appear in this Gazette with any Official Signature thereunto annexed, are to be considered as Official Communications made to those Persons to whom they may relate and are to be obeyed accordingly.

By His Excellency's Command,
C. W. RICHMOND, Colonial Secretary.

VOL. IV.] AUCKLAND, TUESDAY, AUGUST 19, 1856. [No. 30.

Colonial Secretary's Office,
Auckland, 19th August, 1856.

In pursuance of the provisions of the New Zealand Constitution Act, His Excellency the Governor directs the publication of the following Acts of the General Assembly for public information.

By His Excellency's command,
C. W. RICHMOND,
Colonial Secretary.

NEW ZEALAND NATIVE RESERVES ACT, 1856.

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

SESSION 4, No 10.

ANALYSIS.

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| <p>Title.
Preamble.
Enactment.
1. Governor may appoint Commissioners.
2. District Commissions may be issued.
3. Number of Commissioners.
4. Governor to frame rules of procedure.
5. Commissioners to appoint clerks and other officers.
6. Commissioners to have full powers of management.
7. Governor's assent to be necessary.
8. Lands may be set apart as special endowments.
9. Application of monies.
10. Proceeds of special endowments.
11. Publication of accounts.
12. Governor to regulate expenses.</p> | <p>13. Expenses of management.
14. Provisions of the Act extended to lands over which native title not extinguished, with the assent of the aboriginal inhabitants.
15. Grants may be made in severalty to aboriginal inhabitants.
16. Governor may grant to trustees land appropriated by aboriginal inhabitants to the endowment of schools, &c.
17. Assent of aboriginal inhabitants to be ascertained by some person appointed by the Governor.
18. Acts to be done with advice of Executive Council.
19. Interpretation of term "Governor," &c.
20. Short Title.</p> |
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Title. *AN ACT for the management of Lands set apart for the benefit of the Aboriginal Inhabitants of New Zealand.*

(Assented to 6th August, 1856.)

Preamble.

WHEREAS in various parts of New Zealand lands have been and may hereafter be reserved and set apart for the benefit of the aboriginal inhabitants thereof, and it is expedient that the same should be placed under an effective system of management; And whereas, the title of the said aboriginal inhabitants has been extinguished over some portions of such lands, and over other portions thereof such title has not been extinguished.

Enactment.

BE IT ENACTED by the General Assembly of New Zealand as follows:

Governor may appoint Commissioners.

1. It shall be lawful for the Governor of the said Colony at any time and from time to time by letters patent under the public seal of the Colony, to appoint persons to be Commissioners for carrying this Act into effect, who shall be styled "Commissioners of Native Reserves," and such Commissioners from time to time to remove.

Distinct Commissions may be issued.

2. Several and distinct Commissions may be issued to several and distinct sets of Commissioners with several and distinct limits of jurisdictions.

Number of Commissioners.

3. In every Commission there shall not be less than three Commissioners.

Governor to frame rules of procedure.

4. The Governor may from time to time frame and establish rules for the conduct of business under such Commissions and may from time to time alter the same, which rules and all alterations thereof shall be published in the Government Gazette of the said Colony and when published shall have the force of law.

Commissioners to appoint clerks and other officers.

5. The Commissioners may appoint clerks and other officers for the necessary conduct of business under such Commissions.

Commissioners to have full powers of management.

6. When any lands within the jurisdiction of any Commissioners shall have been or shall be reserved or set apart for the benefit of the said aboriginal inhabitants over which lands the native title shall have been extinguished, such Commissioners shall have and exercise over such lands full power of management and disposition subject to the provisions of this Act; and subject to such provisions, may exchange absolutely sell, lease, or otherwise dispose of such lands in such manner as they in their discretion shall think fit, with a view to the benefit of the aboriginal inhabitants for whom the same may have been set apart. And no purchaser, lessee, or other person paying money to such Commissioners shall be afterwards answerable for such money or be bound to see to the application thereof.

Governor's assent to be necessary.

7. No sale, exchange, lease, or other disposition of such lands except a lease not exceeding twenty-one years in possession shall be valid, without the assent in writing of the Governor first obtained for every such purpose, and every conveyance, lease, and other disposition made by the said Commissioners under the au-

thority of this Act shall be valid in law provided that there shall be thereon endorsed, except on any lease not exceeding twenty-one years as aforesaid, a memorandum to be signed by the Governor declaring his assent thereto.

8. The Commissioners with such assent as aforesaid may set apart any such lands as sites for Churches, Chapels, or Burial Grounds, and also by way of special endowment for Schools, Hospitals, or other Eleemosynary Institutions for the benefit of the said aboriginal inhabitants, and may either manage such lands for the benefit of such special endowments and may exercise in relation thereto the same powers as are hereby vested in them, or may with such assent as aforesaid transfer such lands to any person or persons, Body Corporate, or Bodies Corporate as Trustees of such Endowments, subject to such provisions for ensuring the proper application thereof as may be thought fit.

Lands may be set apart as special endowments.

9. All monies which shall come to the hands of the Commissioners under the provisions of this Act except in respect of special endowments, shall be applied by such Commissioners for the benefit of the aboriginal inhabitants for whose benefit such lands may have been set apart in such manner as the Governor of the said Colony may from time to time direct.

Application of monies.

10. All monies which shall come to the hands of the said Commissioners in respect of special endowments shall be applied to the proper objects of such endowments.

Proceeds of special endowments.

11. The Commissioners shall publish yearly in the Government Gazette of the Province wherein such lands shall be situate a statement of a dealings and transactions whatever, respecting such lands, together with a general report of their proceedings and of the state of the property under their charge, and an account of all monies received and expended by them under this Act.

Publication of accounts.

12. The Governor in his discretion shall from time to time regulate the expenses of management and make provision for auditing the accounts.

Governor to regulate expenses.

13. Such expenses of management shall be defrayed by each set of Commissioners, or by any trustees respectively, out of any money which shall come into their hands under the provisions of this Act.

Expenses of management.

14. Where any lands shall have been set apart or reserved for the special benefit of the said Aboriginal inhabitants or any of them, or where upon any sale of lands, by natives a certain portion of the district sold shall have been or shall be specially excepted out of such sale, but over which lands so reserved, set apart, or excepted, the Native title shall not have been extinguished, it shall be lawful for the Governor, with the assent of such Aboriginal inhabitants to be ascertained in manner provided by this Act, to declare such lands to be subject to the provisions of this Act, and to appoint Commissioners for the management thereof in like manner as if such Native title had been extinguished.

Provisions of the Act extended to lands over which native title not extinguished, with the assent of the aboriginal inhabitants.

Grants may be made in severalty to aboriginal inhabitants.

15. Any set of Commissioners appointed under this Act with the assent of the Governor may make a conveyance or lease in severalty of any lands within the limits of their jurisdiction to any of the Aboriginal inhabitants for whose benefit the same may have been reserved or excepted either for or without valuable consideration, and either absolutely or subject to such conditions as the said Commissioners may think fit.

Governor may grant to trustees land appropriated by aboriginal inhabitants to the endowment of schools, &c.

16. Where any lands shall have been at any time heretofore or shall hereafter be set apart or appropriated by any Aboriginal inhabitants entitled thereto, for the sites of Churches Chapels or Burial Grounds and for the endowment of Schools, Hospitals, or other eleemosynary institutions for the benefit of such aboriginal inhabitants, it shall be lawful for the Governor with the assent of the said aboriginal inhabitants to be ascertained in manner herein provided to grant such lands to any person or persons, whether of the Native or European race or any Body Corporate or Bodies Corporate nominated by or on behalf of such aboriginal inhabitants and such lands shall be held for the purpose of such special endowments with such powers as are hereby vested in Commissioners under this Act and subject to the provisions thereof. Provided always that nothing in this Act contained shall have the effect of removing any invalidity or curing any defect in any grant or other conveyance made or issued before the passing of this Act under which any lands may have been granted or assured to any person or persons for Religious, Charitable, or Educational purposes for the benefit of the aboriginal inhabitants. Provided also that nothing in this Act contained shall extend or be implied to extend to give validity to any appropriation or setting apart of any lands for such purposes as aforesaid which have been heretofore so appropriated or set apart in contravention of any terms of purchase or contracts affecting such land.

Assent of aboriginal inhabitants to be ascertained by some person appointed by the Governor.

17. The Governor shall appoint some competent person to ascertain the assent of the said Aboriginal inhabitants and such person shall proceed according to such Rules as shall be prescribed in that behalf by the said Governor. And the report of such person, if adopted by the Governor, shall be final and conclusive as to such assent, and the publication of such Report and the adoption thereof in the "Government Gazette" of the said Colony shall be evidence of such assent. Provided always that whenever such assent shall have been ascertained as aforesaid the land to which the same shall relate shall be conveyed to her Majesty her heirs and successors and shall then become subject to the provisions of this Act.

Acts to be done with advice of Executive Council.

18. Every Act which is authorised or required to be done by the Governor under this Act shall be done only with the advice and consent of the Executive Council of the Colony.

Interpretation of "Governor," &c.

19. The term "Governor" shall mean the person for the time being administering the Government of New Zealand and the term "Aboriginal Inhabitant" shall include half-castes.

Short Title.

20. This Act may be cited for all purposes as "The New Zealand Native Reserves Act, 1856."



SUPREME COURT PROCEDURE ACT, 1856.

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

SESSION 4, No. 15.

ANALYSIS.

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| <p>Title.
Preamble.</p> <p>1. General Rules in Schedule to be sole authority in all matters of Practice Pleading and Procedure in Civil Proceedings in Supreme Court.</p> <p>2. All General Rules hitherto in force revoked,</p> | <p>except Rules touching administration of estates of deceased persons.</p> <p>3. Judges may make other Rules with consent of Governor and Executive Council to be in force till termination of following Session of General Assembly.</p> <p>4. Commencement of Act.</p> <p>5. Short Title.</p> |
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AN ACT for regulating the Procedure of the Supreme Court.

Title.

(Assented to 7th August, 1856.)

WHEREAS the Supreme Court of New Zealand hath a legal jurisdiction similar to that of the Superior Courts of Law at Westminster, and an equitable jurisdiction similar to that of the Court of Chancery, and also a jurisdiction similar to that of the Ecclesiastical Courts of England so far as relates to Testacy and Intestacy: **AND WHEREAS** the rules of practice and of pleading in the said several Courts are very various and conflicting, and in many respects inapplicable to the circumstances of this Colony, and unsuited to the constitution of the said Court; and it is desirable for the due administration of justice in the said Court, that a uniform and simple system of Procedure should be established: **AND WHEREAS** by certain Commissions issued by Sir George Grey, late Governor-in-Chief of this Colony, sealed with the public Seal of this Colony, and dated respectively the 19th day of November, 1849, and the 28th October, 1852, the Judges of the said Supreme Court were appointed to make diligent and full enquiry into the course of proceeding in actions and other civil remedies in use

Preamble

in the said Court, from the commencement to the termination of such proceedings; and into the process, practice, pleading, and other matters connected therewith; and also what parts of such process, practice, pleading, and other matters might be applicable to the said Supreme Court, and what changes it might be desirable to introduce therein, having in view the union of the said several jurisdictions and the convenience and benefit of the suitors therein; **AND WHEREAS** the said Commissioners have reported the result of their inquiries, and have also drawn up a body of General Rules for regulating the Procedure of the said Court in all Actions and Civil Proceedings therein; **AND WHEREAS** it is expedient that all existing Rules and Orders of the said Court, excepting such as are hereinafter mentioned, be revoked and repealed: **AND WHEREAS** it is also expedient that the said body of General Rules drawn up by the said Commissioners as aforesaid with such amendments as have been made therein by the Legislature be established as a code of Civil Procedure for the said Court, and that provision be made for enabling the Judges of the said Court, under due restrictions, to alter the Rules for the time being in force for regulating the pleading, practice, and procedure, both Civil and Criminal, of the said Court, and from time to time to make such new Rules as they may deem advisable.

BE IT THEREFORE ENACTED by the General Assembly of New Zealand as follows:—

General Rules in Schedule to be sole authority in all matters of Practice, Pleading and Procedure in civil proceedings in Supreme Court.

1. The said General Rules of Procedure and the Schedules thereto annexed (which General Rules and Schedules are set forth in the Schedule to this Act annexed) shall henceforth be the sole authority by which all matters and questions of Practice, Pleading, and Procedure, in all actions, suits, and other civil proceedings in the said Court shall be regulated and determined, except only those matters as to which the practice of any of the Superior Courts of England is in the said rules expressly retained.

All General Rules hitherto in force, revoked; except Rules touching administration of estates of deceased persons.

2. All the General Rules and Orders hitherto in force for regulating the Practice, Pleading, and Procedure of the said Supreme Court are hereby revoked and repealed, except the Rules touching the administration of the estates and effects of persons deceased (2nd May 1844), and also the Rules touching official administration (17th December, 1845).

Judges may make other Rules with consent of Governor and Executive Council, to be in force until termination of following Session of General Assembly.

3. It shall be lawful for the Judges of the said Court, from time to time, by other Rules to be made for that purpose, to alter or revoke the Rules set forth in the Schedule to this Act annexed, or any of them, or any other Rules of the said Court which now are or hereafter shall be in force; and also from time to time to make such additional Rules touching the Practice, Pleading, and Procedure of the said Court in all matters both civil and criminal as the said Judges may deem advisable; Provided always, that all Rules to be made under the authority hereof shall be submitted to the Governor in Council, and upon being

approved by the Governor and Executive Council, shall have the same force and effect until the termination of the Session of the General Assembly next following their approval as aforesaid, as if they had been inserted in this Act.

4. This Act shall come into operation on the 1st day of Commencement of Act January, 1857.

5. This Act may be cited for all purposes as "The Supreme Short Title. Court Procedure Act, 1856."



NEW ZEALAND LOAN ACT, 1856.

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

SESSION 4, No. 17.

A N A L Y S I S.

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| <p><small>Title.</small>
<small>Preamble.</small></p> <ol style="list-style-type: none"> 1. Her Majesty may appoint agents to raise and manage a loan. 2. Such agents shall have power to raise any sums not exceeding £500,000. 3. Bonds, &c., to be for sums and in form, to be signed and to be negotiable as prescribed by agents. 4. Interest payable in London. 5. Principal and Interest charged on the General Revenue of the Colony of New Zealand. | <ol style="list-style-type: none"> 6. Money raised to be applied to purposes set forth in Schedule. 7. Principal to be repaid at the expiration of 30 years. 8. 6 per cent to be paid annually to meet interest and provide a sinking fund. 9. Definition of General Revenue of the Colony of New Zealand. 10. Short Title.
Schedule. |
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AN ACT for raising a Loan of £500,000 for the Public Service of the Colony Title. of New Zealand.

(Assented to 7th August, 1856.)

WHEREAS it is expedient to raise a Loan for the purpose of Preamble. liquidating the charge secured by Acts of the Imperial Parliament to the New Zealand Company and consolidating the Public Debts and Liabilities of the Colony of New Zealand,

BE IT THEREFORE ENACTED by the General Assembly of New Zealand as follows :

Her Majesty may appoint agents to raise and manage a loan.

1. It shall be lawful for Her Majesty, her heirs and successors to appoint one or more person or persons to be an agent or agents in England for the purpose of raising and managing the loan or loans proposed to be raised under and by virtue of this Act.

Such agent or agents shall have power to raise any sums not exceeding £500,000.

2. Such agent or agents shall have full power and authority to borrow and raise in Great Britain by bonds, debentures, or otherwise, such sums not exceeding in the whole the sum of £500,000 sterling, as the Lords Commissioners of Her Majesty's Treasury or any three of them shall at the request of the Governor, or Officer administering the Government, of the Colony of New Zealand, from time to time determine and direct.

Bonds, &c., to be for sums and in form, and to be negotiable as prescribed by agents.

3. Every Bond, debenture, or other security granted under this Act shall bear interest after a rate not exceeding £4 for every £100 by the year, shall be for such sum and in such form, shall be signed on behalf of the said Colony, and shall be transferable and negotiable in such manner as such agent or agents shall prescribe.

Interest payable in London.

4. The interest on every such bond, debenture, or other security shall be payable at such times and place in London as shall be fixed and named for that purpose in such bond, debenture, or other security.

Principal and interest charged on the General Revenue of the Colony of New Zealand.

5. All sums of money borrowed and raised under the authority of this Act and interest thereon, shall be made a first charge upon the General Revenue of the Colony of New Zealand.

Money raised to be applied to purposes set forth in Schedule.

6. The money to be borrowed under the authority of this Act, shall be applied in such manner as the Lords Commissioners of her Majesty's Treasury, or any three of them, shall from time to time direct and appoint, to the several purposes specified and set forth in the Schedule to this Act.

Principal to be repaid at the expiration of 30 years.

7. The principal sums so to be borrowed and raised as aforesaid shall be made payable and repaid at the expiration of 30 years from the several days on which they shall respectively be borrowed and raised as aforesaid.

6 per cent. to be paid annually to pay interest and provide a sinking fund.

8. For the purpose of paying the said interest, and providing a sinking fund for the liquidation of the principal, there shall be paid yearly out of the General Revenue of the Colony, to such persons as her Majesty shall appoint such sum as shall be equal to 6 per cent. per annum on the total of the principal from time to time borrowed and after paying the interest thereout as the same shall from time to time become due, the balance thereof shall be set apart as a sinking fund, and shall be invested by such person or persons in the pur-

chase of such securities as the Lords Commissioners of Her Majesty's Treasury, or any three of them, shall from time to time direct, and shall be increased by accumulation in the way of compound interest or otherwise.

9. For the purposes of this Act, the General Revenue of the Colony of New Zealand, shall be deemed and taken to include all the revenue which shall arise from duties of import and export, from Post Office receipts and Supreme Court fees, from the disposal of the Waste Lands of the Crown, and from all taxes, duties, rates and imposts, levied or to be levied by virtue of any Act of the General Assembly of New Zealand.

Definition of General Revenue of the Colony of New Zealand.

10. This Act may be cited for all purposes as, "The New Zealand Loan Act 1856." Short Title,

SCHEDULE TO WHICH THE FOREGOING ACT REFERS.

1. In liquidation and full discharge of the debt due to the New Zealand Company now charged on the sales and other alienations of the Waste Lands of the Crown in New Zealand, and towards repayment of such sums as the Province of Auckland shall have paid towards the liquidation of the said debt, the sum of £200,000.

2. In payment of any public debt of the Colony of New Zealand which shall be due on the 1st day of January 1858, any sum not exceeding £120,000.

3. For the purpose of extinguishing the rights of the Aboriginal inhabitants to Lands in the Northern Island of New Zealand, any sum not exceeding £180,000.



**THE RELIGIOUS CHARITABLE AND
EDUCATIONAL TRUSTS' ACT, 1856.**

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

SESSION 4, No. 21.

A N A L Y S I S.

<p>Title, Preamble.</p> <p>1. Freehold of Trust property to vest in Trustees, or in their successors to be appointed as herein provided.</p> <p>2. Evidence of appointment, how to be preserved.</p> <p>3. Grants to be deemed and taken to have conveyed, &c., the fee simple of the several</p>	<p>allotments of land mentioned therein from the date of such grants.</p> <p>4. Trustees empowered to convey Trusts, &c., to new Trustees, their heirs and assigns under Trusts of model deed.</p> <p>5. Construction of the term "Office Bearers."</p> <p>6. Short title. Schedule.</p>
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Title, *AN ACT to render more simple and effectual the Titles by which Property is held for Religious, Charitable, or Educational purposes in New Zealand.*

(Assented to 6th August, 1856.)

Preamble.

WHEREAS it is expedient to render more simple and effectual the Titles by which Property is held for Religious, Charitable, or Educational purposes in New Zealand,

Be it therefore enacted by the General Assembly of New Zealand as follows :

Freehold of Trust property to vest in Trustees or in their successors, to be appointed as herein provided.

1. Wherever any Freehold or Leasehold Property has been acquired, or hereafter shall be acquired by, or on behalf of any Religious Denomination Congregation, or Society, or Body, of persons associated for Religious or Charitable purposes, or for the promotion of Education. And wherever the Conveyance, Assignment, or other Assurance of such Property has been or may be taken to or in favour of a Trustee or Trustees to be from time to time appointed, or of any Party or Parties named in such Conveyance, Assignment, or other Assurance ; or subject to any Trust for any such Denomination, Congregation, or Society, or Body of Persons, or for the Individuals composing the same :

Such Conveyance, Assignment, or other Assurance, shall not only vest the Freehold or Leasehold Property thereby conveyed, assigned, or otherwise assured in the Party or Parties named therein, but shall also effectually vest such Freehold or Leasehold Property in their successors in office for the time being and the old continuing Trustees, if any, jointly ; or if there be no old continuing Trustees, then in such successors for the time being wholly chosen and appointed in the manner provided or referred to in or by such Conveyance, Assignment, or other Assurance, or in any separate Deed or Instrument, declaring the Trust thereof, or if no mode of appointment be therein set forth, prescribed, or referred to, or if the power of appointment be lapsed, then in such manner as shall be agreed upon by such Denomination, or by a Body constituted to represent them, or by such Congregation, Society, or Body of Persons, upon such and the like Trusts, and with and under, and subject to the same Powers and Provisions as are contained or referred to in such Conveyance, or Assignment, or other Assurance, or in any such separate Deed or Instrument upon which such Property is held. And that without any Transfer, Assignment, Conveyance, or other Assurance whatsoever : Any thing in such Conveyance, Assignment, or other Assurance, or in any separate Deed or Instrument contained to the contrary notwithstanding. Provided always, that in case of any appointment of a new Trustee or Trustees or of the conveyance of the Legal Estate in any such Property being made as heretofore was by Law required, the same shall be as valid and effectual to all intents and purposes as if this Act had not been passed.

2. For the purpose of preserving evidence of every such choice and appointment of a new Trustee or new Trustees and of the Person or Persons in whom such Property shall so from time to time become legally vested, every such choice and appointment of a new Trustee or new Trustees shall be made to appear by some Deed under the hand and seal of the Chairman for the time being of the Meeting at which such choice and appointment shall be made; and shall be executed in the presence of such Meeting, and attested by two or more credible witnesses, which Deed may be in the form or to the effect of the Schedule to this Act annexed, or as near thereto as circumstances will allow, and may be given and shall be received as Evidence in all Courts and Proceedings in the same manner and on the like Proof as Deeds; and shall be Evidence of the Truth of the several Matters and Things therein contained.

Evidence of appointment how to be preserved.

3. And whereas certain Grants from the Crown of Land in the Colony of New Zealand have been made and issued, and certain conveyances and assurances of Land in the said Colony have been signed and executed, granting, conveying and assuring, the several allotments or parcels of Land in the said grants, conveyances, and assurances particularly described, to the office bearers of different Religious Denominations and their successors. And whereas doubts have arisen as to the estate which in Law has been granted, conveyed, or assured by the said grants, conveyances, and assurances respectively, and it is expedient that the said doubts should be set at rest: Be it therefore further enacted by the General Assembly of New Zealand as follows:

Grants to be deemed and taken to have conveyed, &c., the fee simple of the several allotments of land mentioned therein from the date of such grants.

Whenever any such grant, conveyance, or other assurance shall have been made and issued, or signed and executed, other than to or in favour of a Corporation, sole or aggregate, the same shall be deemed and taken to have granted, conveyed, and assured from the days of the date thereof respectively unto the person or persons designated in such grant, conveyance, or assurance, his or their heirs and assigns the fee simple in the allotments of Land therein respectively described and purported to be granted, conveyed, and assured, subject nevertheless to the trusts if any in the said grants, conveyances, and assurances respectively set forth concerning the same.

4. And whereas with regard to the Lands in the said grants, conveyances and assurances, described, and also to the site of Chapels Ministers' Dwellings and Schools of the Religious Societies denominated Wesleyan Methodists, it is expedient to make provision for creating a succession of properly qualified Trustees according to the usages of the said Society, and for defining the manner in which the Trusts upon which they are respectively held shall be fulfilled: Be it therefore further enacted by the said General Assembly:

Trustees empowered to convey Trusts &c., to new Trustees their heirs and assigns under Trusts of model deeds.

It shall be lawful for the person or persons to whom any Land or Hereditaments have been or shall or may be hereafter granted or conveyed by the Crown or by any person or persons whomsoever for any estate or interest upon Trust for the said Religious Society denominated Wesleyan Methodists, and for the survivors or survivor of such persons, or their or his heirs or assigns, and he and they are hereby authorized and required at any time upon the request in writing of any three or more of the members of the said Society, to convey the said Trusts, Premises, Lands, and Hereditaments to any number of Trustees to be nominated and elected according to the usages of the Society, not being less than three, and to their heirs and assigns, in order that the said Trust, Premises, Lands, and Hereditaments may be fully and completely vested in such Trustees, their heirs and assigns, upon the Trusts and for the ends, intents, and purposes, and with, under, and subject to the powers, provisions, agreements, and declarations mentioned, expressed, and declared in a model deed of the people called Methodists, late in connection with the Reverend John Wesley, to be enrolled in Her Majesty's Supreme Court of New Zealand within ninety days after the passing of this Act after proof shall have been made to the satisfaction of His Excellency the Governor and the Executive Council that the same is a deed recognized as a model deed of the said Society, such proof to be certified on the said deed by indorsement to be made by the Clerk of the said Executive Council. Provided always that it shall be lawful for any one or more person or persons, to whom any such Lands shall have been originally granted or conveyed upon trust for the said Religious Society to act as new Trustees or Trustee if and when duly nominated and elected as aforesaid for that purpose, and the said Trust, Premises, Lands and Hereditaments, may be re-vested in, or retained by him or them, either alone or in conjunction with another Trustee or other Trustees, in the same manner as if he or they had been originally a Trustee or Trustees of the said land so required to be conveyed as aforesaid.

Construction of the term "Office Bearers."

5. In the construction of this Act the term "Office Bearers" shall be deemed to include the Roman Catholic Bishop of Auckland and the General Superintendent of the Wesleyan Mission, and any Trustee or Trustees in whom land is vested in Trust for that Body or on behalf of the said religious Society denominated Wesleyan Methodists.

Short title.

6 This Act may be cited for all purposes as "The Religious, Charitable, and Educational Trusts' Act, 1856."

SCHEDULE

TO THE "RELIGIOUS, CHARITABLE, AND EDUCATIONAL
TRUSTS' ACT, 1856."[Addendum to *Gazette* No. 30, August 19th, 1856.]

SCHEDULE.

Memorandum of the Choice and Appointment of New Trustees of the following Properties viz— (*Description of Property*) situate at a Meeting of (*description of Congregation Society or Body of Persons*) duly convened and held for that purpose at or in (*name of Place*) on (*date*) and of which (*name of Chairman or President A B*) was Chairman and President

Names and Descriptions of all the Trustees on the Constitution or last appointment of Trustees made _____ day of
A D

*Adam Bell of**Charles Dixon of**Edward Foster of*

Names and Descriptions of all the Trustees in whom the said Property now becomes legally vested—

First—Old continuing Trustees—

*Charles Dixon of**Edward Foster of*

Second—New Trustees now chosen and appointed—

*Benjamin Adams of**Jonathan Edmonds of*

Dated this _____ day

Signed A B L S
Chairman or President of the said Meeting

Signed Sealed and Delivered by the said A B as Chairman or President of the said Meeting at and in the presence of the said Meeting on the day and year aforesaid in the presence of

C D
E F





RESIDENT MAGISTRATES' COURTS ORDINANCE AMENDMENT ACT, 1856.

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

SESSION 4, No. 20.

A N A Y S I S

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| <p>Title.
Preamble.</p> <p>1. No Resident Magistrate, after passing of this Act, to practise as attorney, &c., under a penalty of 50<i>l</i>.</p> <p>2. In cases of assault Resident Magistrate to have power to imprison.</p> <p>3. Plaintiff not to divide cause of action.</p> | <p>4. Power to summon witnesses in civil cases.</p> <p>5. Process to be served by bailiff if one appointed.</p> <p>6. Witnesses entitled to expenses.</p> <p>7. Limitation of Powers under Resident Magistrates Ordinance.</p> <p>8 Short title.</p> |
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AN ACT to amend *An Ordinance to provide for the Establishment of Resident Magistrates' Courts, and to make special provision for the administration of Justice in certain cases, passed by the General Legislative Council of New Zealand, Session 7, No. 16.* Title-

(Assented to 15th August, 1856.)

WHEREAS, it is expedient to make further provision to secure the satisfactory administration of Justice in Resident Magistrates' Courts in New Zealand. Preamble.

Be it enacted by the General Assembly of New Zealand as follows:

1 No Resident Magistrate, after the passing of this Act, shall practise, or be directly or indirectly concerned, as a solicitor, attorney, or proctor. And any Resident Magistrate so appointed who shall practise, or be directly or indirectly concerned as aforesaid, shall, for every such offence, forfeit and pay the sum of Fifty Pounds, to be recovered by action in the Supreme Court by any one who may sue for the same.

No Resident Magistrate, after passing of this Act, to practise as attorney, &c., under penalty of 50*l*.

2. In every case of assault over which a Resident Magistrate shall have jurisdiction, it shall be lawful for him to adjudge in lieu of fine a term of imprisonment, with or without hard labour, not exceeding two calendar months.

In cases of assault Resident Magistrate to have power to imprison.

Plaintiff not to divide
cause of action.

3. It shall not be lawful for any plaintiff to divide any cause of action for the purpose of bringing two or more actions in any Resident Magistrate's Court.

Power to summon
witnesses in civil
cases.

4. It shall be lawful for every Resident Magistrate or Justice of the Peace to issue a summons to any person to appear and give evidence before him in any civil action then pending, and every person who shall neglect or refuse to appear as aforesaid, or who shall refuse to give evidence, shall be liable to a penalty not exceeding ten pounds, or in default of payment to be imprisoned for a term not exceeding fourteen days.

Process to be served
by bailiff if one ap-
pointed.

5. In all cases where a bailiff shall have been appointed for any Resident Magistrate's Court, all process from the said Court shall be served by the bailiff or his assistants, when the person upon whom the process is to be served shall reside within ten miles in a straight line from the place where the said Court is usually held, and the said bailiff or his assistants shall be entitled to receive the fees specified in Schedule A to this Act annexed, which fees shall be accounted for to the Clerk of the said Court, who shall pay over the same in like manner as other fees received by such Clerk. Provided always that all such fees shall be prepaid. Provided further that it shall be lawful for the said Resident Magistrate to refund to the said bailiff or his assistants, out of the fees which shall be received in respect of Schedule A to this Act annexed, any amount actually expended by him or them in serving such process as aforesaid.

Witnesses entitled to
expenses.

6. Every person who shall be summoned, and who shall appear as a witness, shall be entitled to an allowance or compensation for expenses and loss of time, according to the scale contained in Schedule B to this Act annexed. ~~And in any case of nonsuit any Resident Magistrate or, any two Justices of the Peace, shall have power to award to the defendant such costs as to him or them shall seem reasonable, and the amount so awarded may be recovered in the same manner as if judgment had been given for the said amount.~~

Limitation of powers
under Resident Ma-
gistrates' Ordinance.

7. And whereas it is now lawful, under and by virtue of an Ordinance intituled the "Resident Magistrates Ordinance," Session 7, No. 16, for any Resident Magistrate or any two or more Justices of the Peace to hear and determine in a summary way any claim or demand whatsoever of a civil nature, in which neither of the parties are of the Native race, and where the debt or damage shall not exceed twenty pounds. And whereas it is expedient that such jurisdiction should be restricted, Be it further enacted as follows: It shall not be lawful for any Resident Magistrate nor Justices of the Peace to take cognizance of any such claim or demand in which the validity of any devise, bequest, or limitation under any will or settlement may be disputed, or for any malicious prosecution, or for any libel or slander, or when any title to land is in dispute, or of any action for criminal conversation, or for seduction or breach of promise of marriage.

8. This Act may be cited for all purposes as the "Resident Magistrates' Courts Ordinance Amendment Act, 1856." Short title.

SCHEDULES REFERRED TO.

A

TABLE OF FEES TO BE PAID FOR SERVING PROCESS.

Serving Summons or Subpoena if within one mile of the Court House	3s.
For every extra mile (one way)	1s.
For executing Warrant beyond one mile from the Court House per mile one way	1s.

B

ALLOWANCE TO WITNESSES

For every Witness residing within one mile from the Court House a sum not exceeding	10s.
For every extra mile (one way)	1s.



**SUPERINTENDENTS' DEPUTY ACT,
1856.**

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

SESSION 4, No. 16.

ANALYSIS

<p>Title. Preamble.</p> <p>1. A deputy may be appointed by Superintendent to act during his absence from the Province.</p>	<p>2. In case of vacancy in the Office of Superintendent. Speaker of Provincial Council to perform duties.</p> <p>3. Short title.</p>
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Title.

AN ACT to make provision for the performance of the duties of Superintendents during the temporary absence of such Superintendents, and during vacancies in the office.

(Assented to 6th August, 1856.)

Preamble.

WHEREAS it is expedient that provision should be made for the more effectual performance of the duties of Superintendents of the several Provinces of New Zealand during the temporary absence of any such Superintendent, and also during any vacancy which may occur in the office of Superintendent.

BE IT THEREFORE ENACTED by the General Assembly of New Zealand as follows :

A Deputy may be appointed by Superintendent to act during his absence from the Province.

1. It shall be lawful for the Superintendent of any Province by proclamation, to be published in the Government Gazette of such Province, to appoint such person as he may think fit, being a registered elector of such Province to be his Deputy, and as such to perform and exercise all the Acts and powers (except such powers as are conferred by the Constitution Act, 15 and 16 Vic., c. 72) which may be exercised and performed by such Superintendent, or such of them only as shall be specified in such proclamation; and the Acts of such Deputy-Superintendent, so far as authorised by such proclamation, shall be as effectual in all respects as if performed by the Superintendent himself: Provided always, that such Deputy-Superintendent shall act only during the absence of the Superintendent from the Province, and in case of vacancy by his death resignation or otherwise during such absence, until his successor shall have been elected: Provided always that it shall not be lawful that the duties of any Superintendent shall be performed by Deputy for any greater number of days collectively than one hundred and fifty in any period of twelve calendar months from the date of such proclamation.

In case of vacancy in the office of Superintendent Speaker of Provincial Council to perform duties.

2. Whenever any vacancy other than in the cases hereinbefore provided for shall arise from death, resignation, or otherwise in the office of Superintendent of any Province all the Acts and powers which may be performed and exercised by the Superintendent of any such Province (except such powers as are conferred by the said Constitution Act,) shall during such vacancy (unless a Deputy as hereinbefore mentioned shall at the time exist in the Province where such vacancy shall occur,) be performed and exercised by the Speaker of the Provincial Council thereof.

Short title.

3. This Act may be cited for all purposes as the "Superintendents' Deputy Act, 1856."