

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, WEDNESDAY, SEPT. 3, 1856. [No. 32.

Colonial Secretary's Office,
Auckland, 29th 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.

THE COUNTIES ACT, 1856.

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

SESSION 4, No. 18.

ANALYSIS

Title.
Preamble.

1. Governor empowered to divide Provinces into Counties, &c.
2. Short title.

AN ACT to authorise the division of the Provinces of the Colony of New Zealand into Counties, Hundreds, and Parishes.

(Assented to 7th August, 1856.)

WHEREAS it is expedient to authorise the subdivision of the several Provinces of the Colony of New Zealand for civil purposes.

Preamble.

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

Governor empowered to divide Provinces into Counties, &c.

1. It shall be lawful for the Governor, or Officer for the time being administering the Government of the said Colony, from time to time, on the recommendation of the Superintendent of any Province of the said Colony by Proclamation to be published in the Government Gazette of the Colony, to divide such Province into Counties, and to sub-divide such Counties into Hundreds and Parishes, or to constitute any portion of such Province a County, Hundred, or Parish, (all which Counties Hundreds and Parishes shall have such designations and limits as in and by the Proclamation constituting the same shall be prescribed), and also in like manner and on the like recommendation from time to time to alter or annul any such division or subdivision for the time being subsisting, or the designation thereof, whether made or given under the authority of this Act or prior to the passing thereof.

Short title.

2. This Act may be cited for all purposes as "The Counties Act, 1856."



SAVINGS BANK ORDINANCE AMENDMENT ACT, 1856.

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

SESSION 4, No. 19.

ANALYSIS.

Title.
Preamble, reciting 26th Section of Savings' Banks Ordinance of 8th Session of the Legislative Council.

1. Recited Section repealed.
2. Short title.

Title.

AN ACT to amend "An Ordinance to provide for the Management of Savings' Banks."

(Assented to 6th August, 1856.)

Preamble, reciting 26th Section of Savings' Banks Ordinance of 8th Session of Legislative Council.

WHEREAS, by the 26th section of an Ordinance of the Lieutenant Governor and Legislative Council of New Zealand, enacted in the 8th Session of the said Council, intituled "An Ordinance to provide for the Management of Savings

Banks," provision is made for a periodical division among the Depositors, in any Bank established under the said Ordinance, of any surplus of the income of such Bank over and above the sum of One Hundred Pounds, which may remain after the payment of interest on deposits, the expenses of management, and other charges in the said section specified. And whereas such provision having been found practically inconvenient, it is expedient that the said section be repealed.

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

1. The said 26th section of the said Ordinance is hereby repealed. Recited section repealed.
2. This Act may be cited for all purposes as "The Savings' Bank Ordinance Amendment Act, 1856." Short title.



WASTE LANDS' ACT, 1856.

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

SESSION, 4 No. 22.

A N A L Y S I S.

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| <p>Title.
Preamble reciting New Zealand Constitution Act and "Provincial Waste Lands' Act, 1854."</p> | <ol style="list-style-type: none"> 2. Superintendents empowered to effect surveys of Waste Lands in the Provinces. 3. Governor authorised to fulfil contracts, &c. 4. Governor empowered to make reserves. 5. Interpretation of word "Governor." 6. Short title. |
| <ol style="list-style-type: none"> 1. Superintendents and Provincial Councils empowered to make Laws for regulating sale, &c., of the Waste Lands of the Crown. | |

Title.

AN ACT to empower the Superintendents and Provincial Councils to enact Laws for regulating the Sale, Letting, Disposal, and Occupation of the Waste Lands of the Crown.

(Assented to 16th August, 1856.)

Preamble reciting New Zealand Constitution Act and "Provincial Waste Lands Act, 1854."

WHEREAS under and by virtue of an Act of the Imperial Parliament passed in the Session holden in the 15th and 16th years of the Reign of Her Majesty Queen Victoria, intituled "An Act to grant a Representative Constitution to the Colony of New Zealand," and of an Act of the General Assembly of New Zealand, intituled "The Provincial Waste Lands Act, 1854," the General Assembly of New Zealand is enabled to authorise and empower the Superintendent of any Province, with the advice and consent of the Provincial Council thereof, to make Laws for regulating the sale, letting, disposal, and occupation of the Waste Lands of the Crown in such Province, either absolutely, or upon such terms and conditions and subject to such restrictions and limitations as may be prescribed by any act or acts to be passed by the said General Assembly in that behalf. And whereas it is expedient that the Superintendent of any Province, with the advice and consent of the Provincial Council thereof, shall have the power to make Laws as aforesaid. Be it enacted by the General Assembly of New Zealand as follows:—

Superintendents and Provincial Councils empowered to make Laws for regulating sale, &c., of the Waste Lands of the Crown.

1. Subject to the Provisions in the said recited Act of the Imperial Parliament contained, it shall be lawful for the Superintendent of each of the Provinces of New Zealand, with the advice and consent of the Provincial Council thereof, at any time, and from time to time, to make Laws for regulating the sale, letting, disposal, and occupation of the Waste Lands of the Crown within such Province, and also to amend, alter, or repeal any Laws, Ordinances, or Regulations, now in force for any such purposes within the same. Provided always that every bill for such purpose shall be reserved for the signification of the Governor's pleasure thereon.

Superintendent may remove persons employed in the administration of the Waste Lands of the Crown and appoint others.

2. It shall be lawful for each of the Superintendents of the said Provinces respectively to remove any person now employed in the administration of the Waste Lands of the Crown in such Province, and provisionally, until other provisions be made by law in that behalf, to appoint any other person or persons with full powers to perform and exercise all the powers, duties, and functions which may be performed or exercised by any person so removed.

Persons specially appointed by Superintendent may perform functions now vested in Commissioner of Crown Lands.

3. Where, by any Law or Ordinance, or any regulations in force within any Province, any act, matter, or thing, is authorised or required to be done or performed by or in relation to a Commissioner of Crown Lands, every such act, matter, or thing, shall, until other provision be made by law in that behalf, be valid and effectual, if done or performed by or in relation to a person specially appointed in that behalf by the Superintendent of such Province, by warrant under his hand.

4. It shall be lawful for the Governor at any time to fulfil and perform any contract, promise, or engagement heretofore made under the authority of Law, by or on behalf of Her Majesty, with respect to any Lands situate in any of the said Provinces, and nothing contained in this Act, or in any law made in pursuance hereof, shall prejudice any such contract, promise, or engagement, or any subsisting rights or claims in respect of land or land orders, land scrip or Government Scrip.

Governor authorised to fulfil contracts, &c.

5. It shall moreover be lawful for the Governor at any time, and from time to time, to except from sale, and either reserve to Her Majesty, her heirs and successors, or to dispose of in such other manner as for the public interest may seem best, such of the said Waste Lands in any of the said Provinces as may be required for the purposes of Military defence, or for the construction of trunk lines of road, or as sites for public buildings for the use of the General Government; and all such exceptions shall be deemed to have been made whenever the Governor by writing under his hand shall have notified to the Superintendent of the Province in which any Land so excepted is situate, that the same is required for any of the purposes aforesaid, and such notification shall have been published in the New Zealand Government Gazette. Provided always that no lands hereafter acquired from the aboriginal inhabitants, shall be open for sale or disposal, until the Governor shall have notified by Proclamation in the New Zealand Government Gazette, that the native title shall have been extinguished over such lands.

Governor empowered to make reserves.

6. The term "Governor" shall mean the person for the time being lawfully administering the Government of New Zealand.

Interpretation of the word "Governor."

7. This Act may be cited for all purposes as "The Waste Lands Act, 1856."

Short title.



GOVERNOR'S SALARY ACT, 1856.

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

ANALYSIS.

Title. Preamble reciting creation of Civil List by Constitution Act. 1. Salary Payable to Governor altered from	£2500 per annum to £3500. 2. £3500 per annum to be payable from the 1st of July 1856. 3. Short title.
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Title.

AN ACT to alter the Civil List granted to Her Majesty by the Constitution Act so far as relates to the Salary of the Governor.

[15th August, 1856. Reserved for Her Majesty's assent.]

Preamble reciting creation of Civil List by Constitution Act.

WHEREAS by an Act of the Imperial Parliament passed in the Session held in the 15th and 16th years of the Reign of Her Majesty Queen Victoria, intituled "An Act to grant a Representative Constitution to the Colony of New Zealand," it is enacted that there shall be payable to Her Majesty every year, out of the Revenue arising from taxes, duties, rates, and imposts, and from the disposal of the Waste Lands of the Crown in New Zealand, the several sums mentioned in the Schedule to the said Act annexed. And whereas the salary payable to the Governor by the said Schedule is Two Thousand Five Hundred pounds per annum. And whereas it is by the said Act further enacted that it shall be lawful for the General Assembly of New Zealand, by any Act or Acts, to alter all or any of the sums mentioned in the said Schedule, but that every Bill which shall be passed altering the salary of the Governor should be reserved for the signification of Her Majesty's pleasure thereon. And whereas it is expedient that the salary payable to the said Governor by the said Schedule should be altered as hereinafter provided.

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

£3500 instead of £2500 payable to Her Majesty as the salary of the Governor.

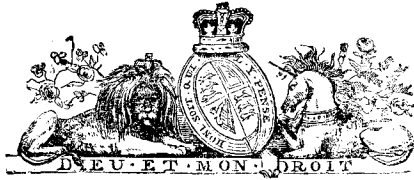
1. There shall be payable to Her Majesty, every year out of the Revenue arising from taxes, duties, rates, and imposts, levied under any Act or Acts of the said General Assembly, and from the disposal of the Waste Lands of the Crown in New Zealand, the sum of £3500 as and for the salary of the Governor instead and in lieu of the sum of £2500 as provided by the said Schedule.

£3500 instead of £2500 to be payable from the 1st day of July, 1856.

2. As soon as this Act shall come into operation in accordance with the 59th section of the said recited Act of the Imperial Parliament, the said salary of £3500 shall be deemed to have commenced from the 1st day of July, 1856.

Short title.

3. This Act may be cited for all purposes as "The Governor's Salary Act, 1856."



AUCKLAND HOSPITAL AND GRAMMAR SCHOOL RESERVES ACT, 1856.

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

SESSION 4, No 27.

ANALYSIS.

<p>Title. Preamble. Recital of Grants to Trustees of Reserves for a Hospital, Of conveyances to new Trustees. Recital of Grants to Trustees of Reserves for College and Grammar School. Of conveyances to new Trustees. Of doubts of validity of grants. 1. Land described in Schedule A vested in Su-</p>	<p>perintendent of Auckland subject to certain Trusts. 2. Land described in Schedule B vested in Superintendent of Auckland subject to certain Trusts. 3. Leases heretofore granted, valid. 4. Arrears of rent payable to Superintendent. 5. Rights &c of Superintendent same as though Leases granted by him. 6. Short title. Schedules A and B.</p>
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AN ACT to vest in the Superintendent of the Province of Auckland certain lands heretofore granted to Trustees as Reserves for a Hospital and for Grammar Schools. Title.

(Assented to 14th August, 1856.)

WHEREAS by three several Crown Grants bearing date respectively the 24th day of August, 1850, the 28th day of October, 1850, and the 24th day of April, 1851, all those several allotments or parcels of Land mentioned or described in the first Schedule to this Act annexed, were granted to Andrew Sinclair, Esq., the Colonial Secretary, William Swainson, Esq., the Attorney General, and Alexander Shepherd, Esq., the Colonial Treasurer, and other the person or persons for the time being respectively discharging the duties of the said offices, upon trust for the site and for an endowment for or towards the maintenance and support of a Hospital, as in the said Grants respectively mentioned, and upon further trust to convey the said allotments or parcels of land unto such other person or persons either jointly with themselves or otherwise as the Governor of the Province of New Ulster, should from time to time in writing under his hand direct and appoint; subject nevertheless to the trusts and with the powers, in the said Grants respectively declared and contained.

Preamble.

Recital of Grants to Trustees of Reserves for a Hospital.

Of conveyances to new Trustees.

And whereas by three several deeds poll bearing date respectively the twentieth day of April, 1854, and endorsed on three said recited Crown Grants respectively, all those same allotments or parcels of land were conveyed and assured unto Robert Henry Wynyard, Superintendent of the Province of Auckland, Frederick Whitaker, Daniel Pollen, John Anderson Gilfillan, and James Thomas Boylan, members of the Executive Council of the said Province, and James O'Neill, and Patrick Dignan, and unto the Superintendent and members of the Executive Council of the said Province for the time being, To hold the said allotments or parcels of land, upon the Trusts and with the powers by the said recited Crown Grants, expressed and declared of and concerning the same

Recital of Grants to Trustees of Reserves for College and Grammar Schools.

And whereas by four other Crown Grants bearing date respectively the 24th day of October, 1850, the 28th day of October, 1850, the 14th day of April, 1851, and the 9th day of December, 1853, all those several allotments or parcels of land mentioned or described in the second Schedule to this Act annexed, were granted to Andrew Sinclair, Esq., the Colonial Secretary, William Swainson, Esq., the Attorney General, and Alexander Shepherd, Esq., the Colonial Treasurer, or other the person or persons for the time being respectively discharging the duties of the said offices, upon trust as an endowment for or towards the maintenance of a College and Grammar School or Schools as in the said grants respectively mentioned and upon further trust to convey the said allotments or parcels of land unto such other person or persons, either jointly with themselves or otherwise as the Governor of the Province of New Ulster, should from time to time in writing under his hand direct and appoint, subject nevertheless to the Trusts, and with the powers in the said Grants respectively declared and contained.

Of conveyances to new Trustees.

And whereas by four several deeds poll endorsed on the lastly recited Crown Grants, three of which endorsed deeds bear date respectively the 20th day of April, 1854, and the fourth of which endorsed deeds bears date the eighth day of May, 1854, all those same allotments or parcels of land, were conveyed and assured unto Archibald Clark, Laughlin O'Brien, William Connell, Thomas Russell, David Nathan, John Anderson Gilfillan, and Frederick Ward Merriman, To hold the same upon the Trusts and with the powers by the said Crown Grants respectively expressed and declared of and concerning the same.

Of doubts of validity of Grants.

And whereas doubts have arisen as to the validity and effect of the said recited Crown Grants and the said recited conveyances, and the Trustees, by such conveyances appointed, have not taken upon themselves the Trusts thereof. And whereas in order to the due management and administration of the said Trusts lands, it is expedient that the same should be vested in the Superintendent of the Province of Auckland and his successors, subject to the Provisions of an Act of the General Assembly of New Zealand entitled "The Public Reserves Act, 1854."

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

1. All the lands mentioned or described in Schedule A. to this Act annexed, are hereby vested in the Superintendent of the Province of Auckland, and his Successors, and shall for all purposes whatsoever be deemed to have been lands duly granted to him and his successors, under "The Public Reserves Act, 1854," for the purposes specified respectively in the three several Crown Grants firstly hereinbefore recited.

Lands described in Schedule A vested in Superintendent of Auckland subject to certain Trusts.

2. All the lands mentioned or described in Schedule B to this Act annexed, are hereby vested in the Superintendent of the Province of Auckland and his Successors and shall, for all purposes whatsoever be deemed to have been land duly granted to him and his successors, under "The Public Reserves Act, 1854," for the purposes specified respectively in the four several Crown Grants secondly hereinbefore recited.

Lands described in Schedule B vested in Superintendent of Auckland subject to certain Trusts.

3. All leases heretofore made of any portions of the said lands shall be deemed to have been valid leases of the land therein respectively comprised, notwithstanding any defect in the title of the Trustees by whom the said leases were respectively made

Leases heretofore granted valid,

4. All rents and arrears of rent and other monies now due or recoverable in respect of any of the said lands, or in respect of the occupation thereof, shall be payable and paid to, and recoverable by the said Superintendent and his Successors.

Arrears of rent payable to Superintendent.

5. The said Superintendent and his Successors shall in all respects have and exercise all the rights, remedies and powers, as though the said leases respectively had been duly made by the said Superintendent to the respective lessees therein named.

Rights &c of Superintendent same as though leases granted by him.

6. This Act may be cited for all purposes as the "Auckland Hospital and Grammar School Reserves Act, 1856."

Short title.

SCHEDULES ABOVE REFERRED TO.

SCHEDULE A.

1. All that allotment or parcel of land containing one rood and one perch, (more or less) being No. 12 of Section No. 4, of the Town of Auckland, in the Parish of Waitemata, in the County of Eden.

2. All that allotment or parcel of land, containing one rood and thirty-seven perches, (more or less) being No. 16 of Section No. 7, of the Town of Auckland aforesaid

3. All that allotment or parcel of land containing one rood and three perches, (more or less) being No 8, of Section No. 15, of the Town of Auckland aforesaid.

4. All those allotments or parcels of land, containing one rood and thirty-six perches (more or less), being Nos. 7, 8, 9, and 10, of Section No 9, of the Town of Auckland aforesaid.

5. All that piece or parcel of land containing thirteen perches (more or less), being the western half of allotment No. 17A, of Section No. 4, of the Town of Auckland aforesaid.
6. All that allotment or parcel of land, containing two roods and sixteen perches (more or less) being No. 1, of Section No. 31, of the Town of Auckland aforesaid.
7. All that allotment or parcel of land, containing seven acres and one rood (more or less) being No. 21A, of Section No. 11, of the Suburbs of Auckland aforesaid.
8. All that allotment or parcel of land, containing fourteen acres and eight perches, (more or less) being No. 8A, of Section No. 12, of the Suburbs of Auckland aforesaid.
9. All that allotment or parcel of land, containing fifty-three acres (more or less), being No. 7A, of Section No. 12, of the Suburbs of Auckland aforesaid.
10. All that allotment or parcel of land, containing twenty-seven acres and twenty three perches (more or less), being No. 17A of Section No. 12, of the Suburbs of Auckland aforesaid.
11. All that allotment or parcel of land, containing four acres and one rood (more or less), being No. 14A of Section No. 12, of the Suburbs of Auckland aforesaid.
12. All those allotments or parcels of land, containing one hundred and two acres one rood and twenty-four perches (more or less), being Nos. 14, 15, 16, 17, and 20, of the Parish of Takapuna, County of Eden aforesaid.
13. All that allotment or parcel of land, containing thirty-one acres and two roods (more or less), being No. 18 of Section No. 9, of the Suburbs of Auckland aforesaid.
14. All that allotment or parcel of land, containing forty acres (more or less), being No. 24 of Section No. 6, of the Suburbs of Auckland aforesaid.
15. All that Section, containing three acres, three roods and twenty-seven perches (more or less), being Section No. 98 of the Suburbs of Auckland aforesaid.
16. All that allotment or parcel of land, containing twelve acres (more or less), situated in the Suburbs of Auckland aforesaid, being allotment No. 41 of Section No. 3.
17. All that allotment or parcel of land, containing by admeasurement three acres and 14 perches (more or less), situated in the Suburbs of Auckland aforesaid, being allotment No. 1 of Section No. 99.

SCHEDULE B.

1. All that allotment or parcel of land, containing by admeasurement three acres (more or less) situated in the Town of Auckland aforesaid, being No 1 of Section No. 10.
2. All those allotments or parcels of land, containing one rood and thirty-six perches (more or less), situated in the Town of Auckland aforesaid, and being Nos. 11, 12, 13 & 14 of Section No 9.
3. All those allotments or parcels of land, containing sixteen acres and twenty perches (more or less), situated in the Suburbs of Auckland aforesaid, and being Nos. 2C, 2D, 2E, and 2F, of Section No 10.
4. All those allotments or parcels of land, containing one acre one rood and twenty perches (more or less), situated in the Town of Auckland aforesaid, and being Nos. 14, 15, 16, 17, and 18 of Section No 22.
5. All those allotments or parcels of land, containing fourteen acres one rood and twenty-seven perches, situated in the Suburbs of Auckland aforesaid, and being Nos. 18 and 19 of Section No. 4.
6. All that allotment or parcel of land, containing one hundred and fifty-five acres (more or less), situated in the Parish of Pakuranga in the County of Eden aforesaid, and being farm No. 59.
7. All that piece or parcel of land situated in the Parish of Pakuranga aforesaid, containing fifty-three acres (more or less), being part of farm No. 17.

8. All that allotment or parcel of land containing, nine acres and one rood (more or less), situated in the Suburbs of Auckland aforesaid, and being No. 9 of Section No. 95.

9. All those allotments or parcels of land, containing nineteen acres and two roods (more or less) situated in the Suburbs of Auckland aforesaid, being Nos. 23A and 23B of Section No. 6.

10. All that allotment or parcel of land, containing five acres (more or less), situated in the Parish of Takapuna aforesaid, and being No. 20 of Section No. 2.

11. All that allotment or parcel of land, containing three acres (more or less), situated in the Suburbs of Auckland aforesaid, and being No. 2 of Section No. 15.

12. All those allotments or parcels of land, containing four acres (more or less), situated in the City of Auckland aforesaid, and being Nos. 20 and 21 of Section No. 9.



LOCAL POSTS ACT, 1856.

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

SESSION 4, No. 30.

ANALYSIS.

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| <p>Title.
Preamble.</p> <p>1. Postmaster may establish Local Posts.</p> <p>2. Superintendent to fix rates of postage for Local Posts.</p> | <p>3. Revenues accruing under this Act to be applied to cost of service.</p> <p>4. Deficiency of Revenue for the service to be made up from Provincial Revenue.</p> <p>5. Short title.</p> |
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AN ACT to enable Local Posts to be established within the several Provinces of New Zealand. Title.

(Assented to 15th August, 1856.)

WHEREAS it is expedient that increased facilities should be afforded for the establishment of local posts and postal communications within the several Provinces of New Zealand: Preamble.

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

Postmaster may establish local Posts.

1. It shall be lawful for the Postmaster of the Principal Post Office of any Province in New Zealand from time to time to establish any local Post or Postal Communication within such Province whenever he shall have been requested by the Superintendent acting upon an address of the Provincial Council to establish the same; and every Post or Postal Communication so established shall be deemed to be a part of the Postal service of New Zealand established under the authority of the laws in force in that behalf.

Superintendent to fix rates of postage for local posts.

2. It shall be lawful for the Superintendent of any Province by Proclamation in the Government Gazette thereof, to fix the rates of postage payable for the transmission by any such Post or Postal communication of letters, newspapers, and other papers and parcels; and from time to time by any such Proclamation to alter, repeal, or abolish any postage so fixed as aforesaid, and to fix any other rate of postage in lieu thereof. And all postage from time to time to become payable by virtue of any such Proclamation shall be charged and be payable accordingly; provided always that no such rate of postage shall exceed the sum which may have been specified for any such service by the Provincial Council of such Province.

Revenues accruing under this Act to be applied to cost of service.

3. The said Postmaster shall cause a separate account to be kept of all the Postal Revenues accruing under this Act. And all such Revenues shall be expended in defraying the cost of the various postal services established under this Act in the Province in which such Revenues shall have arisen, and in no other object whatsoever.

Deficiency of Revenue for the service to be made up from Provincial Revenues.

4. If the revenues arising in respect of any postal service established under the provisions of this Act shall be insufficient to defray the cost of such postal service; any such deficiency shall be made up out of the Provincial Revenues of the Province within which such revenue is established: And it shall not be lawful for any such Postmaster to establish any such service or incur any expense thereon until the Superintendent thereof shall have guaranteed the payment of any sums which may be necessary to make up any such deficiency as aforesaid.

Short title.

5. This Act may be cited for all purposes as the "Local Posts Act, 1856."



SCOTCH LAW PRACTITIONERS ACT, 1856.

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

SESSION 4, No 33.

ANALYSIS.

<p>Title. Preamble.</p>	<p>Courts of Scotland may be admitted to practise in the Supreme Court.</p>
<p>1. Persons qualified to practise in the Sheriff</p>	<p>2. Short title.</p>

AN ACT to enable persons qualified to practise in the Sheriff Courts of Scotland to be admitted to practise in the Supreme Court. Title.

(Assented to 16th August, 1856.)

WHEREAS it is expedient to extend the privilege of enrolment to practise as a Solicitor in the Supreme Court of New Zealand to persons qualified to practise or to be admitted to practise in any Sheriff Court in Scotland. Preamble.

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

1. In addition to the persons qualified to be enrolled in the Supreme Court of New Zealand to practise therein as Solicitors, there may, from and after the passing of this Act, be enrolled so to practise in the said Court, all persons who shall have been admitted to practise as Writers or Solicitors in any Sheriff Court in Scotland or who shall have become qualified to be admitted so to practise in any such Court. Persons qualified to practise in the Sheriff Courts of Scotland may be admitted to practise in the Supreme Court.

2 This Act may be cited for all purposes as the "Scotch Law Practitioners Act 1856." Short title.



PROVINCIAL LAWS ACT, 1856.

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

SESSION 4, No. 35.

ANALYSIS.

Title.

Preamble reciting "Provincial Councils Powers Act, 1856," whereby it is enacted Superintendents of Provinces may alter the Civil Jurisdiction of any Court in such Provinces; also certain Acts or Ordinances of the Provinces not hitherto

valid as Acts of the General Assembly.

1. This Act to have retrospective effect, and all Provincial Acts or Ordinances hitherto made and not disallowed by Governor, rendered valid and effectual from respective dates of passing thereof.
2. Short title.

Title.

AN ACT to give the validity of Acts of the General Assembly to certain Laws made by the Superintendents and Provincial Councils of the several Provinces of New Zealand.

(Assented to 16th August, 1856.)

Preamble reciting "Provincial Councils Powers Act, 1856," whereby it is enacted Superintendents of Provinces may alter the Civil Jurisdiction of any Court in such Provinces, also certain Acts or Ordinances of the Provinces not hitherto valid as Acts of the General Assembly.

WHEREAS an Act has been passed in the present Session of the General Assembly of New Zealand, and has been reserved for the assent of Her Majesty, intituled the "Provincial Councils Powers Act, 1856," whereby 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 it is also further enacted that the Superintendent and Provincial Council of any Province in New Zealand shall have power by any Acts or Ordinances to enact that certain acts or omissions contrary to the provisions of such Acts or Ordinances of such Superintendent and Provincial Council 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 each conviction. And whereas certain Acts and Ordinances have been passed by the Superintendents and Provincial Councils of the said Provinces, creating special offences not at the time of the passing thereof known to the law of New Zealand or summarily punishable thereby, and attaching penalties to the commission thereof, and which Acts and Ordinances have received the assent of the Governor or Officer administering the Government, or have been left to their operation.

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

1. Every Act or Ordinance, and every enactment and provision thereof, heretofore passed by any Superintendent and Provincial Council which has not been disallowed by the Governor or Officer administering the Government, and which would have been legal and valid if the hereinbefore recited Act of the General Assembly had been in force at the time of the passing of such Act or Ordinance, shall be as valid and effectual and shall be deemed to have been as valid and effectual from the time of the passing thereof as though the same had been passed by the General Assembly of New Zealand.

This Act to have retrospective effect, and all Provincial Acts or Ordinances hitherto made and not disallowed by Governor, rendered valid and effectual from respective dates of passing thereof.

2. This Act may be cited for all purposes as the "Provincial Laws Act, 1856."

Short title.



PUBLIC OFFICES ACT, 1856.

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

SESSION 4, No 23.

ANALYSIS.

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| <p>Title.
Preamble.</p> | <p>2. Money to be applied towards erecting Public Offices for General Government.</p> |
| <p>1. Governor authorised to sell allotments of land described in Schedule.</p> | <p>3. Short title. Schedule.</p> |

Title. *AN ACT to enable the Governor to sell certain allotments of Land in the City of Auckland and apply the proceeds towards erecting Public Offices.*

(Assented to 16th August, 1856.)

Preamble.

WHEREAS several allotments or parcels of land situate in the City of Auckland have been set apart and are now used as the sites of Public Offices for some of the departments of the General Government of New Zealand. And whereas it is desirable to enable the Governor to sell and dispose of the said allotments or parcels of land and the buildings erected thereon, and to apply the proceeds towards building public offices on more convenient sites.

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

Governor authorised to sell allotments of land described in Schedule.

1. It shall be lawful for the Governor, or other officer for the time being lawfully Administering the Government of New Zealand, whenever he shall think fit, to sell and dispose of all or any of the said allotments or parcels of land more particularly mentioned and described in the Schedule to this Act annexed, or any part thereof, by public auction, either altogether or in lots, and to make and execute in the name and on behalf of her Majesty, under the public Seal of the said Colony, any grant or grants to the purchaser or purchasers thereof, and every such grant shall be deemed to convey an estate in fee simple, free from incumbrances and without liability on the part of the purchaser or purchasers to see to the application of the purchase money.

Money to be applied towards erecting Public Offices for General Government.

2. The money to arise from every such sale shall be applied, first, in payment of any expenses attending the same, and secondly in or towards the erection of Public Offices on some convenient site or sites in the City of Auckland, for the General Government of New Zealand, and any surplus shall be disposed of as directed by the General Assembly of New Zealand.

Short title.

3. This Act may be cited for all purposes as the "Public Offices Act, 1856."

SCHEDULE.

1. All that Allotment or Parcel of Land situate in Princes-street, in the City of Auckland, and being Allotment No 1 of Section No 7, of the said City, containing 1 rood 7 perches
2. All that other Parcel of Land situate in Princes-street in the City of Auckland and being the eastern half of Allotment No 17A of Section No 4, of the said City, containing 13 perches.
3. All that other Parcel of Land in the City of Auckland, having a frontage to High-street of 57 feet and a frontage to Chancery-street of 67 feet 6 inches, and being a part of Allotment No 4 of Section 4, of the said City, and which said Parcel of Land with the Buildings thereon was purchased for or on behalf of the Government of New Zealand for Public Offices of certain departments of the Government.



FRIENDLY SOCIETIES ACT, 1856.

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

SESSION 4, No 28.

ANALYSIS.

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| <p>Title.
Preamble.</p> <ol style="list-style-type: none"> 1. Objects for which Friendly Societies may be established. 2. No sum to be paid on death of child except for funeral. 3. Power to frame rules and appoint committee and officers. 4. Separate account for each fund. 5. Society or Branch not legally established till rules certified. 6. Attorney General, or Barrister to certify rules. 7. Fee for certificates. 8. Treasurer to give bond. 9. Trustees, &c., to invest funds. 10. Property vested in Trustees. 11. Responsibility of Treasurer. 12. Trustees to make annual return. 13. In default of return, Trustees to be incapable of bringing action. 14. When Trustees shall be absent Judge may order stock to be transferred and dividends paid. 15. Act to be an indemnity. 16. Disputes to be settled according to rules. 17. Rules for arbitration. 18. If no arbitrators appointed or award given Justices may decide. 19. Remedy to member unjustly expelled. | <ol style="list-style-type: none"> 20. In case of fraud, Justices may summon and hear complaints. 21. No certiorari. 22. Treasurer, &c., to render accounts and upon demand pay over moneys, &c., to party appointed by Societies, &c. 23. Minors may be members but not hold office. 24. Consent necessary for dissolution of Society. 25. Rules, &c., under hand of Registrar of Supreme Court to be received without proof of signature. 26. Circulating false copies of rules, &c., a misdemeanor. 27. Executors, &c., of officers of Friendly Societies to pay money due to Society before any other debts within forty days after demand in writing. 28. Limitation of benefit to members. 29. For payment of sums not exceeding £50 when members are intestate. 30. What payment on account of deceased members valid. 31. Payment on death of members to be made to Executors. 32. Donations. 33. Construction of terms. 34. Short title.
Schedules. |
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Title:

AN ACT for the Regulation and Management of Friendly Societies in New Zealand.

(Assented to 16th August, 1856.)

Preamble.

WHEREAS the protection and encouragement of Friendly Societies, for raising by voluntary subscriptions of the Members thereof separate Funds for the purpose of affording relief and maintenance to the Members thereof in sickness, old age, and for other purposes of a provident and benevolent nature is likely to be attended with very beneficial effects by promoting the happiness of individuals, and at the same time ~~will~~ diminish public burthens; and as it is expedient to give protection to such Societies and the Funds thereby established, and to afford encouragement to form like Societies within the Colony of New Zealand: Be it therefore enacted by the General Assembly of New Zealand as follows:—

Objects for which
Friendly Societies
may be established.

1. It shall be lawful for any number of persons to establish a Society, or Branch of the same, under the provisions of this Act, for the purpose of raising by voluntary subscriptions of the Members thereof, with or without the aid of donations, a Fund for any of the following objects; that is to say—

1. For insuring a sum of money to be paid on the death of a Member to the widower or widow of a Member, as the case may be, or to the child, or to the executors, administrators, or assigns of such Member, or for defraying the expense of the burial of a Member, or of the husband, wife, child, or kindred of a Member, subject always to the restrictions hereinafter enacted in that behalf.
2. For the relief, maintenance, or endowment of the Members, ~~their husbands, wives, children, or kindred,~~ in infancy, old age, sickness, widowhood, or any other natural state of which the probability may be calculated by way of average.
3. For insuring or making good any loss or damage of live or dead stock, goods, or stock-in-trade, implements and tools, sustained by any Member by fire, flood, shipwreck, or any contingency of which the probability may be calculated by way of average.
4. For the frugal investment of the savings of the Members, for better enabling them to purchase food, firing, clothes, or other necessaries, or the tools, implements, or materials of their trade or calling, or to provide for the education of their children or kindred; Provided that the shares in any such Investment Society shall not be transferable, and that the investment of each Member shall accumulate or be employed for the sole benefit of the Member investing, or of the husband, wife, children, or kindred of such Member, and that no part thereof shall be appropriated to the relief, maintenance, or endowment of any other person whomsoever; and that the whole amount of the balance due according to the rules of such Society to such Member shall be paid to him or her on withdrawing from such Society.

5. For any purpose which shall be certified to be legal by Her Majesty's Attorney General of the said Colony, as a purpose to which the powers and facilities of this Act ought to be extended :

Provided always, that it shall not be lawful for any Society or Branch established under this Act to assure the payment to or on the death of any Member, or on any contingency or for any of the purposes for which the payment of sums may be assured under this Act, of any sum exceeding One Hundred Pounds, nor any annuity exceeding Thirty Pounds per annum, nor a sum in sickness exceeding Twenty one Shillings per week.

2. In all Societies established under the provisions of this Act, it shall not be lawful for the Trustees or other officers, or other person or persons who have the custody of the moneys of such Society, to assure a sum of money to be paid on the death of a child, whether a member of such Society or not, under the age of ten years, except the actual funeral expenses, not exceeding Three Pounds in case of such child, to be paid to the undertaker or person by whom the burial is conducted, and whose receipt alone shall be sufficient discharge to the Society; nor to pay any sum of money which may have been insured and become payable on the death of any Member thereof, or of the husband, wife, or child of any Member, unless the party applying for the same shall produce and deliver to the officer a certificate signed by a Physician, Surgeon, or Apothecary, or Coroner, in the form B set forth in the Schedule to this Act annexed, except in such cases where from the nature of the circumstances it is impossible to procure such certificate; and if any officer of such Society shall pay or cause to be paid such sum of money as aforesaid without such certificate as aforesaid, such officer shall be liable to a penalty not exceeding Three Pounds, to be recoverable before any Resident Magistrate or any two or more Justices of the Peace sitting in Sessions in the District or nearest to the District or place where such Society or Branch is established, to be paid to the Benevolent Society established in the place or nearest to where the business of such Society or Branch is situated.

No sum to be paid on death of child except for funeral.

3. It shall be lawful for the persons intending to establish under the provisions of this Act a Friendly Society, or Branch thereof, to make or adopt Rules for the government and guidance of the same, and for the admission and guidance of Members, and to make such provision in the Rules as they shall think fit for ordaining, repealing, altering, or amending any Rules, and to impose reasonable fines and forfeitures on any Member offending against the regulations of the same, and to form a General Committee or Board of Management, and to delegate to the same all or any of the powers given by this Act to be executed, either with respect to the management of the Society or Branch, or the enactment amendment repeal or alteration of the Rules thereof, and in such Rules there shall be distinctly set forth—

Power to frame rules and appoint committee and officers.

1. The name and designation of such Society or Branch, and place where the business thereof is carried on, the whole

of the objects and intentions for which it is founded, the whole of the purposes to which the funds thereof are applicable according to the Rules and Tables thereof, and the conditions under which any Member or party claiming under or by a Member, may become entitled to any benefit assured thereby :

2. The manner of making, repealing, or altering Rules, of appointing Trustees, Treasurer, or other person or persons who shall have the custody of the money of such Society, and an officer who shall keep the books and accounts, and prepare the returns required by this Act, a General Board of Committee of Management, and the duties and powers of each.
3. The mode in which the Funds shall be invested :
4. The manner in which disputes between the Society or Branch and any Member thereof, or person claiming on account or through any Member, shall be settled.

Separate account for each fund.

4. The Rules of every such Society or Branch shall provide that all moneys received or paid on account of each and every particular Fund or Benefit assured to the Members thereof, their husbands, wives, children, or kindred, for which a separate Table of contributions payable shall have been adopted, shall be entered in a separate account distinct from the moneys received and paid on account of any other Benefit or Fund.

Society or branch not legally established till rules certified.

5. Such Society or Branch shall not be deemed to be legally established under this Act, nor be entitled to any of the provisions of the same, unless the Rules and every amendment of the Rules or Tables made from time to time shall have been duly certified as hereinafter provided.

Attorney General or Barrister to certify rules.

6. Two printed or written copies of all Rules and Tables adopted by such Society or Branch, together with the name and residence of every Trustee thereof, signed by three Members, and countersigned by the Clerk or Steward or other officer, with all convenient speed after the same shall be made, altered, or amended, and so from time to time after the making, altering, or amending thereof, shall be transmitted to the Attorney General for the said Colony or to a Barrister at Law appointed by the Governor for the time being of the said Colony, for the purpose of ascertaining whether such Rules or any amendment or alteration thereof are according to law ; and the said Attorney General or the said Barrister so to be appointed as aforesaid, is hereby required without unnecessary delay to examine the said Rules, and see that the said Rules are framed in conformity with law, and that no rule or part thereof is repugnant to another, and that the same are reasonable and proper ; and he shall give a certificate in the form set forth in ~~Schedule A to~~ this Act annexed, and thereupon one copy of the said Rules with the said certificate annexed shall and may, within ninety days from the date of such certificate, be filed and registered by the Secretary, Treasurer, or one of the Trustees or Directors of the said Society or Branch with the Registrar or Deputy Registrar of the Supreme Court for the Province in which the place of business

of such Society or Branch shall be held, and every such Registrar is hereby required to file and keep the said copy of the Rules and certificate amongst the records of his office, and thereupon such Society or Branch shall be denominated "Certified Friendly Society," and all Rules, alterations, and amendments thereof, when certified and registered as before mentioned, shall be binding upon the several Members of such Society or Branch, and all persons claiming by or under them

7. For every such Certificate of Rules of any Friendly Society a fee of Two Guineas shall be paid to the said Attorney General or Barrister so certifying, and for every Certificate of Rules of any Branch of such Society a fee of One Guinea, and for every Certificate of amendment, repeal, or alteration of Rules of any Society or Branch, a fee of One Guinea shall be paid

Fee for certificates.

8. Every Treasurer or other person who has the custody of the money of any Society or Branch established under the provisions of this Act, before he shall be admitted to take upon him the execution of any such office, shall become bound in a bond according to the form set forth in the Schedule C to this Act annexed, with two sufficient sureties, for the just and faithful execution of such office, and for rendering a just and true account according to the Rules of such Society or Branch, and at such times as he shall be required so to do by a Trustee or Trustees of the said Society, or by a majority of the Members present at any meeting of such Society, in such penal sum of money as by the Trustees or Board of Management shall be deemed expedient, and every such bond to be given by or on behalf of such officer, shall be given to the Trustees of the said Society or Branch for the time being, and in case of forfeiture it shall be lawful to sue upon such Bond in the name of the Trustees for the time being for the use of the said Society or Branch.

Treasurer to give bond.

9. The Trustees or Treasurer or other person who has the custody of the money for the time being of any such Society or Branch, shall, and they are hereby required, from time to time, by and with the consent of such Society or Branch to be had and testified in such manner as the Rules shall direct, to lay out and invest such part of all sums of money as shall at any time be collected, given, or paid to and for the purposes of such Society, as may not be wanted for the immediate use thereof, or to meet the usual accruing liabilities of such Branch or Society, in the names of such Trustees in any Savings' Banks, subject to the provisions of Acts in force relating to the same, or in any public funds, or at interest upon Government securities, or on mortgage of freehold or leasehold property, such leasehold being for a term of years absolute, of which not less than twenty years shall be unexpired, or in or upon the security of any Government stocks, funds, or debentures, or any rates authorised to be levied and mortgaged by any Act of the General Assembly, or on any loan to any Member of any such Society on the security of any policy of assurance effected on his own life, provided that the amount of such loan shall not exceed the actual estimated value of such policy at the time such loan be made, and from time to time, with such consent as aforesaid, to alter and transfer such securities and funds and to make sale thereof respectively, and all dividends,

Trustees, &c., to invest funds.

interest, and proceeds, which shall from time to time arise from the moneys so laid out or invested as aforesaid shall be brought to account by such Trustees, and shall be applied to and for the use of such Society or Branch according to the rules thereof. Provided always that it shall be lawful for the Trustees or Treasurer, as aforesaid, with the consent of such Society or Branch as aforesaid, to purchase, hire, or take upon lease any room or premises for the purpose of holding therein the meetings of such Society or Branch, or for the transaction of business relating thereto, and to hold the same in trust and for the use of such Society or Branch, and to sell, exchange, let, and demise the same, in whole or in part, with such consent as aforesaid.

Property vested in
Trustees.

10. All hereditaments, moneys, goods, chattels, and effects whatever, and all titles, securities for money, or other obligatory instruments and evidences or muniments, and all rights or claims belonging to or had by such Society or Branch, shall be vested in the Trustees or Trustee for the time being of the same for the use and benefit of such Society or Branch and the respective Members thereof, their respective executors and administrators, according to their respective claims and interests; and after the death or removal of any Trustees or Trustee shall vest in the succeeding Trustees or Trustee for the same estate and interest as the former Trustees or Trustee had therein, and subject to the same trusts without any conveyance or assignment whatever; and also shall for all purposes of action or suit, as well criminal as civil, in law or in equity, in anywise touching or concerning the same, be deemed and taken to be, and shall in every such proceeding (where necessary) be stated to be the property of the person or persons appointed to the office of Trustee of such Society for the time being, in his or their proper name or names, without further description; and such person or persons shall and they are hereby respectively authorised to bring and defend or cause to be brought and defended, any action, suit, or prosecution, criminal as well as civil, in any court of law or equity, touching or concerning the property right or claim aforesaid, of or belonging to or had by such Society or Branch, and such persons shall and may in all cases concerning the property right or claim aforesaid of such Society, sue and be sued, plead and be impleaded in any court of law or equity, in their or his proper names or name as Trustees or Trustee of such Society or branch without other description; and no such suit, action, or prosecution shall be discontinued or abate by the death of such person, or his removal from the office of Trustee, but the same shall and may be proceeded in by the succeeding Trustees or Trustee in the proper name of the person commencing the same, and such succeeding Trustees or Trustee shall pay or receive the same costs as if the action or suit had been commenced in his or their name for the benefit of, or to be reimbursed from the funds of such Society or Branch. Provided always that no person shall be deemed to be a Trustee under the meaning of this Act until the resolution of the Society or Branch appointing him Trustee shall have been transmitted, under the hand of three members of the Society or Branch, and signed by such Trustee and by the Secretary of the Society, countersigned by the Registrar or deputy Registrar of the Supreme Court for

the Province in which the place of business of the said Society or Branch shall be held, to be by him deposited with the Rules of the Society or Branch in his custody as aforesaid

11. No Treasurer or Trustee or other officer of any Society or Branch established under the authority of this Act shall be liable to make good any deficiency which may arise in the funds thereof, unless he shall have declared, by writing under his hand, to be deposited with the Registrar or deputy Registrar respectively of the Supreme Court as before, that he is willing so to be answerable; and it shall be lawful for each of such persons to limit his responsibility to such sum as shall be specified in such writing. Provided always that every Treasurer, Trustee, or other officer shall be personally responsible and liable, for all moneys actually received by him on account of, or for the use of such Society or Branch.

Responsibility of Treasurer.

12. The Trustees or other officer of every such Society or Branch in whose charge the accounts of the said Society are kept, shall, once in every year, prepare, or cause to be prepared, a general statement under the several heads of information in Schedule D to this Act, of the Funds and Effects of such Society or Branch during the past twelve months as accurately as such officer may be able to furnish the information required, and shall file the same with the said Registrar or deputy Registrar of the Supreme Court as aforesaid on some day before the first of February in each year; and every such statement shall be attested by two Trustees of such Society, and by the Auditor, if any such shall have been appointed, and shall be countersigned by the officer who keeps the accounts of such Society, and every Member shall be entitled to receive from the said Society a copy of such statement on payment of one shilling.

Trustees to make annual return.

13. If in any year such statement shall not have been transmitted as aforesaid on or before the last day of February, or if any fraudulent or wilfully false return shall have been filed, such Trustees are hereby declared to be incapable of prosecuting any action in any Court of Law or Equity on behalf of such Society or Branch, until they shall have duly furnished to the Registrar or deputy Registrar respectively of the Supreme Court, such statements as aforesaid.

In default of return Trustees to be incapable of bringing action.

14. Whenever it shall happen that any person in whose name any part of the several stocks, annuities, funds, and debentures of any certified or Friendly Society is or shall be standing as a Trustee of any such Society or Branch shall be out of the said Colony, or shall have been removed from his office of Trustee, or shall be an insolvent or lunatic, or it shall be unknown whether such Trustee is living or dead, it shall be lawful for a Judge of the Supreme Court of the said Colony, upon the petition of any duly appointed Trustee or Trustees of such Society or Branch, by order under his hand with, or without reference to the Registrar or a deputy Registrar of the said Court, to appoint a person or persons in the room of the person or persons so insolvent or lunatic, to transfer such stock, annuities, or funds, standing as aforesaid, to and into the name of the duly appointed Trustee or Trustees, and also pay

When Trustees shall be absent Judge may order stock to be transferred and dividends paid.

over to such person or persons as aforesaid, the dividends of such stock annuities or funds, and whenever it shall happen that one or more only, and not all or both of such Trustees as aforesaid shall be so absent, or have been removed, or be an insolvent or lunatic, or it be unknown whether one or more of such Trustees be living or dead, it shall be lawful for a Judge of the said Court in manner before mentioned, to direct that the other and others of such Trustees do transfer such stock, annuities, or funds, to or into the name of such person so appointed Trustees as aforesaid, jointly with the continuing Trustees (if any), and also receive and pay over the dividends of such stock, annuities, or funds as such Society shall direct.

Act to be an indemnity.

15. This Act shall be a full and complete indemnity and discharge to all persons and companies, their officers and servants for all acts and things done by such person or persons, authorised by such Judge as aforesaid, pursuant hereto; and such acts and things shall not be questioned or impeached in any Court of Law or Equity to their prejudice or detriment.

Disputes to be settled according to rules.

16. If any dispute shall arise between the Members or persons claiming under or on account of any Member of any Society or Branch established under this Act; and the Trustees, Treasurer or other officer, or Committee thereof, it shall be settled in such manner as the Rules of such Society or Branch shall direct, and the decision so made shall be binding and conclusive, but if such dispute be of such kind that, for the settlement of it according to the Rules now in force, recourse must be had to the Supreme Court of the said Colony in its Equitable Jurisdiction, it may be referred at the option of either party to the Resident Magistrate, or to any two or more Justices of the Peace, sitting in Petty Sessions in the District or nearest to the District or place in which the meetings of such Society or Branch shall be held, who shall proceed *ex parte* on notice in writing to the other of the said parties being left at his usual place of residence, or abode ten days previously; and such Resident Magistrate or Justices are hereby authorised to require of all parties, who are or may have been Members Trustees or officers of such Society, to produce before them all books or other documents relating to the concerns of such Society, and thereupon if such Resident Magistrate or Justices shall so think fit, it shall be lawful for them to determine the said dispute and to displace any such Trustee or officer or to make such award as the justice of the case in their opinion may require, and such decision or award shall be binding and conclusive.

Rules for arbitration.

17. If it shall be provided by the Rules of such Society or Branch that disputes which may arise between any Member thereof, and the Trustees, Committee, or officers on the part of the Society, shall be settled by arbitration the number of Arbitrators and mode of election shall be stated in the Rules and in case any of such Arbitrators shall at any time neglect or refuse to act, the members of such Society or Branch, at a General Meeting or General Committee thereof, are hereby required forthwith to elect and appoint some other person to be an Arbi,

trator in his place, and the Rules shall direct in what manner such Arbitrators, or any of them, shall proceed to determine such disputes, and the award so made by them, or so many as may be appointed for the purpose, according to the Rules, which shall be final and binding on all parties without appeal, and shall not be removed to any Court of Law or Equity; and if either of the said parties shall refuse or neglect to comply with or conform to the decision of the said Arbitrators, or the major part of them, it shall and may be lawful for any Resident Magistrate, or any two or more Justices of the Peace sitting in Petty Sessions in the District or nearest to the District or place within which such Society or Branch shall be established, upon good and sufficient proof being adduced before them of such award having been made, and of the refusal of the party to comply therewith, upon complaint made by or on behalf of the party aggrieved, to summon the person against whom such complaint shall be made to appear at a time and place to be named in such summons, and upon his or her appearance, or in default thereof, upon due proof upon oath of the service of such summons, to make such Order thereupon as may to them seem just, and if the sum of money awarded, together with the sum for costs, not exceeding the sum of Twenty Shillings, as to such Justices shall seem meet, shall not be immediately paid, then such Justices shall, by warrant under their hands, cause such sum and costs aforesaid to be levied by distress, or by distress and sale of the moneys, goods, chattels, securities, and effects belonging to the said party or to the said Society, together with all further costs and charges attending such distress and sale, or other legal proceedings, returning the overplus (if any) to the said party, or to the said Society, or to one of the Trustees thereof, and in default of such distress being found, or in case of such other legal proceeding being ineffectual, then to be levied by distress and sale of the proper goods of the said party, or of the officer of the said Society, so neglecting or refusing as aforesaid, together with such further costs and charges as aforesaid, returning the surplus (if any) to the owner: Provided always that whatever sums shall be paid by any such officer so levied on his or her property or goods, in pursuance of the Award of Arbitrators, or order of any Resident Magistrate or Justices shall be repaid, with all damages accruing to him or her by and out of the moneys belonging to such Society, or out of the first moneys which shall be thereafter received by such Society.

18. If the Rules of any such Friendly Society or Branch shall have provided for the settlement of disputes by arbitration, but no Arbitrator shall have been appointed, or no Award shall have been made, within twelve months after such complaint has been made to the Officers of such Society or Branch, or if the Rules shall have directed that any dispute between the Members and the Trustees, or other Officer of the Committee of Management, shall be settled by Justices of the Peace, then it shall be lawful for any Resident Magistrate or any Justice of the Peace usually acting in the District, or nearest to the District, or place, in which the principle business of the Society or Branch is carried on, on complaint being made to him by any Member

If no arbitrators appointed or award given Justices may decide.

or person claiming under a Member thereof of any matter in dispute between him and such Society or Branch, to summon the person against whom which complaint shall be made to appear at a time and place to be named in such summons, and upon his appearance, or in default thereof, upon due proof on oath of the service of such summons, it shall be lawful for any Resident Magistrate, or any two Justices, to proceed to hear and determine the said complaint; and in case the said Resident Magistrate or Justices shall order any sum of money to be paid by such person against whom such complaint shall be made, and such person shall not pay the same to the person and at the time specified by the said Resident Magistrate or Justices, they shall proceed to enforce their order in the manner hereinbefore directed to be used in case of any neglect to comply with the decision of the Arbitrators appointed under the authority of this Act.

Remedy to member unjustly expelled.

19. In case any member of any such Society or Branch shall have been expelled from such Society, and the award of the Arbitrators, or the order of the Resident Magistrate or Justices, shall direct that he or she shall be reinstated, it shall be lawful for such Arbitrators to award, or Resident Magistrate or Justices to order, in default of such reinstatement, such a sum of money to be paid to such Member by the Trustees of such Society as to such Arbitrators, Resident Magistrate, or Justices, may seem just and reasonable, which said sum of money, if not paid, shall be recoverable from the said Society or Branch, or the Treasurer, Trustee or other Officer, in the same way as any money awarded by Arbitrators is recoverable under this Act.

In case of fraud Justices may summon & hear complaints,

20. For the more effectually preventing fraud and imposition on the funds of such Societies if any Officer, Member, or any other person, being, or representing himself to be, a Member of such Society or Branch, or the Nominee, Executor, Administrator, or Assignee, of any Member thereof, or any other person whatever, shall in or by any false representation or imposition, obtain possession of the moneys, securities, books, papers, or other effects of such Society or Branch, or any part thereof, or having the same in his or her possession, shall withhold or misapply the same, it shall be lawful for any Resident Magistrate or Justice of the Peace usually acting in the District or nearest to the District or place where such Society or Branch is situated, upon complaint made on oath or affirmation by any Officer of such Society or Branch appointed for that purpose, to summon such person against whom such complaint shall be made to appear at a time and place to be named in such summons, and upon his or her appearance, or in default thereof, upon due proof upon oath or affirmation of the service of such summons, it shall be lawful for any Resident Magistrate, or any two Justices, usually acting as aforesaid, to hear and determine the said complaint, and upon due proof of such fraud the said Resident Magistrate or Justices shall convict the said party, and award double the amount of the money so obtained, or withheld, to be paid to the Treasurer, to be applied by him to the purposes of the Society or Branch, or order the said securities, books, papers, or other effects, to be delivered to the Society or Branch, together with such costs as shall be awarded by the said Resident Magistrate or Justices, not exceed-

ing the sum of £5; and in case such person against whom such complaint shall be made shall not pay the sum of money so awarded to the person and at the time specified in the said order, to deliver the said effects as aforesaid, such Justices are hereby required, by Warrant under their hands and seals, to cause the same to be levied by distress and sale of the goods of such person on whom such order shall have been made, or by other legal proceedings, together with such costs as shall be awarded by the said Resident Magistrate or Justices, not exceeding the sum of twenty shillings, and also the costs and charges attending such distress and sale, or other legal proceedings, returning the overplus (if any) to the owner, and in default of such distress being found, or of such effects as aforesaid being returned, the said Resident Magistrate or Justices of the Peace shall commit such person so proved to have offended to the nearest common Gaol or House of Correction, there to be kept to hard labour for such period, not exceeding Three calendar months, as to them shall seem fit. Provided nevertheless that nothing herein contained shall prevent the said Society or Branch from proceeding, by prosecution or complaint, against the party complained of, and provided also that no party shall be proceeded against by prosecution or complaint if a previous conviction has been obtained for the same offence under the provisions of this Act.

21. No sentence, order, or adjudication, of any Resident Magistrate or Justices under this Act shall be removed by *certiorari*, or otherwise, into any Court of Law, nor shall the same be restrained by the injunction of any Court of Equity. No certiorari.

22. Every person who shall have or receive any part of the moneys, effects, or funds of, or belonging to, any such Society or Branch, or shall in any manner have been or shall be entrusted with the disposal, management, or custody thereof, or of any securities, books, papers, or property, relating to the same, his or her Executors, Administrators, and Assigns, respectively, shall, upon demand made, or notice in writing given, or left at the last or usual place of residence of such persons, in pursuance of any order of not less than two Trustees, or three Members of the Committee or Board of Management, give in his account at the usual meeting of such Society or Branch, or to such Committee or Board of Management, to be examined and allowed, or disallowed, and shall, on the like demand or notice, pay over all the moneys remaining in his hands, and assign and transfer or deliver all securities and effects, books, papers, and property in his hands, or custody, to the Treasurer or Trustee for the time being, or to such other person as such Committee or Board of Management shall appoint; and in case of any neglect or refusal to deliver such account, or pay over such moneys, or to assign, transfer, or deliver such securities and effects, books, papers, and property, in manner aforesaid, it shall be lawful to and for the Members of every such Society, or Committee or Board of Management thereof, to apply to any Resident Magistrate, or any two or more Justices of the Peace sitting in Petty Session in the District or nearest to the District or place in which the meetings of the said Society or Branch shall be held, who shall and may

Treasurer, &c., to render accounts and upon demand pay over moneys, &c., to party appointed by Societies, &c.

proceed thereupon in a summary way, and make such order therein as to such Justices may seem just.

Minors may be members but not hold office.

23. A Minor may become a Member of any such Society or Branch, and he is hereby empowered to execute all instruments, and give all necessary acquittances: Provided always that such Minor shall not be competent, during his minority, to hold any office as Director, Trustee, Treasurer, or Manager in such Society or Branch.

Consent necessary for dissolution of Society.

24. It shall not be lawful for the Members of any such Society or Branch by any Rule, or Order, or Resolution, to dissolve or determine such Society or Branch so long as the intents and purposes declared by the Rules of such Society, or any of them, remain to be carried into effect, without obtaining the votes of consent of five-sixths in number of the then existing Members, to be ascertained in manner hereinafter mentioned, and also the consent of all persons then receiving, or then entitled to receive, relief, either on account of sickness, age, or infirmity, to be testified under their hands individually, and respectively; and for the purpose of ascertaining the votes of such five-sixths in number every member shall be entitled to one vote, and an additional vote for every five years that he may have been a member, and in all cases of dissolution the intended appropriation or division, of the funds, or other property, shall be fairly and distinctly stated in the proposed plan of dissolution prior to such consent being given; and it shall not be lawful for such Society or Branch, by any Rule, to direct the division or distribution of such stock, or fund, or any part thereof, to or amongst the several Members of such Society other than for carrying into effect the general intents and purposes declared by the Rules originally certified; and all such Rules for the dissolution or determination thereof, without such consent as aforesaid, or for the distribution or division of the stock, or funds, contrary to the Rules, shall be void and of none effect: and in the event of such division or misappropriation of the funds without the consent hereby declared to be requisite, any Trustee, or other Officer, or person aiding or abetting therein, shall be liable to the like penalties as are in this Act provided in cases of fraud: Provided always that it shall be lawful for any two or more Societies or Branches to become united or incorporated in one Society or Branch, upon such terms as shall be approved by the major part of the Trustees and Board of Management of both Societies or Branches.

Rules, &c., under hand of Registrar of Supreme Court to be received without proof of signature.

25. All rules, alteration of rules, transcript or copy of or extracts from all rules, and alteration of rules, and all awards, writings, and documents, of what nature or kind soever, relating to any Society or Branch, directed by this Act, to be certified by the Registrar or Deputy Registrar of the Supreme Court having the custody thereof, and purporting to be signed by him, shall, in the absence of anything to the contrary, be received in all Courts of Law or Equity, and elsewhere, without proofs of the signature thereto.

Circulating false copies of rules, &c., a misdemeanor

26. If any person shall circulate amongst or give to Members, or any Member of a Friendly Society established under this Act, or to any person intending or applying to become a Member of such Society, a copy of any rules, or tables, or any alterations or am-

endments of the same, other than those respectively which have been enrolled or certified by the Attorney-General or certifying Barrister, or shall make any alteration in or addition to any of the rules, tables, alterations, or amendments, after they shall have been duly enrolled or certified by the Attorney-General or certifying Barrister, or shall knowingly circulate or print any rules, tables, alterations, or amendments, purporting to have been duly enrolled or certified under this Act, but which shall not have been so enrolled or certified, every person so offending shall be deemed guilty of a misdemeanor and may be prosecuted and punished accordingly.

27. If any person appointed to any office in any Friendly Society or Branch thereof established under this Act, and being entrusted with the keeping of the accounts, or having in his hands or possession by virtue of his said office or employment any moneys or effects belonging thereto, or any deeds or securities relating to the same, shall die, or become an insolvent, or have any execution or attachment or other process issued against his lands, goods, chattels, or effects, or make any assignment, disposition, or other conveyance thereof, for the benefit of his creditors, his heirs, executors, administrators, or assignees, or other person having legal right, or the Sheriff, or other officer executing such process, shall, within forty days after demand made in writing by the order of any such Society or Branch, or of not less than three of the Committee of Management, assembled at any meeting thereof, deliver and pay over all moneys and other things belonging to such Society or Branch to such a person as the Society shall appoint, and shall pay out of the estates, assets, or effects, of such persons all sums of money remaining due which such person received by virtue of his said office or employment, before any other of his debts are paid or satisfied, or before the money directed to be levied by such persons as aforesaid is paid over to the party issuing such process, and all such assets, lands, goods, chattels, property, estates, and effects, shall be bound to the payment and discharge thereof accordingly.

Executors, &c., of officers of Friendly Societies to pay money due to Society before any other debts, within forty days after demand in writing.

28. If any person after the passing of this Act shall become a member of more than one Society or Branch, and thereby be entitled to certain benefits on account of the same kind of assurance from more than one Society or Branch, it shall not be lawful for him to claim or receive such benefit from any other Society or Branch without signing a declaration that the joint value or amount of all the benefits in any one kind of assurance to which he may be entitled from any Society or Societies, Branch or Branches of which he may be a member, does not in the aggregate exceed the amount of One Hundred Pounds in one sum, or an annuity of thirty Pounds per annum, or a sum in sickness of Twenty-one Shillings per week from each Society, and in case such declaration shall not be true, such member shall be liable to the penalties hereinbefore enacted in cases of fraud.

Limitation of benefit to members.

29. When on the death of any member of any such Certified Friendly Society already established, any sum not exceeding Fifty Pounds shall become payable, it shall be lawful for the Trustees for the time being of such Society, if they shall be satisfied that no will was made and left by such deceased member, and that no letters of

For payment of sums not exceeding £50 when members are intestate.

administration or confirmation will be taken out of the funds, goods, and chattels, of such depositor, to pay the same to the widower or widow of such member as the case may be, or to the child of such member, as the case may be, or the child of such member, if so directed by any rule of such Society or Branch, and, in case there shall be no such direction, then to pay and divide the same to and amongst the person or persons entitled to the effects of the deceased intestate, without taking out letters of administration.

What payment on account of deceased members valid.

30. Whenever the Trustees of any certified Friendly Society or Branch, at any time after the decease of any Member, shall have paid and divided any sum of money to or amongst any person or persons who shall at the time of such payment appear to such Trustees to be entitled to the effects of any deceased intestate Member, the payment of any such sum or sums of money shall be valid and effectual with respect to any demand of any other person or persons as next of kin of such deceased intestate Member, or as the lawful representative or representatives of such Member against the funds of such Society or Branch, or against the Trustees thereof, but nevertheless such next of kin or representatives shall have remedy for such money so paid as aforesaid against the person or persons who shall have received the same.

Payment on death of members to be paid to Executors.

31. From and after the passing of this Act it shall not be lawful for any Society to grant any assurance whereby the sum assured on the death of the Member shall be payable to any nominee, or to any other person than the widower or widow of a Member (as the case may be), or the child, or the executors, administrators, or assigns, of such Member, or in case the Member shall die intestate, and the sum payable on his death shall not exceed Fifty Pounds, to the person whom the Trustees shall consider entitled to the goods and effects of the Member so dying intestate. Provided always that it shall be lawful for any such Society to add to its rules a rule or rules whereby any sum payable on the death of a Member may be made payable to the executors, administrators, or assigns, of such Member.

Donations.

32. It shall be lawful for any Society established under this Act to receive any property whatsoever by gift, grant, bequest, devise, or otherwise, from any person or persons, and all such property shall vest in the Trustee or Trustees of the said Society, in Trust, for the use of such Society.

Construction of terms.

33. In the construction of this Act, unless there shall be something in the subject, matter, or context, repugnant thereto, the word Society shall include every Branch thereof, by whatever name it may be designated; and words Committee of Management shall mean the body of Members appointed to manage and direct the affairs of the Society, by whatever name such body may be called; the word Secretary shall mean the Clerk or person who keeps the accounts of the Society.

Short title.

34. This Act may be cited for all purposes as the "Friendly Societies Act, 1856."

SCHEDULES REFERRED TO.

A.

FORM of Attorney General's or Barrister's Certificate to Rules of Registered Friendly Societies.

I HEREBY certify that these Rules, or alteration of Rules, [as the case may be] are in conformity to Law, and to the provisions of the Act in force relating to Registered Friendly Societies.

Dated at this day of

A.B.
Attorney-General or Barrister.

B.

FORM of Medical Certificate.

I HEREBY certify that late of died the day of
and I have no reason to attribute his death to poison, violence, or
criminal neglect.

Dated at this day of

(Signed) A. B.

Profession.
Residence.

FORM of Coroner's Certificate.

I HEREBY certify that I have this day held an Inquest on the Body of late
of who was found dead, and the Jury have returned the following
Verdict :

and it does not appear to me that he has been deprived of life by means of any person
beneficially interested in obtaining burial money from any Society.

Dated at this day

A. B., Coroner.

C.

FORM of Bond.

KNOW ALL MEN by these Presents, that we A. B. of Treasurer [or
Steward, etc.] of the Society established at in the Colony of
New Zealand and C. D. of and E. F. of as Sureties
on behalf of the said A. B. are jointly and severally held and firmly bound to G. H.
of I. K. of and L. M. of the Trustees of the
said Society in the sum of to be paid to the said G. H., I. K., and L. M.
as such Trustees, or their successors Trustees for the time being, or their certain At-
torney, for which payment well and truly to be made we jointly and severally bind
ourselves, and each of us by himself, our and each of our heirs, executors, and ad-
ministrators, firmly by these Presents.

Dated the day of

Whereas the above bounden A. B. hath been duly appointed Treasurer [or
Steward, etc.] of the Society established as aforesaid, and he together with
the above bounden C. D. and E. F. as his Sureties have entered into the above written
Bond, subject to the condition hereinafter contained. Now therefore the condition of
the above written bond is such that if the said A. B. shall and do justly and faithfully
execute his office of Treasurer [or Steward, etc.] of the said Society established as
aforesaid, and shall and do render a just and true account of all moneys received and
paid by him, and shall and do pay over all the moneys remaining in his hands, and
assign and transfer or deliver all securities and effects, books, papers, and property of
or belonging to the said Society in his hands and custody to such person or persons as
the said Society shall appoint, according to the Rules of the said Society, together with
the proper or legal receipts or vouchers for such payments, and likewise shall and do
in all respects well and truly and faithfully perform and fulfil his office of Treasurer
[or Steward, etc.] to the said Society according to the Rules thereof then the above
written Bond shall be void and of no effect otherwise shall be and remain in full force
and virtue.

D.

Heads of Information to be furnished to the Registrar or Deputy Registrar of the Supreme Court.

Return of	Society established at	for the year ending						
Date of balancing books in each year								
<i>Members—</i>								
Number admitted since last balance								
Number died since last balance								
Number withdrawn or expelled								
Number of Members at this date	<table border="0" style="display: inline-table; vertical-align: middle;"> <tr> <td style="font-size: 2em; vertical-align: middle;">{</td> <td>Male</td> </tr> <tr> <td style="font-size: 2em; vertical-align: middle;">{</td> <td>Female</td> </tr> <tr> <td style="font-size: 2em; vertical-align: middle;">{</td> <td>Honorary</td> </tr> </table>	{	Male	{	Female	{	Honorary	
{	Male							
{	Female							
{	Honorary							
<i>Sickness—</i>								
Number of Members sick in the year	<table border="0" style="display: inline-table; vertical-align: middle;"> <tr> <td style="font-size: 2em; vertical-align: middle;">{</td> <td>Male</td> </tr> <tr> <td style="font-size: 2em; vertical-align: middle;">{</td> <td>Female</td> </tr> </table>	{	Male	{	Female			
{	Male							
{	Female							
<i>Income—</i>								
Donations and Honorary Subscriptions								
Entrance money								
Contributions for sickness								
Contributions for sums on death								
Contributions for endowments								
Contributions for Annuities								
Interest received								
Total Income								
Total Capital of Society [here state where the same is placed]								
<i>Expenditure—</i>								
Sick pay or allowances								
Annuities								
Death of	<table border="0" style="display: inline-table; vertical-align: middle;"> <tr> <td style="font-size: 2em; vertical-align: middle;">{</td> <td>Members</td> </tr> <tr> <td style="font-size: 2em; vertical-align: middle;">{</td> <td>Wives</td> </tr> </table>	{	Members	{	Wives			
{	Members							
{	Wives							
Endowments								
Extra expenses								
Total Expenditure								
<i>Observations—</i>								
	day of	in the year						

[To be signed by two Trustees, Auditor, and the Officer who keeps the Accounts of the Society.]



PRIVILEGES ACT, 1856.

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

SESSION 4, No. 24.

A N A L Y S I S .

<p>Title. Preamble.</p> <ol style="list-style-type: none"> 1. Persons refusing to obey Speaker liable to a penalty. 2. Powers of the two Houses of the General Assembly to compel attendance to give evidence. 3. Power of Provincial Councils to compel attendance of persons to give evidence, &c. 4. Persons refusing or neglecting to obey warrant liable to penalty. 5. Nothing in these provisions to apply to officers of army or navy. 6. Members or persons giving evidence & officers of Government not liable to actions for libel. 7. Act to be deemed in force from proclamation of Constitution Act. 8. Proceedings criminal or civil against persons for publication of reports, &c., by order of 	<p>any Legislative body to be stayed upon production of a certificate, verified by affidavit, to the effect that such publication is by order of such Legislative Body</p> <ol style="list-style-type: none"> 9. Any such proceedings to be stayed when commenced or prosecuted in respect of a copy of any report, &c., verified by affidavit. 10. In proceedings for printing an extract or abstract of any such report, if shown that such extract or abstract was <i>bona fide</i> made, defendant entitled to verdict of not guilty. 11. Exemption from serving on juries and attendance as a witness or juror during session. 12. Act not to affect privileges of any Legislative Body or other persons. 13. Interpretation of words "Governor," "Legislative Body," &c. 14. Short title.
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AN ACT to declare certain privileges of Legislative Bodies and Officers of the Government of the Colony and Provinces of New Zealand, to confer certain powers on the said Legislative Bodies, and to give protection to persons employed in the publication of papers under the authority of the same. Title,

(Assented to 14th August, 1856.)

WHEREAS it is essential to the due and effectual exercise and discharge Preamble,
of the duties and functions of the several Legislative Bodies in the Colony of New Zealand, and of the Officers of the Government of the said Colony and of the several Provinces thereof, that certain of the privileges, immunities, and powers of the said Legislative Bodies and of the said Officers should be defined and declared by Legislative enactment. And whereas it is also essential for the objects aforesaid that certain powers should be conferred on the said Legislative Bodies, and that no obstruction or impediment should exist to the publication of such of the reports, papers, votes, and proceedings of the said Legislative Bodies as they shall respectively deem fit or necessary to be published.

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

1. The Speaker of any such Legislative Body, acting under a standing or special order of the Legislative Body over which he presides, hath, and hereafter shall have power to direct all such proceedings as he may consider essential to the maintenance of order within such Legislative Body during the sittings thereof, and if any person, whether a member of such Legislative Body or not, being within the place of assembling of any such Legislative Body, shall refuse or neglect to obey the order of the Speaker, or shall otherwise wilfully disturb the said Legislative Body, he may by warrant of the Speaker be forthwith committed to the custody of the Sergeant at Arms or other officer of such Legislative Body who may be appointed in that behalf, and such person so offending shall be liable to pay such penalty not exceeding twenty pounds, as shall be imposed by such Legislative Body, and in default of payment thereof shall be liable to be imprisoned in some common gaol or other convenient place to be named by the Speaker, for any period not exceeding one month, to be fixed by such Legislative Body, or until such fine shall be paid. Persons refusing to obey Speaker liable to a penalty.

2. The two Houses of the General Assembly shall severally have power, by the Warrant of the Speakers thereof respectively, to require all persons whomsoever, except the Governor, to attend such House or any Committee of the same for the purpose of giving evidence, Powers of the two Houses of the General Assembly to compel attendance to give evidence.

and also to require all public officers of the Colony, (except the Governor) and all public officers of any Province thereof, to produce any books, papers, and documents relating to the public service.

Power of Provincial Council to compel attendance of persons to give evidence, &c.

3. The Provincial Councils of the Provinces of New Zealand shall severally have power by warrant of the Speakers thereof respectively, to require all persons whomsoever within any such Province, except the Governor, the Judges of the Supreme Court, the members of the Executive Council of the Colony, the members of the General Assembly, and the Superintendents of Provinces, to attend such Provincial Council, or any Committee of the same, for the purpose of giving evidence on any matter relating to the public service of the Province, and also to require all such persons within such Province except as aforesaid, to produce any books, papers, and documents relating to the public service thereof. Provided that no such attendance before such Council or Committee shall be required to continue beyond a longer period than six consecutive days during any one session.

Persons refusing or neglecting to obey warrant liable to penalty.

4. Any person refusing or neglecting to obey any such Warrant as aforesaid, to attend, or to produce such papers as aforesaid, or to answer any questions pertinent to the matter in question put to him by such Legislative Body or Committee, shall be liable, unless some reasonable cause shall be shown, to such penalty not exceeding twenty pounds as shall be imposed by such Legislative Body, and in default of payment thereof may be committed to a common gaol or other convenient place to be named by the Speaker for a period not exceeding one month, to be fixed by such Legislative Body, or until such fine shall be paid. Provided always that such person's attendance as a witness or a juror in any Court of Justice, after having been duly required to attend by lawful process, shall (amongst others) be deemed a reasonable excuse, and no person shall be compelled to answer any question to which an answer could not be required from a witness on examination in the Supreme Court. Provided also that every person who shall attend to give evidence in obedience to any such warrant shall be entitled to receive expenses equal in amount to those allowed to witnesses under like circumstances by the Supreme Court.

Nothing in these provisions to apply to officers of the army or navy.

5. Nothing in the foregoing provisions of this Act shall apply to any officer or other person serving on full pay in her Majesty's Army or Navy, unless such officer or other person shall hold some civil appointments in the colony, and the purposes for which the said provisions are enforced shall have reference to the civil government thereof.

Members or persons giving evidence and officers of Government not liable to actions for libel in certain cases.

6. All words spoken by any member of any Legislative Body in his place therein or in any Committee thereof, and all words spoken by any person in evidence before any such Legislative Body or any Committee of the same, and all words spoken by the Superintendent of any Province in addressing any Provincial Council, and all written communications from any officer of the Government of the Colony, or of any Province thereof, to any other person whomsoever, on or relating to the public service of the said Colony or of such Province, shall be taken and deemed to be words spoken or communications written under privilege, and no such person shall be liable to any action, suit, prosecution, or other proceeding for libel or scandal on account of such words or communications, in any court of law, unless it shall be proved that the same were spoken or written without probable cause, and that the person speaking or writing the same was actuated by malice towards the person affected thereby, or if it shall be proved that the same were substantially true.

Act to be deemed in force from proclamation of Constitution Act.

7. The privileges and immunities hereinbefore declared or conferred shall be deemed to have existed in full force from the date of the Proclamation of the Constitution Act within the said Colony, and no person shall be liable to any action, suit, prosecution, or other legal proceedings in respect of any communication or words written or spoken by him which are declared to be privileged by this Act; and all actions, suits, prosecutions, or other legal proceedings which have been brought or commenced in respect of any such communications or words, shall forthwith

abate and discontinue, and no execution or other proceedings shall be allowed to issue and be taken in respect thereof; provided always that the plaintiff in any such action, suit, prosecution, or other proceedings so abating or being discontinued by virtue hereof as aforesaid, shall be entitled to his taxed costs up to the day of such abatement or discontinuance.

8. It shall be lawful for any person who now is or hereafter shall be a defendant in any Civil or Criminal proceeding commenced or prosecuted in any manner soever, for, or on account, or in respect of the publication of any report, paper, votes, or proceedings, by such person or by his servant, or by or under the authority of any such Legislative body, to bring before the Court in which such proceeding shall have been or shall be so commenced or prosecuted, or before any judge of the same, first giving twenty-four hours notice of his intention so to do, to the prosecutor or plaintiff in such proceeding, or to his Solicitor, a certificate under the hand of the Speaker of such Legislative body, stating that the report, paper, votes, or proceedings, as the case may be, in respect whereof such Civil or Criminal proceedings shall have been commenced or prosecuted, was published by such person or by his servant, by order or under the authority of such Legislative body, together with an affidavit verifying such certificate, and such court or Judge shall thereupon immediately stay such Civil or Criminal proceeding, and the same and every writ or process issued therein, shall be and shall be deemed and taken to be finally put an end to, determined, and superseded by virtue of this Act

Proceedings Criminal or Civil against persons for publication of reports &c. by order of any Legislative body, to be stayed upon production of a certificate, verified by affidavit, to the effect that such publication is by order of such Legislative body.

9. In case of any Civil or Criminal proceeding heretofore or to be hereafter commenced or prosecuted for or on account or in respect of the publication of any copy of such report, paper, votes or proceedings, it shall be lawful for any defendant at any stage of the proceedings to lay before the Court or Judge such report, paper, votes or proceedings, and such copy with an affidavit verifying such report, paper, votes or proceedings, and the correctness of such copy, and the Court or Judge shall immediately stay such Civil or Criminal proceeding, and the same and every writ or process issued therein, shall be, and shall be deemed and taken to be finally put an end to, determined, and superseded by virtue of this Act.

Any such proceeding to be stayed when commenced or prosecuted in respect of a copy of any report verified by affidavit.

10. It shall be lawful in any Civil or Criminal proceeding heretofore or to be hereafter commenced or prosecuted for printing any extract from or abstract of any such report, paper, votes or proceedings, to give in evidence under the general issue such report, paper, votes or proceedings, and to show that such extract or abstract was published *bona fide* and without malice, and if such shall be the opinion of the jury, a verdict of not guilty shall be entered for such defendant.

In proceedings for printing any extract or abstract of any report, &c., if shown that such extract or abstract was *bona fide* made, defendant entitled to verdict of not guilty.

11. All members of the Executive Council of the Colony, and all Superintendents of Provinces, shall be exempt from serving on any jury whatever and all members of the General Assembly shall be exempt from serving on any jury and from attending any court of justice as a witness during any session of the General Assembly, and during such time as shall be reasonably required for going to or returning from the place of meeting of such Assembly, to attend any session thereof.

Exemption from serving on juries and attendance as a witness or juror during session.

12. Nothing in this Act contained shall be deemed, taken, held, or construed directly or indirectly, by implication or otherwise, to restrict in any manner whatsoever the Privileges or immunities of any such Legislative Body, or of any person or persons not expressly named in this Act.

Act not to affect privileges of any Legislative Body or other persons.

13. The word "Governor" shall mean the person for the time being lawfully Administering the Government of the Colony, the word officer of the Government when referable to any Province shall be deemed to include the Superintendent of such Province, the words "Legislative Body" shall be taken to include the Legislative Council, the House of Representatives, and the several Provincial Councils, now or hereafter existing within the colony, and words importing the masculine gender only, shall include females.

Interpretation of words "Governor," "Legislative Body," &c.

14. This Act may be cited for all purposes as the "Privileges Act, Short title, 1856."



LAND ORDERS AND SCRIP ACT, 1856.

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

SESSION 4, No. 31.

ANALYSIS.

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| <p>Title.
Preamble.</p> <ol style="list-style-type: none"> 1. Land Orders, may be exercised on Land. 2. Computation of Land Orders for Govern-
ment Scrip declared valid. 3. Government Scrip—where to be exercised. 4. Where selection has been made of Native
land, land orders &c to be deemed un-
exercised and be exercisable as such. | <ol style="list-style-type: none"> 5. How Scrip to be exercised in Province of
New Plymouth. 6. How original land orders may for the future
be exercised in the Province of New
Plymouth. 7. Rate at which Scrip is to be computed in the
Province of New Plymouth. 8. Land Orders and Scrip not to be exercised
within certain districts. 9. Short title. |
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Title.

AN ACT to define and settle the rights of holders of Land Orders and Scrip.

(Assented to 16th August, 1856.)

Preamble.

WHEREAS by virtue of contracts between the New Zealand Company and the purchasers of land from that Corporation, and also by virtue of certain Acts, Ordinances, Proclamations, and Regulations, certain persons are, or claim to be entitled to and possessed of Land Orders and Scrip empowering them to select specified quantities of the Waste Lands of the Colony, subject to certain exceptions, and certain of the said Scrip is payable as cash at specified rates at any general Land Sales within the Colony except as aforesaid, And whereas there are remaining undisposed of in the several Provinces of New Zealand the following quantities of Waste Lands over which the Native title has been extinguished by the Crown, that is to say—In Auckland 219,000 acres or thereabouts, in Wellington 3,000,000 acres or thereabouts, in New Plymouth 25,000 acres or thereabouts, in Nelson 14,000,000 acres or there-

*Repealed by
Act 77 1858.*

abouts, in Canterbury 9,000,000 acres or thereabouts, in Otago 15,000,000 acres or thereabouts. And whereas it is expedient to define and settle the rights of the said owners of such Land Orders and Scrip. BE IT ENACTED by the General Assembly of New Zealand as follows :—

1. Notwithstanding the provisions of any Act, Ordinance, Regulation, or Proclamation to the contrary, all Land Orders issued by the New Zealand Company, which have not been exercised or commuted, entitling the holders or owners thereof to select a definite quantity of Land within any of the said Company's Settlements, except New Plymouth, may hereafter be exercised and used in the selection of the same quantity of Land as is specified in such Land Orders, out of the Waste Lands of the Crown, over which the Native title shall have been extinguished at the date of the passing of this Act, situate within the Province in which such Settlement lies, but not elsewhere, subject to the ordinary regulations for the time being, in force as regards shape, frontage, and other particulars of selection, and subject to the exceptions and reservations hereinafter contained; and all such selections shall be made, according to priority of application, at the Land Office of the District wherein the same are to be made.

Land Orders may be exercised on Land

2. The commutation of New Zealand Company's Land Orders and Scrip for Government Scrip made in accordance with the provisions of the New Zealand Company's Land Claimants' Ordinance, shall, in all cases, be deemed to have been valid up to the date of the passing of this Act, but no such commutation shall be made after such date.

Commutation of Company's Land Orders for Government Scrip declared valid.

3. All such Scrip as aforesaid issued by the Government of New Zealand remaining unexercised at the date of the passing of this Act may be exercised within the Province within which the Settlement is situated in respect of which such Scrip was issued, and not elsewhere, but, except as hereinafter is provided with respect of the Province of New Plymouth, no such Scrip shall be exercised over any lands in which the title of the Natives shall not have been extinguished at the date of the passing hereof.

Government Scrip—where to be exercised.

4. Where selection has heretofore been made, by virtue of any such Land Orders, of lands over which the native title is not extinguished, such land orders shall not entitle the holders to claim such lands when the native title may hereafter be extinguished, but the same shall be deemed to be unexercised land orders, and exercisable as such.

Where selection has been made of Native land, land orders &c to be deemed unexercised and be exercisable as such.

5. Within the Province of New Plymouth, Government Scrip shall be available in the purchase of lands over which the native title now is, or hereafter shall be extinguished, subject nevertheless to the regulations respecting Government Scrip now in force within the said Province.

How Scrip to be exercised in Province of New Plymouth.

6. Within the said Province of New Plymouth, every unexercised original Land Order issued by the Plymouth Company of New Zealand, or by the New Zealand Company, and conferring or purporting to confer on the owner or holder thereof, the right to select in a fixed and definite Order of choice fifty acres of land within the Settlement of New Plymouth, shall entitle such owner or holder in priority to general purchasers, and according to the aforesaid order of choice to select out of any lands over which the Native title now is or hereafter shall be extinguished, and which shall be declared open for purchase (except the Huia Village site) one acre of town land, or twelve and a half acres of suburban land, or fifty acres of rural land, at the option of such owner or holder, and subject to the following conditions (that is to say): Provided, first, that every such selection in town or suburban land, or in rural land, divided into sections, be, so far as may be, of an entire section or sections,

How original Land Orders may for the future be exercised in the Province of New Plymouth.

the proper quantity being made up where necessary, by including some contiguous portion of an adjoining section, or where a section may exceed in area the whole quantity to be selected, by dividing a section, in either of which cases, the portion taken, shall be laid off by the Government surveyor. And provided, secondly, that for the purpose of enabling such selections to be made according to the priority aforesaid, a convenient day and place be appointed for the purpose by the Superintendent of the Province, by notice published in the "Government Gazette" of the Province, which notice shall be published at least three months before the day appointed hereby. And provided, thirdly, that every such selection be made subject to the ordinary regulations in force respecting shape, frontage, and other particulars of selection. And provided, lastly, that such right of prior selection shall be at an end, so soon as two hundred and fifty acres of town land, two thousand five hundred acres of suburban land, and forty thousand acres of rural land, to be approved of by the Governor, shall have been offered for selection. And all such Land Orders then remaining unsatisfied shall be subject to the provisions next hereinafter made respecting other original Land Orders within the said Province.

Rate at which Scrip is to be computed in the Province of New Plymouth.

7. Within the Province of New Plymouth, all unsatisfied original land orders issued by the Plymouth Company of New Zealand or by the New Zealand Company, and conferring, or purporting to confer, on the owners or holders thereof, the right to select land within the Settlement of New Plymouth, and to priority of application or otherwise than in a fixed and definite order of choice, shall be considered as equivalent in the purchase of Waste Lands of the Crown, to an amount of Government Scrip computed at the rate of £2 sterling in Government Scrip, for every acre of land which such land orders purport to entitle the holders to select, and all supplementary land orders, and compensation or land scrip issued by the said New Zealand Company shall be considered as equivalent in the purchase of Waste Lands of the Crown within the said Province, to an amount of Government Scrip computed at the rate of £1 sterling in Government Scrip for every acre of land which such last mentioned land orders or land scrip purports to entitle the holders to select. And all such land Orders and land scrip as well original as supplementary shall not be otherwise available or exercisable for the purchase or selection of Waste Lands of the Crown.

Land Orders and Scrip not to be exercised within certain districts.

8. The Superintendent and Provincial Council of any of the said Provinces, except the Province of New Plymouth, may from time to time, by Act or Ordinance declare certain districts within the said Waste Lands in each Province to be Townships, with rural and suburban lands, annexed thereto, and also agricultural and small farm reserves, and no Government scrip shall 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 such Superintendent and Provincial Council, and where the amount of any Government scrip tendered in the purchase of any allotment shall exceed twenty per cent. of the price thereof, the party tendering the same shall 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 shall not in any province exceed in the aggregate one hundred thousand acres.

Short title.

9. This Act may be cited for all purposes as the "Land Orders and Scrip Act, 1856."



THE PROVINCIAL COUNCILS POWERS ACT, 1856.

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

SESSION 4, No. 34.

ANALYSIS.

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| <p>Titls.
Preamble.</p> <p>1. Power to Superintendents and Provincial Councils to enact laws altering the civil jurisdiction of Courts having jurisdiction in cases when not more than £20 claimed.</p> | <p>2. Power to Superintendents and Provincial Councils to enact laws imposing a penalty not exceeding £100 or six months imprisonment.</p> <p>3 Short Title.</p> |
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AN ACT to extend the Powers in certain cases of Superintendents and Provincial Councils. Title.

[16th August, 1856. Reserved for Her Majesty's assent.]

WHEREAS by an Act of the Imperial Parliament passed in the Session held Preamble,
in the fifteenth and sixteenth years of the reign of Her present Majesty, intituled "an Act to grant a Representative Constitution to the Colony of New Zealand," it is amongst other things enacted that it shall be lawful for the Superintendent of each Province established by the said Act, with the advice and consent of the Provincial Council thereof, to make and ordain all such laws and Ordinances (subject and except as thereafter mentioned) as may be required for the peace, order, and good government of such Province, provided that the same be not repugnant to the Law of England, and it is further enacted that it shall not be lawful for any such Superintendent and Provincial Council to make or ordain any Law or Ordinance for the establishment or abolition of any Court of judicature, of civil or criminal jurisdiction, except Courts for trying and punishing such offences as by the law of New Zealand are or may be made punishable in a summary way, or for altering the constitution, jurisdiction, or practice of any such Court, except as aforesaid; and it is further enacted that it shall not be lawful for any such Superintendent and Provincial Council to make or ordain any Law or Ordinance for altering in any way the Criminal Law of New Zealand, except so far as relates to the trial and punishment of such offences as are now or may by the Criminal Law of New Zealand be punishable in a summary way. And it is further enacted that it shall be lawful for the General Assembly to alter the provisions of the said Act respecting the powers of such Provincial Councils as aforesaid, provided always that any Bill for such purpose shall be reserved for the signification of her Majesty's pleasure thereon. And whereas for the purpose of enforcing

obedience to such Laws and Ordinances as may be passed by any Superintendent and Provincial Council under and by virtue of the authority of the said recited Act of the Imperial Parliament, it is expedient that any such Superintendent and Provincial Council should have power to alter the jurisdiction of certain courts of judicature of civil jurisdiction, and also in certain cases to alter the criminal Law of New Zealand, and to declare certain Acts to be offences, and to provide for the trial and punishment of such offences, notwithstanding that such offences by the criminal Law of New Zealand may not be punishable in a summary way,

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

Power to Superintendents and Provincial Councils to enact laws altering the civil jurisdiction of Courts having jurisdiction in cases when not more than £20 claimed.

Power to Superintendents and Provincial Councils to enact laws imposing a penalty not exceeding £100 or six months imprisonment.

Short Title.

1. 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.

2. The Superintendent and Provincial Council of any Province in New Zealand 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.

3. This Act may be cited for all purposes as the "Provincial Councils Powers Act, 1856."



APPROPRIATION ACT, 1856.

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

SESSION 4, No. 36.

ANALYSIS.

Title.	
Preamble.	be applied to service of three months ending September 30th, 1857.
1. The sum of £34,812 10s. 6d. to be issued for defraying salaries &c. of the General Government of New Zealand for the year ending 30th June, 1857.	5. £79,205 9s. 3d. may be applied to defray debts of Colony.
2. Salaries not exceeding fees may be paid to Registrars and Deputy Registrars.	6. Sums to be paid by Treasurer under Governor's Warrant.
3. Fees, &c., in respect of proceedings before Resident Magistrates and Justices of the Peace payable to Treasurers of respective Provinces.	7. The surplus of said Revenues to be divided amongst Provinces.
4. A sum equal to one-fourth part of sums voted for the year ending 30th June, 1857, may	8. If balances of General Government too small, Treasury Bills to be issued.
	9. Treasurer to be allowed credit for all sums so paid.
	10. Meaning of term "Governor."
	11. Short title.

AN ACT to provide for the Appropriation of the Public Revenues of New Zealand.

(Assented to 16th August, 1856.)

WHEREAS by an Act made and enacted in the Parliament holden in the fifteenth and sixteenth years of the reign of Her Majesty Queen Victoria intituled "An Act to grant a Representative Constitution to the Colony of New Zealand" it is amongst other things enacted that after and subject to the payments to be made under the provisions therein contained, all the Revenues arising from taxes, duties, rates, and imposts, levied in virtue of any Act of the General Assembly, shall be subject to be appropriated to such specific purposes as by any Act of the said General Assembly shall be prescribed in that behalf, and that the surplus of such Revenue which shall not be appropriated as aforesaid, shall be divided among the several Provinces in the like proportions as the gross proceeds of the said Revenue shall have arisen therein respectively, but no specific provision has been made by the said recited Act for the appropriation of Her Majesty's Revenue levied under and by virtue of Ordinances made and enacted by the Legislative Council of New Zealand before the passing of the said recited Act, **AND WHEREAS** it is expedient that such Revenue should be appropriated in manner hereinafter mentioned.

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

1. Out of Her Majesty's Revenue arising from the Post Office, duties of Customs, and fees and fines of the Supreme Court, now levied within the Colony after and subject to the payments to be made under the provisions of the said recited Act, there may be issued and applied in manner and as hereinafter particularly mentioned any sum or sums of money not exceeding in amount respectively the several sums of money hereinafter specified, that is to say,

	£	s.	d.
Governor's Establishment	888	16	0
Colonial Secretary's Department	993	5	0
Colonial Treasurer's Department	250	0	0
Auditor-General's Department	350	0	0
Extra Clerical Assistance for the Departments of the Colonial Secretary, Colonial Treasurer, and Auditor-General	300	0	0
Native Secretary's Department	1500	0	0
Registrar-General's Department	500	0	0

The sum of £34,812 10s. 6d. to be issued for defraying salaries &c., of the General Government of New Zealand for the year ending 30th June, 1857.

Legislative Council	829	0	0
House of Representatives	4200	0	0
Printing, Stationery, and Contingencies	1000	0	0
Supreme Court	2075	0	0
Resident Magistrates	882	2	0
Postmasters, Clerks, and Contingencies	3148	0	0
Mails—Inter-Provincial and Inter-Colonial	8400	0	0
Native Hospitals	2540	0	0
Pensions to, and entertainment of Natives	550	0	0
Miscellaneous	3775	0	0
Interest on Debentures	294	0	0
Additional Native Expenditure	500	0	0
Provision for Resident Magistrates' Courts for six Months commencing 1st July, 1856	1837	7	6
	<hr/>		
	£34,812	10	6

Salaries not exceeding fees, may be paid to Registrars and Deputy Registrars.

2. To defray the charges for the service of the Departments of Registrars and Deputy Registrars under the "Marriage Act, 1854," and under an Ordinance of the Legislative Council of New Zealand Session VIII., No. 9, intituled "An Ordinance for Registering Births, Deaths, and Marriages, in the Colony of New Zealand," respectively, for the period commencing the 1st day of July, 1856, and ending on the 30th day of June, 1857, and if the next Session of the General Assembly shall not be held before the said 30th day of June, then for the further period of three calendar months it shall be lawful for the Governor to cause to be paid out of the fees accruing under the said recited Act and Ordinance to any Registrar of Marriages, and any Deputy Registrar respectively, such salary as the Governor shall think fit not exceeding in amount the fees received by such Registrar or Deputy Registrar under the said Act and Ordinance respectively, during the aforesaid period.

Fees, &c., in respect of proceedings before Resident Magistrates and Justices of the Peace payable to Treasurers of respective Provinces.

3. The fees, fines, and penalties which shall be received in any Province in respect of any proceedings there before any Resident Magistrate or Justice of the Peace (except the Resident Magistrates whose salaries are payable out of the Civil List) or such part of such fees, fines, and penalties, as would be payable to any Treasurer for the public uses of the Colony, shall, until the 30th day of June, 1857, and if the next Session of the General Assembly shall not be held before that day, then until the 30th day of September, 1857, be payable and paid to the Treasurers of the several Provinces in which such fees, fines, and penalties, shall respectively arise for the public uses of such Provinces respectively.

A sum equal to one-fourth part of sums voted for year ending 30th June, 1857, may be applied to service of three months ending 30th September, 1857

4. Provided always that if the next Session of the General Assembly of New Zealand shall not be held before the 30th day of June, 1857, a sum equal to one-fourth part of the sums hereinbefore appropriated for defraying the salaries, allowances, and contingencies, of the Civil Establishments of the General Government of New Zealand respectively, for the year ending the 30th of June, 1857, may be issued and applied out of the Revenues aforesaid for defraying the charges of the like salaries, allowances, and contingencies, for the like services respectively, from the 30th day of June, 1857, until the 30th day of September, 1857.

£79,205 9s. 3d. may be applied to defray debts of Colony.

5. And whereas an Act was passed in the present Session of the General Assembly intituled "The New Zealand Debenture Act, 1856," whereby the Governor of the said Colony was authorized to raise upon the security and in manner therein mentioned, a sum not exceeding £100,000, for the purpose of discharging outstanding debts and liabilities of the said Colony, and for the service thereof.

Be it further enacted by the said General Assembly as follows, that is to say—

Out of any monies raised or to be raised by virtue of the said Act, there may be issued and applied in manner, and as hereinafter particularly mentioned, any sum not exceeding the sum of £79,205 9s. 3d., to defray the charges of the several debts, liabilities, and services following, that is to say—

Union Bank of Australia	14000	0	0
Deposit Accounts	5000	0	0
New Zealand Company's Fourths of Land Fund	16000	0	0
Land Purchase Department	40000	0	0
General Assembly	595	0	0
Miscellaneous	1244	10	4
Excess of Expenditure on account of the Resident Magistrates and Land Purchase Departments for the year ending 30th June, 1856	1171	15	0
The Governor's Visit to the Southern Settlements	1194	3	11
Total	£79,205	9	3

6. The Treasurer of the Colony of New Zealand shall issue and pay the said several sums to such persons for the purposes hereinbefore mentioned, upon such days, and in such proportions, as the Governor by any Warrant to be signed by him, shall from time to time order and direct, and the payment so to be made, shall be charged upon and payable out of such Revenues as aforesaid.

Sums to be paid by Treasurer under Governor's warrant.

7. The surplus of the said Revenues arising from the Post Office, duties of Customs, and fees and fines, shall be divided among the several Provinces established in New Zealand, in the like proportions as the gross proceeds of the said Revenues shall have arisen therein respectively, and shall be paid over to the respective Treasurers of such Provinces by the Treasurer of the Colony, in pursuance of Warrants under the hand of the said Governor, directed to him in that behalf: Provided that the amount so to be paid to the Provincial Treasurer of each Province, shall not be less than three-eighths of the gross amount of the duties of Customs collected within such Province.

The surplus of said Revenues to be divided amongst Provinces.

8. If it shall be found in the course of the current year that the sums accruing to the General Chest, after the payment hereinbefore specified shall have been made to the several Provinces, are not sufficient to satisfy all the lawful demands on the General Government in the course of the said year, it shall be lawful for the Colonial Treasurer, in pursuance of an order by the Governor in Council to that effect, to issue Treasury Bills bearing interest after the rate of sixpence for every hundred pounds sterling, per diem, payable at not more than three months after the date thereof, to the amount of the excess of the charges which the Governor is by law required to pay for the public service of the current year, over and above the revenues so accruing to the General Government for the said year. And the amount of the bills outstanding and unpaid at the end of the said year, shall be brought to account in the Estimates of the following year, and shall be provided for accordingly.

If balances of General Government too small Treasury Bills to be issued.

9. The said Treasurer shall, in his accounts, from time to time, be allowed credit for any sum or sums of money paid by him in pursuance of any Warrant issued by virtue of this Act, and the receipt or receipts of the respective persons to whom the same shall be so paid, shall be a full and valid discharge to the said Treasurer, in passing his said accounts, for any such sum or sums as shall be therein mentioned.

Treasurer to be allowed credit for all sums so paid.

10. The term "Governor" shall mean the person for the time being lawfully administering the Government of the colony.

Meaning of term "Governor."

11. This Act may be cited for all purposes as "The Appropriation Act, 1856."

Short title.



THE RESIDENT MAGISTRATES' COURTS EXTENSION OF JURISDICTION ACT, 1856.

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

SESSION 4, No. 29.

ANALYSIS.

Title.

Preamble.

1. Governor to bring act into operation.
2. Superintendent to fix times of sitting.
3. Jurisdiction to extend to £100.
4. Cases to be heard before Resident Magistrate.
5. Cases above £5 may be tried by jury.
6. Party demanding jury to give notice.
7. Clerk to summon twelve jurors.
8. Summons when to be served.
9. Jury to be reduced to four by challenge.

10. When jury cannot agree in verdict.
11. Penalty for non-attendance to summons.
12. Appeal to Supreme Court in certain cases.
13. Notice to be given in case of appeal.
14. Execution when to be stayed.
15. Presiding Judge may reserve points of law.
16. Additional fees.
17. Native cases excepted.
18. Governor may make rules, &c.
19. Interpretation of word "Governor."
20. Short title.

Title.

AN ACT to extend the Jurisdiction of Resident Magistrates' Courts in Civil Cases.

(Assented to 15th August, 1856.)

Preamble.

WHEREAS it is expedient that the jurisdiction of the Resident Magistrates' Courts in the Colony of New Zealand should be extended in civil matters,

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

Governor to bring Act into operation.

1. It shall be lawful for the Governor, upon the request of the Superintendent of any Province, by Proclamation in the *Government Gazette*, to bring this Act into operation in respect to any Resident Magistrate's Court having jurisdiction within such Province, from and after a certain day to be named in such Proclamation, and to define the districts within which cases may be heard in such Court, under the provisions of this Act.

2. The Superintendent of the Province within which any such Resident Magistrates Court shall be situated, shall, by Proclamation in the *Government Gazette* of such Province, fix the days upon which such Court shall sit to hear and determine causes under the provisions of this Act.

Superintendent to fix times of sitting.

3. Every case of a civil nature, of such kind as may now be lawfully tried in any Resident Magistrate's Court where the debt or damage claimed does not exceed £20, may be tried in a Resident Magistrate's Court in respect to which this Act is in operation, where the debt or damage claimed shall not exceed £100.

Jurisdiction extended to £100.

4. All cases that shall be tried by a jury as hereinafter provided shall be tried before a Resident Magistrate; Provided always that it shall be lawful for the Governor from time to time to appoint some other person, being one of Her Majesty's Justices of the Peace, to preside at the trial of such causes in the place of the Resident Magistrate.

Cases to be heard before the Resident Magistrate or person appointed by Governor.

5. In any action in which the amount of the debt or damage claimed shall exceed five pounds, it shall be lawful for either the plaintiff or the defendant to require a jury to be summoned to try the said action.

Cases above £5 may be tried by jury.

6. The party requiring the jury to be summoned, shall give a written notice thereof to the Clerk of the Court, either personally or by leaving the same at his office, and shall pay into Court the costs hereby fixed for the summoning and attendance of the said jury.

Party demanding jury to give notice.

7. Upon receiving such notice the Clerk of the Court shall summon twelve Jurors, residing within three miles of the place where the sittings thereof shall be held, chosen in alphabetical order as their names shall appear on the Jury List of the Province or district.

Clerk to summon twelve jurors.

8. Every such summons shall be served on such juror personally, or by leaving the same at his ordinary place of abode, at least two clear days before the sitting of the Court.

Summons when to be served.

9. When the jurors shall be in attendance, if their number shall be odd the Clerk shall strike off one, and the number being even, the defendant and plaintiff alternately shall each strike off one, until the number shall be reduced to four, and the four thus remaining shall be impanelled and sworn to give their verdict in the cause to be brought before them.

Jury to be reduced to four by challenge.

10. In every trial where the jury shall have remained six hours in deliberation, and shall be unable to agree upon a verdict, the Court shall order them to be discharged; and in every such case where the amount claimed shall not exceed £20, the Court shall determine the case summarily, and where such amount shall exceed £20, no judgment shall be given.

When jury cannot agree to a verdict.

11. Any juryman or witness failing to attend a summons or subpoena issued under this Act, or to produce such documents or

Penalty for non-attendance to summons.

papers as may be set forth in any such subpoena, shall be liable to a penalty not exceeding ten pounds, to be imposed by the Court, and in default of payment, shall be imprisoned for a term not exceeding fourteen days.

Appeal to Supreme Court in certain cases.

12. Whenever the sum claimed shall exceed five pounds, either party may appeal against the decision on any point of law, such appeal to be made to the Supreme Court as follows: The plaintiff and the defendant shall each within one week after the day of trial, deliver to the presiding Judge a statement in writing of the point in issue. And such presiding Judge shall state in writing his decision of the point in issue in accordance with the facts as proved at the trial, and the statements so prepared shall be forwarded by such presiding Judge without delay to the Registrar of the Supreme Court having jurisdiction over the Province where the trial took place. And the Judge of the said Supreme Court shall decide the point at issue within fourteen days after such statement shall have been received by him, and shall direct the judgment of the Resident Magistrate's Court to be given accordingly, and the same shall be given accordingly.

Notices to be given in case of appeal.

13. In all cases where such appeal to the Supreme Court shall be demanded, notice thereof in writing shall be given to the presiding Judge, and also to the opposing party in the action, within forty-eight hours after the trial shall have concluded; and such notice may be given either personally or by leaving the same at the office or residence of the presiding Judge, or in the case of the plaintiff or defendant by leaving the same at his ordinary place of business or abode, or at the office of the counsel or attorney appearing for him at the trial.

Execution when to be stayed.

14. ~~No judgment or execution shall be stayed unless the party~~ appealing shall give such security as the Court shall deem sufficient for the sum required to meet the whole costs of the action and appeal; and, in the case of the defendant, for such additional sum as shall meet the amount of the judgment.

Presiding Judge may reserve points of law.

15. It shall be lawful for the presiding Judge in any such Court to reserve any points of law for the decision of the Supreme Court, and any Judge having jurisdiction over the district in which any Resident Magistrate's Court may be situated, shall give his decision on any point of law so referred to him, and the decision of the Resident Magistrate's Court shall be in accordance therewith.

Additional fees.

16. In addition to the fees now payable by suitors in the Resident Magistrate's Court, there shall be paid the fees hereinafter mentioned, that is to say,—

	s.	d.
For serving each summons	2	6
For each Juror sworn	10	0

and such fees shall be borne by the plaintiff or defendant, as the Court may direct.

Native cases excepted.

17. Nothing in this Act shall be taken to alter any of the provisions of an Ordinance of the Lieutenant Governor and Legislative Council of New Zealand, intituled "The Resident Magistrate's Courts

Ordinance," Session VII., No. 16, so far as the same relates to the trial of causes in which one or both of the parties shall be of the Native race.

18. In all cases not herein specially provided for, the Governor, with the approval of any Judge of the Supreme Court, may from time to time frame and establish Rules and Orders for all proceedings under this Act, and may from time to time alter the same, and such Rules and Orders, and all alterations thereof, shall be published in the *Government Gazette*, and when so published shall have the force of law.

Governor may make Rules.

19 The term "Governor" shall mean the person for the time being lawfully administering the Government of New Zealand.

Interpretation of word 'Governor.'

20. This Act may be cited for all purposes as "The Resident Magistrates' Courts Extension of Jurisdiction Act, 1856."

Short title.



LAND CLAIMS SETTLEMENT ACT, 1856.

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

SESSION 4, No 32.

ANALYSIS.

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| <p>Title.
Preamble.
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AN ACT to provide for the final settlement of claims arising out of dealings with the Aborigines of New Zealand.

(Assented to August 16th, 1856.)

Preamble.

WHEREAS sundry claims to land have arisen within the Colony of New Zealand in respect of dealings with the aboriginal inhabitants thereof:

And whereas sundry Crown Grants have been issued in respect of the aforesaid claims under the Public Seal of the Colony of New Zealand :

Recital of Ordinances of Legislative Council.

And whereas, for the settlement of the said claims or the rendering valid the said Grants, the undermentioned Ordinances have been from time to time passed by the Governor and Lieutenant-Governor and the Legislative Council of the said Colony.

1. "Session I, No 2—An Ordinance to repeal within the said Colony of New Zealand a certain Act of the Governor and Legislative Council of New South Wales, made and passed in the 4th year of the reign of her present Majesty, and adopted under an Ordinance of the Governor and Legislative Council of New Zealand, for extending the Laws of New South Wales to the said Colony of New Zealand, and which said Act of the Governor and Council of New South Wales is intituled 'An Act to empower the Governor of New South Wales to appoint Commissioners with certain powers to examine and report on Claims to Grants of Land in New Zealand,' and also to terminate any Commission issued under the same, and to authorise the Governor of the Colony of New Zealand to appoint Commissioners with certain powers to examine and report on claims to Grants of Land therein, and to declare all other titles except those allowed by the Crown null and void.

2. "Session 3, No 3—An Ordinance to amend Land Claims Ordinance Session 1, No 2."
3. "Session 7, No 22—An Ordinance to authorise Compensation in Colonial Debentures to be made to certain claimants to Land in the Colony of New Zealand."
4. "Session 10, No 4—An Ordinance for quieting Titles to Land in the Province of New Ulster."

And whereas many of the said Land Claims are still unsettled, and the validity of the said Grants is disputed on various grounds ; And it is essential to the peace and well-being of the Colony that all such Land Claims should be finally settled and such disputed Grants corrected ; And whereas by reason of lapse of time and other circumstances, proceedings cannot be effectually taken under the said recited Ordinances for effecting the said objects, and it is expedient that new and other provisions should be made in that behalf.

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

1. So much of the said Ordinances, Session 1, No 2, Session 3, No 3, Session 7, No 22, and Session 10, No 4, as is repugnant to the provisions of this Act is hereby repealed.

Repeal of so much of recited Ordinances as is repugnant to this Act.

I. ESTABLISHMENT AND CONSTITUTION OF COURT OF COMMISSIONERS.

2. It shall be lawful for the Governor of the Colony from time to time by Letters Patent under the Public Seal of the Colony to appoint Commissioners for carrying this Act into effect who shall be styled "Land Claim Commissioners," and from time to time, by warrant under his hand, to remove any such Commissioner.

Governor to appoint Commissioners.

3. Every Commissioner shall have all the powers hereby vested in the Commissioners.

Every Commissioner to have full powers of Commissioners.

4. Every Commissioner before proceeding to act, shall take and subscribe before a Judge of the Supreme Court, an oath that he will faithfully perform the duties of his office.

Commissioners to take oath faithfully to perform duties.

5. The Governor may from time to time, by warrant under his hand, upon the recommendation of the Commissioners, appoint Assistant Commissioners for carrying this Act into effect, and from time to time to remove any such Assistant Commissioner.

Governor may appoint Assistant Commissioners.

6. The Commissioners' Court shall be deemed a Court of Record, and shall be open to the public, and shall have the powers incident to Courts of Record, and the Commissioners and Assistant Commissioners shall have the like power to compel the attendance of witnesses and production of books and papers, as Judges of the Supreme Court, and may issue warrants and processes accordingly, and may administer oaths. Every decision of the Commissioners shall be final and conclusive, subject only to any alteration to be made on appeal as hereinafter provided.

Commissioners Courts to be Courts of Record and open to the public.

7. The Commissioners shall frame and establish Rules for the Sittings of the Court, and notices thereof, the notification of proceedings, and generally for the conduct of business under this Act, and

Commissioners shall establish rules of procedure.

may from time to time alter such rules. And all such Rules, and all alterations thereof, shall be submitted to the Governor in Council, and upon being approved of, shall be published in the "Government Gazette" of the Colony, and when so published shall have the force of law.

Governor to fix salaries of Commissioners and Assistant Commissioners.

8. The Governor shall fix the salaries to be paid to the Commissioners and Assistant-Commissioners.

H. POWERS OF COMMISSIONERS, SUBJECTS OF INQUIRY, AND MODE OF INVESTIGATION.

Commissioners to hear and determine Old Land Claims and examine and dispose of grants under same and Pre-emptive Claims.

9. The Commissioners shall have power according to the provisions of this Act, to hear and determine all claims which might have been heard, examined, and reported on under the provisions of the said recited Ordinances, Session 1, No 2, Session 3, No 3, and all claims whatsoever to land or compensation arising out of dealings with the aboriginal inhabitants of the Colony, prior to the establishment of British sovereignty, or since that period, with the sanction of the Government, or under the Proclamations issued by Governor Fitzroy, dated respectively the 26th of March, 1844, and the 10th of October, 1844, and to examine and determine all questions relating to Grants issued in respect of the same, subject to the exceptions and provisions hereinafter contained.

May direct Assistant Commissioners to examine into and report as to any grant or claim.

10. The Commissioners may direct any Assistant Commissioner to examine into and report as to the circumstances relating to any claim to be investigated under this Act, or as to the practicability of giving possession of any land to be given in right of any Grant, and as to any other matter or thing to be enquired of under this Act; and every such Assistant Commissioner may examine and report accordingly; and in making such examination and report the Assistant Commissioners shall proceed according to such directions as shall be laid down in that behalf by the Commissioners in accordance with the provisions of this Act.

Reports to be delivered to and guide Commissioners.

11. All reports by Assistant Commissioners shall be returned to the Commissioners, and in finally hearing and deciding upon claims, the Commissioners may proceed upon such reports in like manner as if such examination had taken place before the Commissioners themselves.

Objections to be heard on payment of fees.

12. Any persons objecting to any claims or Grants to be investigated or examined under this Act, may appear and have such objections heard by the Commissioners and Assistant Commissioners, on payment of the fees prescribed in Schedule A to this Act annexed.

Appeal in cases of parties aggrieved.

13. Where any claimant, grantee, or other person interested in any claim or Grant which shall be examined by the Commissioners, he may within one calendar month after such decision, appeal to any Judge of the Supreme Court upon a case, in writing, to be stated or settled by the Commissioners, a copy of which case may be taken by the appellant, upon which case the Judge shall certify his opinion in writing to the Commissioners, and the Commissioners shall be bound to follow such opinion, and agreeably to such opinion, shall reverse alter or confirm their decision.

14. The Commissioners may, either at the instance of a party or of their own motion, in any case of doubt upon a question of law, submit a case thereon in writing to any Judge of the Supreme Court, who shall certify his opinion thereon in writing to the Commissioners, and the Commissioners shall follow such opinion.

Questions of law may be submitted by Commissioners for the opinion of one of the Judges of the Supreme Court.

III. CLAIMS NOT TO BE HEARD.

15. It shall not be lawful for the Commissioners to entertain or investigate any claims in any of the following cases—

Classes of claims which shall not be heard by the Commissioners.

1. In which the claim shall not have been made and notified in writing to the Government of the Colony prior to the passing of this Act. No new claims to be heard.
2. In which the claims shall have been heard and allowed wholly or in part, and in respect of which the claimant shall have accepted in satisfaction of such claim, compensation in money or debentures, or a grant of land. Nor claims in right of which grants have been issued.
3. In which the claim shall have been heard by a former Commissioner and disallowed, except as hereinafter provided, with respect to claims arising under the Proclamation of the 10th of October, 1844. Nor Claims under the Proclamation of the 10th October, 1844, already disallowed.
4. In which the right of the claimant to have his claim heard and decided under a former Law, shall have lapsed through default of the claimant, except as last aforesaid. Nor where claim lapsed through default of claimant.
5. In which the claimant shall not, before the 1st day of July, 1858, have notified his intention to have his claim heard under the provisions of this Act. Claims to be preferred.

IV.—PROCEEDINGS WITH RESPECT TO VOIDABLE GRANTS.

16. The Attorney-General shall, on behalf of Her Majesty, by notice in the form or to the effect prescribed in the Schedule B, to this Act annexed, to be published in the "Government Gazette," call on and require the person or persons interested in or holding or claiming title under any Crown grant heretofore issued in respect of any of the aforesaid claims, made of Lands over which it may be alleged that the Native title has not been extinguished, or in which it may be alleged that there is such uncertainty of description as would render the same void or voidable in Law, or that there is not a map which has been approved of by the Government of the lands granted, delineated, or endorsed thereon, to produce such Crown Grant to the said Commissioners, on or before some specified day, and also by the same or any other such notice, to specify some day for hearing and determining the validity of such Grant; provided that no such proceeding shall be initiated after the 1st day of July, 1858.

Attorney General to call in voidable grants.

17. The Commissioners on the day specified in such notice, shall, after due proof thereof, proceed to examine the Grant, and shall proceed according to rules to be established as aforesaid in that behalf.

Commissioners to examine grant.

18. If at the time and place appointed, such Grant be not produced, or if on production thereof, and on examination of the circumstances, it shall appear that the native title over the land granted, or over any part thereof, is not extinguished; or that there

Grants not produced or found void to be declared so; Commissioners decision to have same effect as repeal by *scire facias*.

is in such Grant such uncertainty of description as would render the same void or voidable in law; then after hearing the case, if the Commissioners, after giving effect to the provisions of the said recited Ordinance, Session 10, No 4, shall be of opinion that the same is void or voidable in law, they may adjudge and determine such Grant to be null and void; and such adjudication shall have the same force and effect in annulling and making void the same, as if the same were repealed by process of *scire facias*.

Claimants to have survey made and maps produced.

19. If, upon the production of such Grant it shall appear that the same is not void or voidable in law, but that no accurate map of the lands granted is delineated or endorsed thereon, the Commissioners may make an order requiring the person or persons producing such grant, to deliver to the Commissioners, at some specified place and time, such an accurate map as aforesaid, certified by some competent Surveyor, to be approved of by the Commissioners, and in default thereof the Commissioners may adjudge and determine such Grant to be null and void, and such adjudication shall have such force and effect as aforesaid.

Grants declared void to be cancelled.

20. Every Grant so adjudged to be null and void shall be forthwith delivered up and cancelled.

Valid Grants to be returned endorsed.

21. If, after such hearing, the Grant shall appear to the Commissioners sufficient and valid in law, the same shall forthwith be delivered to the person or persons by whom the same shall have been produced; but the Commissioners in every such case shall endorse upon the Grant a certificate of the validity of such Grants, and every Grant so endorsed shall be deemed to be valid to all intents and purposes whatsoever.

Commissioners shall cause maps to be delineated on Grants.

~~22. In the case of Grants without accurate maps, and as to~~ which such maps shall be furnished as aforesaid, the Commissioners shall cause copies of such maps, properly certified by the Commissioners, to be delineated or endorsed on the Grants; And such Grants shall thereupon be delivered to the person or persons producing the same, on payment of fees.

New Grants to be issued in lieu of those cancelled.

23. When, in pursuance of the provisions of this Act, any such Grant shall be adjudged by the Commissioners to be null and void, and the same shall, in pursuance of such adjudication, be delivered up and cancelled, it shall be lawful for the Commissioners, at the time of such adjudication, or at some subsequent day to be fixed by the Commissioners, and upon application of any person or persons who may appear to the Commissioners interested therein, to direct that there shall be issued in favour of the person or persons who may appear to the Commissioners best entitled thereto, a new Grant, or several new Grants, under the Public Seal of the Colony, of such lands as the Commissioners shall, agreeably to the provisions herein contained, direct; and the Commissioners shall proceed according to the following Rules,—

A. Where a definite quantity of land shall have been specified in the cancelled Grant, if the boundaries described shall be of sufficient extent, the Commissioners

shall adjudge such quantity, with an addition not exceeding one-sixth, to be selected by the Grantee out of the lands comprised within such boundaries.

b. If the boundaries described shall not contain the requisite quantity, the Grant shall be adjudged for so much as the boundaries do contain, in satisfaction of all claim.

c. Where there shall be several Grants of the same land, or of land within the same boundaries, the Commissioners shall adopt such scheme of division, selection, or apportionment, as shall, in their judgment be best adapted to meet the justice of the case.

d. In no case shall any person be entitled to a new Grant of more than the quantity expressed in the cancelled Grant, except that the Grant may be extended to one-sixth more than such expressed quantity.

e. In all cases accurate maps of the lands to be granted shall be furnished to the Commissioners, at the cost of the parties; such maps to be certified by some competent Surveyor to be approved of by the Commissioners.

f. In any case not specially provided for, the Commissioners shall proceed according to such rules as they may judge best adapted to meet the justice of the case, but as near as may be in accordance with the provisions of this Act.

24. Every new Grant shall be subject in equity to the same claims, rights, and interests, as the cancelled Grant, in lieu whereof such new Grant shall have been issued.

To be subject to the same equities as cancelled Grants.

V.—PROCEEDINGS WITH RESPECT TO CLAIMS FOR WHICH NO GRANTS HAVE BEEN ISSUED.

Old Land Claims.

25. In respect of claims arising under purchases made from the Natives before the 14th of January, 1840, which, under the provisions of this Act, the Commissioners are empowered to investigate, the Commissioners, in order to ascertain and determine the quantity of land which may be granted to any claimant, shall, in every case, inquire into and set forth so far as it shall be possible to ascertain the same, the price or valuable consideration, with the sterling value thereof, paid to aboriginal owners of the land, the time, manner, and circumstances, of the payment, and the number of acres such payment would have been equivalent to, according to the rates fixed in the Schedule C, appended to this Act. And the Commissioners shall direct the issue of a Grant to the person they, in their judgment, may deem entitled thereto, for the number of acres so to be ascertained as above mentioned.

In claims prior to January, 1840, Commissioners to ascertain amount of acres to be granted.

26. Provided, that in any case in which it may appear to the Commissioners that special hardship has been suffered by a claimant, by reason of delay in settling the claim, without default of the claimant, the Commissioners may increase the number of acres to be granted by not more than one-fourth. Provided, also, that no Grant shall be issued of land exceeding in extent the quantity originally claimed.

In cases of special hardship Commissioners may increase amount of acres in grant.

27. Provided, also, that no Grant shall be issued which shall convey more than the maximum of 2560 acres to any one claimant; but, under special circumstances, the Commissioners may recommend the Governor to extend the amount to be granted beyond the maxi-

Maximum of 2560 acres not to be exceeded except in special cases.

num aforesaid, accompanying such recommendation with a report of the special circumstances.

Governor not to issue Grants in any case for more land than conveyed in any existing Grant.

28. In such special case it shall be lawful for the Governor to issue a Grant of land not exceeding the quantity recommended by the Commissioners; provided however, that no Grant shall be issued of land exceeding the maximum comprised in any Grant heretofore issued.

Pre-emptive Waiver Claims.

One-fourth of value to be paid for land to be granted under proclamation of 10th October, 1844.

29. For all lands to be granted under direction of the Commissioners in satisfaction of claims arising under the said Proclamation of the 10th of October, 1844, and in respect of which claims, no Grants or compensation shall have been received by the claimant, there shall be paid by the claimant, for every acre of land so to be granted, a sum not exceeding five shillings; provided that the Commissioners may reduce the sum to be paid by any claimant, to any sum not less than one shilling per acre, and in fixing the payment to be made by any claimant, they shall, as nearly as may be, fix the amount to be paid at one-fourth the estimated value of the land.

Grants in such cases not to exceed 500 acres with additional quantity as compensation.

30. No Grant shall be directed in respect of any such last-mentioned claim for more than five hundred acres of land. Provided that in every such last-mentioned case the Commissioners may, in their discretion, award and direct a Grant to be made of an additional quantity of land by way of compensation for loss and damage sustained by reason of the non-settlement of such claim. Provided, that in no case shall a larger extent of land be granted as compensation, than five hundred acres, nor ~~more than was comprised in the original claim.~~

One-fourth of the value to be paid for such compensation land.

31. In every case of compensation in land in respect of claims under the Proclamation of the 10th of October, 1844, the claimants shall pay after a rate not exceeding one pound, and not less than one shilling per acre for all land to be granted to them as such compensation, and in fixing the payment to be made by any claimants, they shall, as nearly as may be, fix the amount to be paid at one-fourth the estimated value of the land.

VI.—GENERAL PROVISIONS.

When lands to which claimant may be declared entitled have been alienated, Commissioners may direct compensation in other lands; quantity to be given; how to be estimated.

32. In any case of claim or grant, when the particular lands which would otherwise have been directed to be granted shall have been alienated by Government, the Commissioners may direct a Grant to be made of other lands, being part of the demesne lands of the Crown in the Province in which the claim arises, by way of compensation for the original claim. In estimating the quantity of compensation land to be given as last aforesaid, the Commissioners shall estimate the same by the amount realised upon such alienation of the land comprised in the original claim, but in no case shall the original land be estimated as having realised more than one pound per acre.

33. Provided always, and notwithstanding anything in this Act contained, in any case not hereinbefore provided for, in which, under special circumstances, in the judgment of the Commissioners, manifest hardship or injustice shall have been done or suffered, they may recommend to the Governor that such case be specially considered, and the Governor, if he shall think fit, may order the Commissioners to hear such claim, and the Commissioners shall hear it accordingly, and decide the same according to equity and good conscience, and may direct a grant of land, or compensation in land as they may think equitable, according to the circumstances.

General power to Commissioners to investigate cases of proved injustice and award compensation.

34. Derivative claims may be heard and decided under this Act, as well as original claims, and in all cases of dispute between claimants, the Commissioners may decide the same according to their judgment, and such decision shall be binding on the parties, subject to appeal as hereinbefore provided.

Derivative claims may be heard under this Act and in cases of dispute, decision of Commissioners binding.

35. No subdivision of an original claim shall entitle parties to a larger grant or more favourable terms of settlement than if the claim had remained entire.

No subdivision of original claim to extend grant.

36. Where lands claimed or granted shall have been subdivided, and shall be claimed by several parties, the Commissioners shall, in directing grants to be issued and compensation to be made under this Act, make such order and direction as to them shall seem best adapted to meet the justice of the case.

In cases of subdivision Commissioners to make such award as may seem fit.

37. No compensation shall in any case be given in money-script or land credits exercisable over unspecified or undefined lands.

No compensation to be given in money script or indefinite land-credits.

38. No lands shall be included in any Grant under the provisions of this Act, over which it shall not be proved to the satisfaction of the Commissioners that the Native Title is extinguished, or which shall be required for any purposes of public utility or convenience, and before any Grant shall be recommended it shall be the duty of the Commissioners to ascertain from the General Government and from the Government of the Province wherein such lands are situated, whether the lands proposed to be granted, or any part thereof are required for any such purpose.

No land over which native title not extinguished or required by General or Provincial Governments for public purposes to be granted.

39. In any case of claim or Grant heard or examined by the Commissioners, under the provisions of this Act, in which the Native title shall not be proved to have been extinguished, over the lands comprised in such claim or Grant, or any part thereof, it shall be lawful for the Governor, on behalf of Her Majesty, on payment by the claimant of the estimated cost of extinguishing the Native title to such lands, or any part thereof, and all expenses incident thereto, to extinguish such title and obtain a cession of such lands to Her Majesty, and thereupon to make a grant of the same, in accordance with the provisions of this Act, and in like manner as if the Native title had been proved to have been extinguished.

Where Native title not extinguished Governor may at cost of claimant cause it to be extinguished.

No lands to be recommended for a Grant until marked out on the ground by a surveyor.

40. The Commissioners shall not recommend any lands to be granted unless and until such lands shall have been effectually marked out upon the ground, and a certificate to that effect signed by some competent surveyor approved by the Commissioners, shall have been delivered to the Commissioners; and no Grant shall be issued for any such land until a survey thereof shall have been made and a proper plan of the same deposited with the Commissioners.

Governor to prescribe rules as to shape of blocks.

41. The Governor may from time to time prescribe such rules as regards the shape and frontage of all lands to be granted under the provisions of this Act, as to him may seem fit, and the Commissioners shall observe all such rules.

Governor may issue Grants of Waste Lands in conformity with the provisions of this Act.

42. The Governor may make and issue Grants of land out of the Waste Lands of the Crown in any Province, in conformity with the provisions of this Act, in satisfaction of claims arising within such Province.

Commissioners may order surveys and charge costs of same to Grantees.

43. In all cases of surveys and maps required by this Act, the Commissioners may in their discretion order such surveys or maps to be made under their own direction, and may charge after the rate of one shilling and sixpence per acre for all lands surveyed; such charge to be paid by each grantee respectively, before or at the time of the issue of his Grant.

Allowance in land to be made for surveys.

44. In every case of surveys and maps, whether made by parties themselves or by order of the Commissioners under the power last aforesaid, allowance shall be made in land for the charges of such surveys and maps at the rate of one shilling and sixpence per acre, and an additional quantity of land shall be granted to the respective parties by way of compensation in respect of such allowance, to be computed at the rate of one acre for every ten shillings paid on account of such charges.

Compensation to be given to the amount of fees paid in respect of Crown Grants.

45. Every person paying fees in respect of any Crown Grant examined by the Commissioners under this Act, shall be entitled to an allowance in land by way of compensation after such rate, as the Commissioners shall deem equivalent in value to the amount of fees so paid.

Compensation to be awarded out of lands claimed, else out of lands specially reserved for the purpose

46. All compensation land shall be awarded out of the lands in respect of which the claim arises, if available, but if not, then (except in cases under Sections 29, 30 and 31 of this Act), out of any lands which may be specially set apart by the Superintendent of the Province, with the assent of the Governor, for the purpose of satisfying such compensation claims; and if no such lands shall be so specially set apart, then generally out of the Waste Lands of the Province in which the claim arises. Provided always if the Land available in respect of which the claim arises be of such character as not to afford reasonable compensation to the party entitled thereto, the Commissioners may in their discretion award an additional number of acres not exceeding one acre for every acre of compensation Land.

Grantees at their own cost to select land.

47. All lands authorised to be granted by this Act shall be selected by and at the cost of the Grantee.

48. In case of any opposition to any grant or claim (except the opponent be of the native race or a half caste), the Commissioners may, if they think fit, award such costs as they may deem reasonable, not exceeding the expenses actually incurred to be paid by either party to the other. In case of opposition Commissioners may give costs to either party.
49. Every grant of land made in pursuance or purporting to be made in pursuance of this Act, shall be deemed and taken to be a good, valid, and effectual conveyance of the land thereby intended to be conveyed, against Her Majesty, Her Heirs and Successors, and against all other persons whatsoever. Validity of grant under this Act.
50. All proceedings under this Act may be conducted, not according to strict law, but according to equity and good conscience; and no informality whatever shall vitiate such proceedings. And in all cases not specially provided for by this Act, the Commissioners shall make such orders and adjudications, and give such directions as shall in their judgment be most agreeable to equity and good conscience, and as nearly as may be in accordance with the provisions of this Act. Proceedings under this Act need not be conducted according to the strict letter of the law.
51. There shall be paid the fees and expenses set forth in the table in the Schedule A to this Act annexed, and a table of such Fees and Expenses shall be published in the "Government Gazette." Fees to be paid by suitors.
52. All such fees and expenses shall be paid into a common Fund, out of which the salaries and expenses incident to the Commission shall be defrayed, and the deficiency, if any, shall be defrayed out of the General Revenue of the Colony. How to be disposed of
53. No Grants shall be issued nor any proceedings taken under the provisions of this Act, until payment has been made of the respective fees prescribed in the Schedule of Fees appended to this Act. No grants to be issued or proceedings taken until all fees paid
54. And whereas there are cases in which aboriginal native women have married men not being aborigines, and there are children of such marriages, and there are also other children where the maternal parent only is of the native race; and whereas various transactions in Land have taken place in reference to such persons, and it is expedient that enquiry should be made into such cases with a view to make a just provision for the same. Be it therefore further enacted, that the Commissioners appointed under this Act shall make full enquiry into all such cases, and report the evidence taken, and their opinions thereon to the Governor. Commissioners to enquire into land transactions in which aboriginal women and half caste children are concerned, and report the result to the Governor.
55. The term "Governor" shall mean the Officer for the time being lawfully administering the Government of the Colony of New Zealand. Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number, and words importing the masculine gender only, shall include females. Interpretation.
56. This Act may be cited for all purposes, as "The Land Short title.
Claims Settlement Act, 1856."

SCHEDULE A.

F E E S P A Y A B L E.

	£	s.	d.
Upon the notification of any claim under the provisions of this Act, by the claimant	5	0	0
For the hearing of every objection or opponent to a claim (the objector or opponent not being of the aboriginal race), by such objector or opponent...	1	0	0
For every summons for witnesses, each summons containing one name, by the party requiring the same	0	5	0
For every witness examined or document or voucher produced in evidence, by the party in whose behalf examined or produced	0	1	0
For taking down the examination of every witness, by the party on whose behalf examined	0	2	6
For every one hundred words after the first one hundred, by the same	0	1	0
For every final award or recommendation of the Commissioners, by the person in whose favour made	5	0	0
For every Grant issued under the authority of this Act, by the Grantee	1	0	0
For every one hundred acres of land included in such Grant (except under pre-emptive claims)	0	10	0
For every Grant which shall be examined if found invalid or corrected	2	0	0
For every Grant already made on which a plan shall be endorsed by Commissioners	5	0	0
For endorsing certificate of validity	2	0	0
For every appeal, by the appellant	5	0	0
For every one hundred words copied for the purpose of such appeal, by the appellant	0	1	0

SCHEDULE B.

FORM OF NOTICE.

Pursuant to the provisions of the "Land Claims Settlement Act, 1856," all persons interested in or claiming title under any of the Crown Grants specified in the Schedule hereunto annexed, are hereby on behalf of Her Majesty required to produce or cause to be produced such Crown Grants before the Commissioners of Land Claims at _____ on the _____ day of _____

In default of the above Grants being produced on the day and at the place above mentioned, (unless the non-production thereof be accounted for to the satisfaction of the said Commissioners) the said Grants will, under the provisions of the aforesaid Act, be declared null and void, and become so to all intents and purposes in like manner as if the same had been repealed in the Supreme Court by process of *Scire Facias*.

(Signed)

Attorney-General.

SCHEDULE.

Grantee.	Date of issue of Grant.	Locality of Land Granted.

SCHEDULE C.

	Time when the purchase was made.		per acre.					
	From	To	£	s	d	£	s	d
	1st January 1815	To 31st December 1824	0	0	6	0	0	0
	" 1825	" 1829	0	0	6	0	0	8
	" 1830	" 1834	0	0	8	0	1	0
	" 1835	" 1836	0	1	0	0	2	0
	" 1837	" 1838	0	2	0	0	4	0
	" 1839	" 1839	0	4	0	0	8	0

And 50 per cent above these rates for persons not personally resident in New Zealand or not having a resident Agent on the spot.

Goods when given to the natives in barter for land to be estimated at three times the selling price in Sydney at the time.



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, MONDAY, SEPT. 8, 1856. [No. 33.

CONVICT PRISON REGULATIONS OF THE PROVINCE OF AUCKLAND.

WHEREAS by an Act of the General Assembly of New Zealand, intituled "the Secondary Punishment Act, 1854."

It was enacted amongst other things that every person except as thereafter mentioned who shall be kept in penal servitude, shall, during the term of his servitude be employed on the Roads or Public Works, or otherwise be kept to hard labor in such part of the Colony of New Zealand as the Governor shall in that behalf direct and subject to such correction as may be necessary for his safe custody and strict discipline and for the purpose of being so employed as aforesaid every such Convict may be removed from place to place either by sea or land and may be confined in such Public Gaol, at such penal station, or in such place of confinement or may otherwise be kept in custody as the Governor shall from time to time

direct, subject to certain provisos in the said Act contained, And whereas it was further enacted that it should be lawful for the Governor from time to time to make such Rules and Regulations as to him should seem meet for the employment safe custody, management and discipline of the Convicts under sentence of penal servitude, and to enforce the observance of such Rules and Regulations by solitary confinement as in the said Act provided and by such other prison discipline as may be prescribed in that behalf, provided always that no Rule or Regulation awarding any such punishment as aforesaid should come into operation until a copy thereof shall have been first published in the New Zealand Government Gazette.

Now therefore I Thomas Gore Browne, Governor of the Colony of New Zealand, do hereby, under and by virtue of the powers in the said Act contained and of all other powers, and authorities me enabling in this behalf publish the following Regulations for the employment, safe custody, management and discipline of Convicts, under