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RURAL DISTRICTS ACT, 1869.

Superintendent's Office,
Auckland, 12th March, 1869.

THE following Act, made and passed during the twenty-fourth session of the Provincial Council, is published for general information.

J. WILLIAMSON,
Superintendent.

AN ACT to repeal certain Acts and to make better provision in lieu thereof.

Preamble.

WHEREAS it is expedient to repeal the Acts mentioned in the Schedule hereto and to make other provision in lieu thereof

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

Short Title.

1. The Short Title of this Act shall be 'The Auckland Rural Districts Act, 1869.'

Repeal of certain Acts.

2. The Acts mentioned in the Schedule

hereto are hereby repealed save and except as follows:—That the Dog Nuisance Act 1854 shall remain in full force and effect so far as the same extends to the city of Auckland.

AS TO HIGHWAYS.

Certain Districts shall be deemed Districts under this Act.

3. All Districts created under or by virtue of "The Highways Act 1867" shall be deemed to be districts duly created under this Act and all existing trustees for such districts whether they have or have not been regularly appointed shall be deemed to have been duly appointed for such districts under this Act and shall hold office until the first annual meeting of electors of the district to be held under the provisions of this Act and all assessments or rates under the said Acts or any of them which shall have been made levied or finally settled by the trustees of any such district and all arrears thereof and interest thereon shall be recoverable as if such assessments or rates had been duly made or imposed under this Act and any memorial registered under the provisions of the said repealed Acts shall continue to be of the same force and effect as if the said Acts were not repealed.

Province to be divided into Districts.

4. The Superintendent of the said Province shall so soon as conveniently may be

by public notification in the *Provincial Government Gazette* divide for the purposes of this Act such portions of the said Province as he may think fit into districts with distinctive names and boundaries and may from time to time by like notification create new districts and alter and amend the names and boundaries of any districts then existing.

When this Act to come into operation.

5. The Superintendent may from time to time as he shall see fit by notification in the *Provincial Government Gazette* bring this Act into operation in any of the said districts and thereupon but not previously this Act shall come into and remain in full operation therein and in such notification the day hour and place of the first meeting of electors for such district shall be appointed: Provided always that existing districts under the Acts hereby repealed shall immediately from and after the passing thereof come under its operation without any notification by the Superintendent.

District Trustees to be appointed—their powers and duties.

6. Foreach district in which this Act shall come or be brought into operation there shall be a Board of five Trustees to be called "The (insert name of district) Highways Trustees" who shall be appointed in manner hereinafter mentioned and who shall have the care management and superintendence of the public roads of the district and whose duty it shall be to maintain and repair the same and who shall have the custody control and expenditure of all moneys collected under this Act three of whom shall be a quorum.

Rate to be levied.

7. There shall be levied in manner hereinafter provided upon all lands and tenements within each of the districts aforesaid one yearly district rate for the purposes of this Act to be fixed as hereinafter mentioned which rate shall be a rate not exceeding one shilling nor less than one half penny per pound upon the estimated value to sell of the lands and tenements therein and shall be payable by the occupiers of such lands and tenements or if there be no occupier then by the owner thereof: Provided always that no rate shall be laid or levied on any waste lands of the Crown on lands held under Native title on lands or tenements occupied by the Provincial or General Government or on any lands or tenements used solely for the purposes of public education public worship or as burying grounds or on lands or tenements within any town having therein a local authority charged with the care and management of the streets thereof.

Qualification of voters for election of Trustees.

8. Every person of the age of twenty-one years who shall be liable under this Act to be rated for roads within any district for the ensuing year and who shall

have paid all previous highway rates or assessments (if any) due by him for the said district shall be qualified to vote at the election of Trustees and to be elected as a Trustee for such district and shall have at the first election one vote and at all subsequent elections one or more votes in proportion to the amount of rate paid in respect of his property in the district for the preceding year in manner following that is to say

Under £1.....	he shall have 1 vote
£1 and not exceeding £3	" " " 2 votes
3 " " " 6 " " "	" " " 3 "
6 " " " 10 " " "	" " " 4 "
10 " " " 15 " " "	" " " 5 "
15 and upwards	" " " 6 "

Penalty for non-electors acting as electors.

9. Any person who not being qualified as aforesaid shall vote or take any part in the proceedings at any meeting for the election of any Trustees as aforesaid shall be liable to a penalty not exceeding twenty pounds to be recovered in a summary way on the information or complaint of any qualified elector of the district for which such meeting was held.

Who to be Chairman of first meeting.

10. A person to be appointed by the Superintendent shall be the Chairman of the first meeting of the electors of every district within which this Act shall have been brought into operation and he shall decide who are the persons entitled to be present and vote thereat and shall cause the meeting to be conducted in such manner as he shall see most convenient and shall have a casting but no deliberative vote.

Mode of election of first Trustees.

11. Such meeting ten electors at least being present in person or by proxy appointed in writing such proxy being held by an elector and no elector shall hold more than two proxies shall thereupon nominate and elect by open voting and a majority of votes of the electors present in manner aforesaid five persons qualified and willing to be elected as Trustees for the said district and the persons so elected shall hold office as "The Highway Trustees" until the election of their successors in manner hereinafter provided and such meeting shall thereupon fix the nature and if they shall think fit the amount of the rate to be levied for the then current year (from the first of October to the thirtieth of September following both inclusive).

Annual election of Trustees.

12. In the month of October in each year subsequent to the year in which the first Trustees for each district respectively shall have been elected a meeting of the electors for each district shall be held in the first week of the month at a convenient time and

place to be appointed and publicly notified by the district Trustees in such manner as they shall think fit seven days' notice at least of which must be given and at such meeting ten electors at least being present in person or by proxy as aforesaid Trustees for the ensuing year shall be elected in the same manner as the first Trustees were elected and the Trustees so elected shall hold office from the date of their election until the election of their successors and a rate for the current year shall be fixed in like manner as the first annual rate.

Adjournment of annual and other meetings.

13. If at any such first or annual meeting a sufficient number of electors shall not be present within one hour after the time appointed the electors present at the expiration of such hour may adjourn the meeting from time to time for any period not exceeding seven days and the chairman of such meeting shall forthwith on any election of Trustees report in writing the names and designations of the persons so elected to the Superintendent who shall forthwith cause the same to be published in the *Provincial Government Gazette*.

Provision for non-election of Trustees.

14. If at the first or any other annual meeting or adjournment thereof as aforesaid the electors shall fail to elect Trustees for the ensuing year and the chairman of such meeting shall not communicate to the Superintendent a reason for such omission which the Superintendent shall consider sufficient it shall be lawful for the Superintendent to appoint Trustees who shall have the status and all the powers duties and liabilities of Trustees elected as aforesaid.

Causes which will vacate Trusteeship.

15. If any Trustees shall refuse to act or be absent from the province four months at any one time or become bankrupt or an insolvent debtor within the meaning of any laws relating to insolvent debtors or a public defaulter or be convicted of felony or any infamous crime he shall cease to be a Trustee.

Provision for supplying vacancies.

16. If any vacancy shall at any time occur through the death or resignation of any Trustee or through any other cause the remaining Trustee or Trustees shall so soon as conveniently may be after such vacancy occurring call a public meeting of electors to elect a Trustee or Trustees to fill such vacancy who shall hold office during the same period as the vacating person or persons would have done had not such vacancy occurred.

Penalty for not serving, &c.

17. Provided always that any person who

may have been chosen by the said or any subsequent meeting as hereinafter provided a member of the Highway District Board and shall refuse to serve shall be liable to pay the sum of £5 and any person chosen who has not refused to accept office and who at any time refuses or neglects to perform its duties shall be liable to pay a sum not exceeding £5 to be sued for and recovered before a Justice of the Peace by the Chairman of the Highway District Board all monies so recovered to be applied by the Highway District Board for the purposes of this Act in the several Highway Districts created under this Act: Provided always that it shall be competent for the Board to excuse any person so refusing to serve or neglecting to perform his duties upon good cause shown for such neglect or refusal and the decision of the Board on that point shall be final: Provided that no person who shall have served for two years consecutively as Trustee shall be liable to be fined for refusing to serve until after the expiration of two years from the expiration of the two years first mentioned: Provided also that no person whose rate shall not exceed 10s shall be liable to be fined for refusing to serve.

Chairman to be appointed.

18. The Trustees shall at their first meeting in each and every year elect one of their number to preside as Chairman at their meetings and the Trustee so elected shall have an original as well as a casting vote and on any vacancy occasioned by death resignation or otherwise a new election shall take place in the absence of the Chairman at any meeting of Trustees those present may elect a person to preside at such meeting and he shall have an original as well as a casting vote.

Meetings of Trustees.

19. The Trustees of each district may make such regulations as to holding of meetings as they shall think fit but the Chairman or any two Trustees may at any time convene a meeting of the Trustees by written notice signed by the Chairman two Trustees or Secretary of the Trustees which notice shall specify the time and place of meeting and the business intended to be transacted thereat which notice shall be delivered to or at the usual abode of each Trustee at least three days before the day of meeting.

Minute and account books to be kept.

20. The Trustees of each district shall cause a minute book to be kept in which shall be entered minutes of all their orders and proceedings which minutes shall be signed by the Chairman as also account books in which shall be entered true and regular accounts of all monies received and expended in pursuance of this Act which minute and

account books shall at all reasonable times be open to the inspection of any ratepayer.

Acts of majority to be binding.

21. The act and resolution of a majority of the Trustees present at any meeting shall be binding and shall not be altered or rescinded except by a majority of the whole Trustees of the district.

Officers may be appointed.

22. It shall be lawful for the Trustees of each district from time to time to appoint Clerks Collectors Treasurers Surveyors Overseers and other Officers to prescribe their duties with reasonable allowance for their trouble and all such Officers shall when required render to such Trustees a true account in writing with proper vouchers of all monies received and paid by them by virtue of their respective offices and shall pay over any monies in their hands to such person as the Trustees shall appoint.

Officers and others to hand over monies, &c., on order of Trustees.

23. Every Trustee Ex-Trustee and Officer in whose hands there shall be any books papers monies chattels or things belonging or relating to his office or the matters thereof shall on the order in writing of the Trustees of the district deliver the same to such person as the Trustees shall by such order appoint and every person refusing and wilfully neglecting so to deliver as aforesaid shall so long as he shall so refuse or neglect be liable to a penalty not exceeding twenty pounds for each and every week he shall so fail to deliver to be recoverable from time to time in a summary way at the suit of any Trustee of such district and such penalty shall be in addition to any other rights or remedies against such person for recovery of such goods chattels or monies.

Accounts to be laid before annual meeting and audited.

24. At every annual meeting of electors as aforesaid there shall prior to the election of new Trustees be laid before the meeting an account and abstract of the receipts and expenditure of the preceding year signed by three of the Trustees which account shall if the meeting think fit be audited by an officer appointed for that purpose by the Superintendent.

Trustees to fix rate and prepare assessment List.

25. If the first or any annual meeting of electors shall fail to fix a rate as hereinbefore provided then the first and annually elected Trustees of each district shall within one month after their election and Trustees continuing in office from non-election of their successors shall within one month after the failure to elect Trustees at any annual meeting fix and determine what rate shall be levied within the district for the then current year and shall forthwith whether such rate shall have been fixed by the electors or by the

Trustees cause a list to be made setting forth in alphabetical order the names of all persons liable to pay the said rate together with a description of the lands or tenements in respect of which such persons are so liable the estimated value of the same and the amount of the assessment payable in respect of such lands and tenements respectively and the Trustees shall cause such assessment list to be posted in some conspicuous place or places within the said district and a copy thereof forwarded to the Superintendent due notice whereof shall be published in the *Provincial Government Gazette*.

Special rate may be levied to repair certain damages.

26. Provided always that in case of any sudden flood tempest or other unforeseen accident any road or bridge or any part thereof in any district created under this Act has been damaged thereby and the rates levied in such district for the then current year are insufficient to repair such damage it shall be lawful for the Chairman of such district to convene a public meeting of the ratepayers of such district for the purpose of considering the expediency of levying a special rate for the purpose of repairing such damage and such rate shall be assessed levied collected and received in the same manner as the ordinary rates assessed under this Act: Provided also that if any such district shall neglect or refuse to levy any rate as aforesaid and it shall appear to the satisfaction of the Superintendent that there is a necessity for levying such rate it shall be lawful for the Superintendent to proceed in manner provided by clause 42 of this Act and levy a rate accordingly.

Trustees may enter and view lands.

27. For the purpose of ascertaining such names descriptions and value the Trustees may by themselves or one or more of them or by their servants or agents and at all reasonable times enter upon view and survey all such land without let hindrance or impediment from the owner or occupier thereof or any other person whomsoever.

Objections to rate to be heard by Trustees.

28. The Trustees shall at the end of such assessment list subjoin a notice in writing signed by their Chairman that any objection thereto will be heard by the said Trustees at a time and place in such notice mentioned such time not to be less than one calendar month from the date of such notice and the said Trustees shall at such time and place or any adjourned time and place hear such objections accordingly and may amend such assessment list or any part thereof as they shall deem necessary.

Appeal from Trustees' decision.

29. Any person who shall think himself aggrieved by the decision of the Trustees in respect of such assessment may at any time

within seven days after the making of such decision give to the Chairman of the Trustees three days' notice in writing of his intention to appeal against the same to the nearest Resident Magistrate not being a Trustee or Trustees of the Board where decision is appealed against and on the day named in such notice such Resident Magistrate may on hearing the appellant and the Trustees or their agents respectively or such of them as shall then appear and such evidence as they shall respectively think fit to adduce confirm alter or amend the decision appealed against and the decision of such Resident Magistrate shall be final and conclusive and not liable to review in any Court whatsoever.

Costs of appeal may be awarded.

30. It shall be lawful for the Resident Magistrate who shall hear and determine any appeal to award such costs charges expenses thereof as to him shall seem meet to be paid to or by either of the parties to the same and such costs charges and expenses when awarded against such Trustees to be payable out of the rates collected under this Act.

Assessment List to be deposited, and to be conclusive of liability.

31. The assessment list when finally settled in accordance with the decision of the Trustees or of such Resident Magistrate shall be certified as finally settled under the hand of the Chairman of the Trustees and shall be deposited in some convenient place appointed by the Trustees and shall be open to the inspection of any ratepayer, and in any legal proceeding for the recovery of any rate the production of such list shall be *prima facie* evidence of the liability of the persons therein named for payment of the amount of rate therein specified.

Penalty for altering or injuring assessment list.

32. If after any assessment list is finally settled as aforesaid any person shall wilfully mutilate injure or destroy the same or any part thereof he shall be liable to a penalty not exceeding twenty pounds recoverable in a summary way on the complaint of any Trustee or ratepayer of the district.

Rates how to be levied.

33. Every rate by this Act authorised to be levied shall be paid to a collector appointed by the Trustees to receive the same on demand at the place of abode or business of the person from whom or on the premises in respect of which such rate is payable and shall on non-payment thereof be recoverable at the suit of such collector or of the Chairman of the Trustees by summary proceeding before any Resident Magistrate or two Justices of the Peace and shall be leviable by distress and sale of the goods and chattels which may at any time thereafter be found in or upon the premises in respect of which such rate is payable: Provided always that if the goods and chattels upon such premises

and upon which such distress is made shall belong to any person other than the person liable to pay the said rate such person shall be entitled to recover the loss or damage sustained by him through such distress from the person by whom such rate was payable.

Payment may be enforced under "The sale for non-payment of rates Act, 1862."

34. The collector appointed by the Trustees of any district as aforesaid may under the provisions of "The Sale for non-payment of Rates Act 1862" of General Assembly enforce payment of any rates levied under this Act, and of any arrears of rates due under the Acts hereby repealed.

Superintendent may contribute in aid of rates.

35. Whenever the amount of the rate authorised by the ratepayers shall have been collected or a sufficient guarantee given to the satisfaction of the Superintendent that the amount then stated will be collected on or before a date then to be named it shall be lawful for the Superintendent to contribute an amount not exceeding the amount so paid or so guaranteed out of any sums appropriated for such purpose by the Provincial Legislature so far as such sums shall suffice and the amount so collected or guaranteed to be collected as aforesaid and the money so contributed by the Superintendent shall collectively and together be applied in defraying the costs and expenses necessarily incurred in the exercise of the powers hereby given to the Trustees and no other cost or expenses whatsoever.

Trustees may have public works committed to their care.

36. It shall be lawful for the Superintendent if he shall think fit to commit to the said Trustees the expenditure of any monies appropriated to the construction and maintenance of roads bridges drains or other public works within the district and to pay over the same to the account of the Trustees to be expended in accordance with the specific purpose for which such monies have been appropriated.

Trustees not to be personally liable.

37. No Trustee shall be personally liable for payment of any sum or performance of any obligation for payment or performance of which he shall not have bound himself personally as an individual independent of his office as a Trustee.

No Trustee to be interested in contracts.

38. No Trustee shall directly or indirectly be interested in any contract under the Trustees of his district or hold any paid office to be created or established under this Act under a penalty not exceeding Fifty Pounds recoverable summarily before any Resident Magistrate or two Justices of the Peace on the complaint of any ratepayer of the district And all works and contracts for works ex-

ceeding in the estimate the sum of £20 shall be done and entered upon by Public Tender and such tender shall be addressed to the Chairman of the Board and be opened at a duly constituted meeting of the Board and any person who shall be guilty of opening such tender before the time appointed or having obtained any information as to the amount of any such tender shall give information to any person before the time appointed for opening shall forfeit and pay a penalty not exceeding £50.

Resident Magistrate not to be disqualified because a ratepayer.

39. No Resident Magistrate or Justice of the Peace shall be disqualified by being a ratepayer from performing any duty required by this Act.

Penalty for injuring public works.

40. Any person wilfully injuring or destroying any milestone post road footpath drain bridge or other work erected or made by any district Trustees shall in addition to any other punishment or penalty which he may have incurred be liable to a penalty not exceeding Five Pounds over and above the cost of repairing such damage which penalty and damage shall be recoverable summarily before any Resident Magistrate or two Justices of the Peace on the complaint of any district Trustee.

Provision for closing useless roads.

41. If any public road or highway shall have become or be useless or of no importance to the public it shall be lawful for the Superintendent upon the recommendation of the district Trustees and with the consent of all the owners of land abutting on the said public road or highway by proclamation in the *Provincial Government Gazette* to declare that the said road shall on and after a day to be named in such proclamation not being earlier than three calendar months from the date thereof be no longer a public highway.

If Trustees fail to repair roads Superintendent may do so and impose rate.

42. If the Electors or Trustees of any District shall fail to fix any or a sufficient rate or if the Trustees of any district shall neglect or refuse to repair and maintain the public highways of such district they having monies in their hands or under their control for that purpose it shall be lawful for the Superintendent or such other person as may be appointed by the Superintendent for that purpose upon the complaint of any three qualified electors in such district and upon the report of the Provincial Engineer or such other person as the Superintendent may appoint in that behalf that such public highways or any of them are not in the state of repair required by the traffic on such highway to cause such highway to be repaired and for such purpose at any time to levy a

rate not exceeding 6d. in the pound on the estimated value to sell of the lands and tenements within such district such rate to be assessed payable and levied as nearly as may be in conformity with provisions of sections 22 to 30 of this Act the Superintendent performing as nearly as may be the various duties of the Trustees therein mentioned.

AS TO WEEDS AND WATERCOURSES ACT.

Certain persons to destroy weeds, &c.

43. It shall be the duty of every occupier of any lands or tenements or a tenancy of one year or upwards or having any greater estate or interest therein if such lands or tenements abut upon or are intersected by any Highway or Road Reserve and of every owner of any lands or tenements if unoccupied or occupied by tenants for a less term than one year to eradicate remove and destroy all noxious thistles furze and briars Bathurst burr and docks which may from time to time grow on any such Highway or Road Reserve opposite his land to the extent of one-half the width of such Highway or Road Reserve in the case of abuttal and to the extent of the whole width of such Highway or Road Reserve in the case of intersection.

And to clear watercourses.

44. It shall be the duty of every owner or occupier as aforesaid to keep clear and free from obstruction all ditches and watercourses upon and adjoining to any such Highway or Road Reserve to the extent of such frontage as aforesaid.

And to clear ditches.

45. It shall be the duty of any owner or occupier of lands abutting on any highway to keep all ditches and drains free and clear in such manner as to provide proper drainage for such of the road on which such lands shall abut.

Penalty for neglect.

46. Any owner or occupier who shall neglect or delay to eradicate and remove such thistles furze briars Bathurst burr and docks as aforesaid or to clear such ditches and watercourses for ten days after receiving a notice in the form hereunto annexed shall be deemed guilty of an offence against this Act and shall thereupon be liable to a penalty not exceeding One Pound besides the cost of such eradication or clearing to be recovered in a summary way.

Highway Trustees to enforce Act.

47. In all districts within the Province wherein this Act shall be in operation it shall be the duty of the Highway Trustees of the District to enforce the provisions of this Act and any cost thereby incurred by them may be defrayed out of the Rate authorised in this Act.

Notice to be given.

48. Such notice as aforesaid may be served by any owner or occupier of land or by any person appointed by the Highway Trustees for that purpose by delivering the same to or at the residence of the person whose duty it is to eradicate remove or clear as aforesaid and any person giving such notice may sue for the assessed penalty and costs of eradication or clearing.

Cost of eradication enforceable against absent proprietors.

49. If the owner of any unoccupied land cannot be discovered or shall be absent from the Province without having left a known agent responsible for his duty under this Act it shall be lawful for the Highway Trustees of the District in which such land is situated or if there be no Highway Trustees for any person authorised in writing by the Superintendent after giving a notice as near as may be in the form of the Schedule annexed by advertisement in a public newspaper in the Province once each week for four successive weeks to proceed to eradicate all noxious thistles and briars Bathurst burr and the cost of such eradication and advertisements shall be a liability on the aforesaid unoccupied land and may be enforced under the provisions of "The Sale for Nonpayment of Rates Act 1862."

Penalty after certain notice for allowing Thistles &c: to grow.

50. Any person who shall fail to eradicate or destroy any noxious Thistles and Bathurst burr growing on Land belonging to him or in his occupation situate within any District created under this Act shall be liable to be fined any sum not less than one shilling or more than twenty shillings for every day that such thistles or Bathurst burr shall be permitted to grow from and after the expiry of such notice aforesaid

Persons who may serve notice.

51. It shall be lawful for the owner or occupier of any Land within any such district or for any person to be appointed by the Highway Trustees of the respective Districts for that purpose to serve a notice in the form or to the effect in the Schedule to this Act annexed by delivering the same personally to or leaving the same at the last known residence of the person owning or occupying the land within any such district whereon any such Thistles shall be growing.

In case no occupier notice to be published.

52. In case any such Thistles shall be growing upon any unoccupied land or upon land the ownership of which cannot be ascertained then it shall be lawful for the owner or occupier of any land within any such district or for any person who shall be appointed by the said Superintendent for that purpose to cause a notice to be published

in two consecutive numbers of at least two newspapers published within the Province of Auckland in the form or to the effect in the Schedule to this Act annexed.

If Thistles not destroyed Justices may make order.

53. If the noxious Thistles or Bathurst burr upon any such land as last mentioned shall not be eradicated within ten days from the date of the last publication of such notice it shall be lawful for any Resident Magistrate or two Justices of the Peace having jurisdiction within the district to make an order authorising any person or persons to be therein named to enter into or upon such land and eradicate or destroy all noxious Thistles and Bathurst Burr growing thereon and in case it shall be proved on oath to the satisfaction of any such Resident Magistrate or any two such Justices that any costs have been incurred in eradicating or destroying such Thistles and Bathurst Burr it shall be lawful for the said Resident Magistrate or Justices to make an order under his or their hands for the repayment of such costs to the person or persons who shall have incurred the same which order shall be filed with the Clerk of the Resident Magistrate's Court sitting nearest to such District.

Costs ordered to be a charge on the land.

54. Any person who shall enter upon the occupation of any land in respect of which any such order shall have been made as aforesaid and continue in occupation thereof for one week after the amount so ordered to be paid shall have been demanded shall be liable to pay the same to the person or persons named in such order or to any one of them.

For the purposes of this Act Superintendent may direct an expenditure.

55. It shall be lawful for the Superintendent to direct any sum or sums of money out of any appropriation made for such purpose by the Provincial Council to be laid out and expended in eradicating or destroying any noxious thistles or Bathurst burr growing upon any waste lands of the Crown or upon any lands belonging to the Aboriginal Natives or on any Public Road or Reserve or on any unoccupied Land or upon any Land the ownership whereof cannot be ascertained.

Power to appoint persons to enter upon lands for the purpose of ascertaining the existence of Thistles.

56. It shall be lawful for the Chairmen of the Highway Districts in the respective District by order of the Trustees to authorise any person or persons to enter upon any land situated within any such district for the purpose of ascertaining the existence of such noxious Thistles or Bathurst burr therein and eradicating or destroying the same and no person when acting under such authority shall be deemed a trespasser.

Fines to be recoverable in a summary way.

57. All fines imposed under the authority of this Act shall be recoverable in a summary way pursuant to the Ordinances and Acts of the Colony of New Zealand for the regulation of summary proceedings before Justices of the Peace.

Proceedings taken under repealed Act to be deemed to have been taken under this Act.

58. All Notices served and other proceedings taken under the provisions of the Thistle Act, 1857, shall be deemed to have been taken under this Act.

AS TO NUISANCES CAUSED BY DOGS.**Trustees to provide dog tickets.**

59. For each and every year the Trustees of each Highway District shall provide Dog Tickets of a convenient description and shall cause the same to be marked in some distinctive manner.

Tickets to be numbered consecutively.

60. In addition to the distinctive marks the tickets issued shall be numbered consecutively from one upwards for each year and shall also have the year for which they are issued marked thereon in figures.

Supply of such tickets to be kept by Secretary or Treasurer or other officer appointed.

61. A supply of such tickets shall be kept by the Secretary or Treasurer of each Highway Board or other officer appointed for that purpose and any person shall be entitled to receive any number of such tickets on payment of a fee of five shillings each.

Names and residences of ticket-holders to be entered in a book.

62. The names and residences of all persons who shall procure such tickets shall be entered alphabetically in a book to be kept by every such Officer for that purpose and opposite the names shall be stated the number on the tickets respectively purchased by such persons. Such book may be examined by any person during reasonable hours on payment of a fee of one shilling.

Owners neglecting to furnish tickets to be fined.

63. If any person being the owner or having charge of any dog upwards of three months old shall have neglected to furnish such dog with a ticket as aforesaid issued for the then current year and affixed to him the owner of such dog shall forfeit for every such offence any sum not exceeding twenty shillings. The proof that any dog is less than three months old shall in any proceeding under this Act lie on the owner of such dog: Provided that no person shall be compelled to take out more than one ticket in any one year in respect of one and the same dog notwithstanding that any such dog may be transferred from any District to another District.

Penalty for falsely making or counterfeiting ticket.

64. If any person shall falsely make or counterfeit or knowing the same to be false or counterfeit purchase use or have in his possession any ticket resembling or apparently intended to resemble or pass for any ticket provided or issued by any Trustees of any Highway District created under this Act as aforesaid every such person shall forfeit and pay for every such offence any sum not exceeding twenty pounds.

Dogs without ticket liable to seizure.

65. Every dog found at large in any highway without his owner and without a ticket may be seized by any constable or other officer appointed for that purpose by the Highway Trustees of the respective district and forthwith destroyed.

Penalty for allowing dangerous dogs to go at large without a muzzle.

66. Any person who shall permit any dog which shall be known to be dangerous or to have bitten or injured any person or any cattle or other property (whether such dog shall have a Dog Ticket affixed to him or not) to go at large without a muzzle securely fixed upon the mouth of every such dog so as to prevent the same from biting or injuring any person or any cattle or other property shall forfeit and pay for every such offence any sum not exceeding forty shillings and any such dog so at large may be forthwith seized and killed by any constable.

Penalty for damage without prejudice to civil action.

67. If any dog shall on any highway or on any unenclosed place rush at or attack any person or any cattle whereby the life or limbs of any person shall be endangered or any cattle or other property injured the owner of such dog shall forfeit and pay any sum not exceeding forty shillings without prejudice to any claim for the damage done by such dog.

Penalty for neglect of constables or other officer neglecting to lay information.

68. Any constable or other officer appointed for that purpose neglecting to lay an information against the owner of any dog which shall not have a Dog Ticket affixed to him as hereinbefore provided shall forfeit and pay for such offence any sum not exceeding forty shillings.

Penalty for neglect of constable or other officer neglecting to seize or destroy.

69. Any constable or other officer appointed for that purpose wilfully neglecting to seize or destroy any dog as hereinbefore provided shall forfeit and pay any sum not exceeding forty shillings.

Penalty for breach of Act by constable or other officer.

70. Any constable or other officer appointed for that purpose who shall knowingly seize and destroy any dog which shall not be at large contrary to the provisions of this Act

shall forfeit and pay for every such offence any sum not exceeding twenty shillings and if such dog be destroyed shall pay to the owner of the same the full value thereof and also forfeit and pay a penalty not exceeding five pounds.

All moneys to paid to treasurer or other officer appointed.

71. All moneys raised by virtue of this Act in respect of that part of the Act headed "As to nuisances caused by dogs" shall be paid to the Treasurer or other officer appointed for that purpose by the several Boards of Highway Trustees of the several Highway districts created under this Act and shall after payment of expenses be applied for the general purposes of this Act in the respective Districts.

Half of fines and penalties to be paid to informer or prosecutor.

72. One-half of all fines and penalties received under this Act shall be paid to the Informer or Prosecutor if the convicting Justice shall so direct.

Ownership of dog.

73. The owner of any dog shall for the purpose of this Act be deemed to be the person upon whose premises such dog may be kept or the person in whose care such dog may temporarily be whether loose or confined.

Nomination of constables.

74. It shall be lawful for each Highway Board of Trustees of the respective Districts either separately or in conjunction with others to nominate one or more constables for the approval of the Superintendent for the purpose of carrying out the provisions of this Act and laying all such informations or complaints as may be necessary for enforcing the provisions thereof and generally to do and perform all the duties of a police constable especially for the carrying out the provisions of the Rural Police Act 1866.

Date of Act coming into operation.

75. For the purposes of rating this Act shall be deemed to be in operation from the first day of October 1869 And all rates levied thereby shall be deemed to be due and payable on the day aforesaid for all other purposes of this Act the same shall come into operation on the passing thereof.

Power to make byelaws and regulations.

76. The several Boards of Trustees created under this Act may from time to time make such Bye-Laws rules and regulations for more effectually carrying out the provisions of this Act as they shall think fit provided that the same shall be first approved of by the Superintendent and his Executive Council and the same shall not take effect until the expiration of one month after they shall be published in the *Provincial Government Gazette* such rules shall enable each Highway

District to make regulations for preventing the straying of cattle horses and pigs on the public highways within such respective Districts.

Penalty for breach of regulations.

77. Any person who shall be guilty of a breach of such regulations shall be liable to a penalty not exceeding five pounds to be recovered in a summary way.

Interpretation.

78. Nothing in this Act contained shall be construed so as to affect the past operation of the following Acts of the Auckland Provincial Legislature viz. The Highway's Act 1867 The Thistle Act 1858 The Weeds and Watercourses Act 1866 and The Dog Nuisance Act 1854 or the validity or invalidity of anything done or suffered or any right title obligation or liability accrued under these Acts before the commencement of this Act.

SCHEDULE I.

Acts repealed—

Highways Act, 1867.

Thistle Act, 1858.

The Dog Nuisance Act 1854, as limited by clause 2.

The Weeds and Watercourses Act, 1866.

SCHEDULE II.

NOTICE TO CLEANSE DITCHES, &C., PURSUANT TO CLAUSE 46.

To Mr.

Take notice that you have failed to comply with the provisions of clause 43 44 45 (as the case may be) by not (state the nature of the complaint) And take further notice that unless you (state what is required to be done) within ten days from the service hereof upon you I shall proceed against you according to law.

Dated this day of 186 .

N.B. The land or highway referred to in the above notice is situate (describe the situation of land).

NOTICE AS REGARDS ABSENTEES OR UNKNOWN PROPRIETORS.

Whereas certain noxious thistles (or as the case may be) are growing on land in district the owner of which land cannot be ascertained reasonable inquiry.

This is to give notice that if the Thistles (or as the case may be) are not eradicated or destroyed within four weeks after the publication of this notice as required by law the said Thistles (or as the case may be) will be destroyed according to the provisions of the said Act and an order applied for under the said Act to charge the expenses on the said land.

Dated this day of 186 .

N.B. The land referred to in the above notice is situated (describe the situation of the land.)

PUBLIC NOTIFICATION.

By JOHN WILLIAMSON, Esquire,
Superintendent of the Province
of Auckland.

WHEREAS by the Fourth clause of "The Auckland Rural Districts Act, 1869," it is enacted that the Superintendent shall, so soon as conveniently may be, by public notification in the *Provincial Government Gazette*, divide for the purposes of the said Act such portions of the said Province, as he may think fit, into Districts, with distinctive names and boundaries.

Now, therefore, I do hereby notify that, all such Districts as have heretofore been created or constituted under or by virtue of "The Highways Act, 1867," shall until further notice be given be deemed to be Districts under "The Auckland Rural Districts Act, 1869," aforesaid, with the same distinctive names and boundaries as those by which the said Districts were last known before the passing of "The Auckland Rural Districts Act, 1869," before quoted.

Given under my hand, at Auckland,
this twelfth day of March,
one thousand eight hundred
and sixty-nine.

J. WILLIAMSON,
Superintendent.

PUBLIC NOTIFICATION.

Superintendent's Office,
Auckland, 12th March, 1869.

WITH reference to a notification published in the *Provincial Government Gazette* of date the 30th December last, it is hereby notified for general information that applications for Licenses, or Renewal of Licenses, to act as Goldfield Surveyors or Mining Surveyors, are to be made to the Chief Surveyor of the Goldfields; and upon his certificate of competency of the applicant being endorsed on the application, the License will be issued by the Provincial Treasurer, on payment into the Provincial Treasury of the requisite fee.

All Surveyors' Licenses which have hitherto been issued, and for which the requisite fee shall not have been paid on or before the 31st March, instant, will be cancelled.

Printed forms of application for licenses may be obtained at the office of the Engineer-in-Chief, Railway Offices, Graham's Town.

J. WILLIAMSON,
Superintendent.

PUBLIC NOTIFICATION.

Superintendent's Office,
Auckland, 4th March, 1869.

IT is hereby notified that a copy of the Assessment List of the DEDWOOD Highway District has been forwarded to me by

the Trustees of the said District, in accordance with the twenty-fifth clause of "The Auckland Rural Districts Act, 1869."

J. WILLIAMSON,
Superintendent.

PUBLIC NOTIFICATION.

Superintendent's Office,
Auckland, 9th March, 1869.

I HEREBY notify that the Chairman of the Board of Highway Trustees for the WAI-BAU District has reported in writing to the Superintendent the election of the

REV. THOMAS BOOKER
as a Highway Trustee in the room of Mr. Joseph Benjamin Mason, resigned.

ROBT. J. CREIGHTON,
Provincial Secretary.

I THE undersigned, ALEXANDER SAUNDERS, hereby make application to Register the "WATERFALL GOLD-MINING COMPANY," Registered under the provisions of "The Mining Companies Limited Liability Act, 1865;" and that I do solemnly and sincerely declare that the following statement is, to the best of my belief and knowledge, true in every particular, namely:—

1. The name and style of the Company is "The Waterfall Gold-Mining Company, Registered."

2. The place of operations is at Waiotahi Creek, Thames Goldfields.

3. The Nominal Capital of the Company is five thousand pounds, one thousand shares of five pounds each.

4. The amount already paid up is three thousand four hundred and seventy-two pounds.

5. The name of the manager is Alexander Saunders.

6. The Office of the Company is at Owen-street, Graham's Town.

7. The names and several residences of the Shareholders, and the number of shares held by each at this date are as follows:—

	SHARES.
Frederick G. Armstrong, Auckland	34
Frederick Woods, Thames Gold Fields	90
Francis Innes, Auckland	68
William Pardon, Thames Gold Fields	56
Richard Blencowe, Thames Gold Fields	96
George Waterworth, Thames Gold Fields	31
John Tretheway, Thames Gold Fields	93
Edmund Townsend, Thames Gold Fields	93
John Gordon, Thames Gold Fields	56
Alfred Holmes, Thames Gold Fields	62
John B. Fitzgerald, Thames Gold Fields	31
Frederick Jabez Bennett, Thames Gold Fields	34
Charles Dundas, Thames Gold Field	124

Dated this tenth day of March, 1869.

(Sd.) ALEXANDER SAUNDERS.

Witness to Signature,

(Signed) JACKSON KEDDELL, R.M.
Justice of the Peace.

IN THE SUPREME COURT OF NEW
ZEALAND.

NORTHERN DISTRICT.

Between RICHARD LAISHLEY and WILLIAM GORRIE, of Shortland, Wine Merchants, trading in Co-partnership as LAISHLEY & Co., Plaintiffs; and VALENTINE BLAGROVE, of the Suburbs of Auckland, Settler, Defendant.

WHEREAS by virtue of a Writ of Fieri Facias issued in this action, and directed to me, ordering me that of the real and personal estate of the above-named VALENTINE BLAGROVE, I should cause to be made the sum of £98 19s. 6d., together with interest on the said sum, at the rate of Eight Pounds for every One Hundred Pounds by the year, from the fourteenth day of January, 1869, together with £1 13s. 4d., for the said writ and warrant thereon, besides Sheriffs' Poundage, Officers Fees, &c. Now, I do hereby give notice that I shall cause to be sold by Public Auction, by SAMUEL COCHRANE AND SON, at their Auction Mart, Fort-street, Auckland, on the eighteenth day of May, 1869, at the hour of twelve o'clock noon, unless the said debt of £98 19s. 6d. and interest be sooner paid, together with the said sum of £1 13s. 4d., besides Sheriff's Poundage, Officers' Fees, &c. All the estate, right, title, and interest of the said VALENTINE BLAGROVE, of, in, and of, all that piece or parcel of LAND, situate in the Parish of Titirangi, in the County of Eden, and being Lots Numbers one, two, three, four, and five, of the subdivision into lots of Allotment Number twenty, which said allotments are delineated, and the boundaries and measurements shown upon the plan thereof, drawn on the Memorial of Judgment upon which the said writ of Fieri Facias was issued and which memorial is registered at the Registrar of Deeds Office, at Auckland, aforesaid, as numbered 38591. And I further give notice that the estate and interest of the said VALENTINE BLAGROVE, in the said piece or parcel of Land, consist of an estate in fee simple, subject to a certain mortgage, and further charge made between the said VALENTINE BLAGROVE of the one part, and WILLIAM ADAM, therein described, of the other part, and registered in the said Registry Office, under numbers 38096, and 38541 respectively; and that the same has been taken by me in execution at the suit of the said RICHARD LAISHLEY and WILLIAM GORRIE, the Execution Creditors.

Dated the twelfth day of February, 1869.

H. C. BALNEAVIS,
Sheriff.

SAMUEL JACKSON and JAMES RUSSELL, of Fort-street, Auckland, Solicitors for the said Richard Laishley and William Gorrie.

NOTICE.

IN THE SUPREME COURT OF NEW
ZEALAND.

NORTHERN DISTRICT.

Between GEORGE GRUCHY, Plaintiff,
and ANDREW ROONEY, Defendant.

WHEREAS by virtue of a Writ of Fieri Facias issued in this action, and directed to me, ordering me that of the real and personal estate of the above-named ANDREW ROONEY, I should cause to be made the sum of £174 0s. 6d., together with interest on the said sum, at the rate of eight pounds for every hundred pounds by the year, from the 15th of January, 1869; together with £1 13s. 4d. for the said Writ and Warrant thereon, besides Sheriff's Poundage, Officers' Fees, &c. Now, I do hereby give notice that I shall cause to be sold by Public Auction, by C. ARTHUR AND SON, at their Auction Mart, Queen-street, Auckland, on the 5th day of June 1869, at the hour of 12 o'clock, noon (unless the said debtor sum of £174 0s. 6d., and interest be sooner paid; together with the said sum of £1 13s. 4d., besides Sheriff's Poundage, Officers' Fees, &c.), all the estate, right, title, and interest of the said ANDREW ROONEY, of in and to all that piece or parcel of land in New Zealand, aforesaid, being part of allotment 11, section 4, City of Auckland, bounded on the North by Shortland-street, 32 feet 1 inch; on the East by a line, 124 feet 2 inches; on the South by Chancery-street, 33 feet 8 inches; and on the West by a line running through the said allotment 11, dividing the land of the said ANDREW ROONEY from the other part of the said allotment, in possession of one Joseph Franklin, 180 feet; together with all the buildings thereon erected, and all the appurtenances thereunto belonging, and which said piece or parcel of land is delineated upon the plan thereof drawn upon the Memorial of Judgment, upon which the said Writ of Fieri Facias was issued, and which Memorial is registered in the Registrar of Deeds Office, at Auckland, aforesaid, as number 38737. And I further give notice that the estate and interest of the said ANDREW ROONEY, in the said piece or parcel of land, and the buildings thereon erected, consists of an estate in fee simple, free from incumbrances, and that the same has been taken by me in execution, at the suit of the said GEORGE GRUCHY, the Execution Creditor.

Dated this first day of March, 1869.

H. C. BALNEAVIS,
Sheriff.

JOHN BENJAMIN RUSSELL, Shortland-street, Auckland, Solicitor for the said George Gruchy.

