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THE
ORDINANCES
OF THE
LEGISLATIVE COUNCIL OF NEW ZEALAND
AND OF THE
LEGISLATIVE COUNCIL OF THE PROVINCE OF NEW MUNSTER.

From 4 VICTORIÆ to 16 VICTORIÆ inclusive,
1841 to 1853.



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ALPHABETICAL INDEX

TO THE

ORDINANCES OF THE LEGISLATIVE COUNCIL OF NEW ZEALAND,

From 1841 to 1853 inclusive, and

ORDINANCES OF THE LEGISLATIVE COUNCIL OF THE PROVINCE OF NEW MUNSTER.

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(1841—1853.)

NOTE.—This does not show any amendments, repeals or other provisions made by Provincial Legislatures on the various subjects.

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4 VICTORIA.				
1	1	...	Repealed, No. 19, Sess. II., 1842	
2	4	...	Repealed, so far as repugnant to No. 32, 1856	5 Sept., 1842.
3	11	...	Repealed, No. 40, 1858.	

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4 VICTORIA—continued.					
	adopted, and are now in force within the said Colony of New Zealand and its dependencies; and to make provision for the collection of certain Duties on Goods imported into and for the general regulation of the Revenue of Customs in the Colony of New Zealand and its dependencies				
4	For instituting and regulating Courts of General and Quarter Sessions in the Colony of New Zealand, and to authorize the holding of Petty Sessions within the same, and for defining their respective powers and determining the places at which the same shall be holden, and for repealing within the Colony of New Zealand certain Acts of the Governor and Council of New South Wales adopted and now in force within the said Colony of New Zealand	37	...	Repealed, No. 30, 1858	5 Sept., 1842.
5	For prohibiting the Distillation of Spirits within the Colony of New Zealand	55	...	Repealed, No. 72, 1868	5 Sept., 1842.
6	For instituting Courts of Civil Jurisdiction, to be called "Courts of Requests," in different parts of the Colony of New Zealand and its dependencies	57	...	Repealed, No. 30, 1858.	
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5 VICTORIA.					
1	For establishing a Supreme Court	67	...	Repealed, No. 17, 1860.	
2	For establishing County Courts of Civil and Criminal Jurisdiction, and for repealing an Ordinance for instituting Courts of Requests, Session I., No. 6, and for repealing part of an Ordinance for establishing Courts of Quarter Sessions, Session I., No. 4	69	...	Repealed, No. 30, 1858.	
3	To regulate the Constitution of Juries	72	...	Repealed, No. 49, 1868	3 Apr., 1843.
4	For extending the Powers of Police Magistrates	75	...	Repealed, No. 15, Sess. VII., 1846	3 Apr., 1843.
5	To regulate Summary Proceedings before Justices of the Peace	76	...	Repealed, No. 46, 1866	3 Apr., 1843.
6	To provide for the Establishment and Regulation of Municipal Corporations	79	...	...	Disallowed, 6 Sept., 1843.
7	To promote the Building of Churches and Chapels, and to provide for the Maintenance of Ministers of Religion	98	..	...	Disallowed, 5 Apr., 1843.
8	For regulating the Conveyance and Postage of Letters	89	...	...	Disallowed, 6 Apr., 1843.
9	To provide for the Registration of Deeds and Instruments affecting Real Property	92	...	Repealed, No. 51, 1868.	
10	To facilitate the Transfer of Real Property and to simplify the Law relating thereto	97	Amended by No. 11, Sess. III., No. 16, 1860, and No. 28, 1868. See also No. 30, 1870.		
11	To render certain Marriages valid	105			
12	For regulating the Sale of Fermented and Spirituous Liquors	105	Amended by No. 21, Sess. III., No. 16, Sess. XI., and No. 5, 1854.	...	3 Apr., 1843.
13	For Licensing Auctioneers	111	Amended by No. 10, Sess. III.	...	3 Apr., 1843.

No.		Page.	Amendments, &c.	Repealed, &c.	Gazette of Confirmation by Her Majesty.
5 VICTORIA—continued.					
14	To amend an Ordinance enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, Session I., No. 2	112	...	...	Disallowed, 6 Sept., 1843.
15	To provide for the Regulation of Harbours	114	...	Repealed, No. 20, 1862.	
16	To provide for the Summary Recovery of Compensation for Damage done by Cattle Trespassing	116	...	Repealed, No. 17, Sess. VII., 1846	3 Apr., 1843.
17	For imposing a Tax upon Raupo Houses	116	...	...	3 Apr., 1843.
18	To secure the Copyright of Printed Books to the Authors thereof	117	...	...	3 Apr., 1843.
19	To repeal an Ordinance enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, whereby the Laws of New South Wales were declared to extend to and be in force in the Colony of New Zealand	118	3 Apr., 1843.
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7 VICTORIA.					
1	For establishing a Supreme Court	119	...	Repealed, No. 17, 1860.	
2	To make temporary provision for the Constitution of Juries	122	...	Repealed, No. 49, 1868	21 Jan., 1846.
3	To amend the Land Claims Ordinance, Session I., No. 2	123	...	Repealed as far as repugnant to No. 32, 1856.	
4	To authorize the Governor of New Zealand to issue Debentures and to make the same a Legal Tender	124	...	...	Disallowed, 22 Nov., 1845.
5	To appropriate the Revenue for the Year 1844	126	...		
6	To amend an Ordinance enacted by the Governor and Council of New Zealand, Session I., No. 3, to repeal certain Acts of the Governor and Council of New South Wales, to make provision for the collection of certain Duties on Goods imported into and for the general regulation of the Revenue of Customs in the Colony of New Zealand and its dependencies	127	...	Repealed, No. 40, 1858.	
7	For the Relief of Persons Imprisoned for Debt	130	...	Repealed, No. 37, 1862	21 Jan., 1846.
8	To establish Courts of Requests for the more easy and speedy recovery of Small Debts	133	...	Repealed, No. 13, 1867	21 Jan., 1846.
9	For appointing a Board of Trustees for the management of property to be set apart for the Education and Advancement of the Native Race	140	...	...	Reserved, but confirmation never notified.
10	To amend an Ordinance for Licensing Auctioneers	145	...	...	21 Jan., 1846.
11	To amend an Ordinance to facilitate the Transfer of Real Property and to simplify the Law relating thereto	145	...	...	21 Jan., 1846.
12	To provide for the Establishment and Regulation of Municipal Corporations	146	...	...	Reserved, but confirmation never notified.
13	To repeal an Ordinance for prohibiting the Distillation of Spirits within the Colony of New Zealand	155	...	...	Reserved, but confirmation never notified.
14	To amend an Ordinance to provide for the Summary Recovery of Compensation for Damages done by Cattle Trespassing	155	...	Repealed, No. 17, Sess. VII., 1846	21 Jan., 1846.

No.		Page.	Amendments, &c.	Repealed, &c.	Gazette of Confirmation by Her Majesty.
7 VICTORIA—continued.					
15	To amend an Ordinance to regulate Summary Proceedings before Justices of the Peace	156	...	Repealed, No. 12, 1867	21 Jan., 1846.
16	For the admission in certain cases of Unsworn Testimony in Civil and Criminal Proceedings	157	...	...	21 Jan., 1846.
17	To amend an Ordinance to provide for the Regulation of Harbours	157	...	Repealed, No. 20, 1862.	
18	To exempt in certain cases Aboriginal Native Population of the Colony from the ordinary process and operation of the Law	158	...	Repealed, No. 15, Sess. VII., 1846.	
19	To provide a summary mode of abating the Nuisance of Dogs wandering at large in Towns.	160	...	Repealed as to New Munster, No. 11, 1849	21 Jan., 1846.
20	To remove doubts respecting the Legal Estate in Lands granted to Land Claimants.	162	...	Repealed, No. 20, 1866	21 Jan., 1846.
21	To amend an Ordinance for regulating the Sale of Fermented and Spirituous Liquors.	162	...		
1	For facilitating Proceedings by and against a certain Joint Stock Bank Company, called the Union Bank of Australia, and for other purposes therein mentioned.	382	Private.		
2	For the Naturalization of certain German Settlers in the Colony of New Zealand.	388	Private	...	21 Jan., 1846.
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8 VICTORIA.					
1	To confirm certain Rules, Forms, and Tables of Fees touching the Practice of the Supreme Court	164	...	Repealed, No. 17, 1860.	
2	For imposing a Rate upon Property, and for repealing the Customs Ordinance, Session I., No. 3, and the Customs Amendment Ordinance, Session III., No. 6	182	...	Repealed, No. 4, Sess. V., 1845.	
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8 VICTORIA.					
1	For raising a Militia within the Colony	186	...	Repealed, No. 8, 1858.	
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3	For imposing Fees on the delivery of Crown Grants in certain cases	190	...	Repealed, No. 11, Sess. VII., 1846.	
4	To repeal an Ordinance for imposing a Rate upon Property, and for reviving the Customs Ordinance, Session I., No. 3, and the Customs Amendment Ordinance, Session III., No. 6	191	...	Revival Acts Repealed, No. 40, 1858.	
5	To make a further Appropriation of the Revenue for the Year 1845	192	...		
6	To empower Owners and Occupiers of Land, within certain Districts to repair and maintain Highways and Public Works within the same, and to make and levy Rates for defraying the Expenses thereof	193	...	Repealed as to New Munster, No. 7, 1849.	
7	To provide for the application of Fines imposed in cases of Summary Conviction for Assault	196	...	Repealed, No. 46, 1866.	
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1	For the Naturalization of certain Persons in the Colony of New Zealand	390	Private.		
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9 VICTORIA.					
1	To empower the Governor of New Zealand to regulate the Importation and Sale of Arms Gunpowder and other Warlike Stores	198	...	Repealed, No. 57, 1869	12 Oct., 1846.
Session 7, 1846.					
10 VICTORIA.					
1	For the Naturalization of certain Persons in the Colony of New Zealand	200	...	...	13 Mar., 1848.
2	To provide for the establishment and maintenance of a Constabulary Force	201	Amplified as to New Munster, No. 9, 1849	...	6 Oct., 1847.
3	To amend an Ordinance for establishing a Supreme Court, and to establish a Court of Appeals	208	...	Repealed, No. 17, 1860.	
4	To regulate the Appointment and Duties of Sheriffs in the Colony of New Zealand	205	...	Repealed, No. 24, 1858	11 May, 1848.
5	To regulate the Appointment and Duties of Coroners in the Colony of New Zealand	207	...	Repealed, No. 7, 1858.	
6	To authorize the Importation of Wine Duty Free for Military and Naval Officers serving in the Colony of New Zealand	208	...	Repealed, No. 40, 1858	2 Dec., 1847.
7	For the Regulation of Prisons	208	Amended, No. 25, 1858.	See No. 54, 1869.	
8	To amend the Customs Ordinance, Session I., No. 4, and the Customs Amendment Ordinance, Session III., No. 6	211	...	Repealed, No. 40, 1858	29 Mar., 1848.
9	For the Support of Destitute Families and Illegitimate Children	213	...	Secs. 11 to 15 repealed, No. 45, 1865.	
10	For establishing Standard Weights and Measures, and for the prevention of the use of such as are false and deficient	217	...	Repealed, No. 30, 1868	10 May, 1848.
11	To Repeal the Crown Grants Ordinance, Session V., No. 3, and to impose Fees for the delivery of all Crown Grants	222	...	Repealed, No. 20, 1866.	
12	To confirm certain Rules, Forms, and Tables of Fees touching the Practice of the Supreme Court	223	...	Repealed, No. 17, 1860, Rules of Administration, No. 56, 1865.	
13	To appropriate the Revenue for the Year 1847	226	...	...
14	To alter certain Duties of Customs	227	...	Repealed, No. 5, Sess. XL, 1851	29 Mar., 1848.
15	To repeal the Police Magistrates' Ordinance and the Native Exemption Ordinance	228	...	...
16	To provide for the establishment of Resident Magistrates' Courts, and to make special provision for the Administration of Justice in certain cases	229	...	Repealed, No. 13, 1867	5 Feb., 1849.
17	To repeal the Cattle Trespass Ordinance and the Cattle Trespass Amendment Ordinance, and to provide for the Summary Recovery of Compensation for Damage done by Cattle Trespassing	233	...	...
18	To regulate the Removal and the Making and Repairing of Arms Gunpowder and other Warlike Stores within the Colony of New Zealand	234	...	Repealed, No. 57, 1869	6 Oct., 1847.
19	To provide for the Prevention, by Summary Proceedings, of Unauthorized Purchases and Leases of Land	235	...	Repealed, No. 71, 1865	2 Dec., 1847.
20	For establishing Courts of Sessions of the Peace	237	...	Repealed, No. 30, 1858.	

No.		Page.	Amendments, &c.	Repealed, &c.	Gazette of Confirmation by Her Majesty.
10 VICTORIA—continued.					
21	To make provision for the Safe Custody of and Prevention of Offences by Persons dangerously Insane, and for the Care and Maintenance of Persons of Unsound Mind	240	...	Repealed, No. 16, 1868.	
22	To authorize Compensation in Colonial Debentures to be made to certain Claimants to Land in the Colony of New Zealand	243	...	Repealed so far as repugnant to No. 32, 1856.	
Session 8, 1847.					
11 VICTORIA.					
1	To provide for the Government and Discipline of Troops to be raised in the Colony of New Zealand	246	...	Repealed, No. 32, 1862.	
2	To prohibit the keeping of Gunpowder exceeding a certain quantity	246	...	...	8 Oct., 1848.
3	To prohibit the Sale &c. of Spirits and to regulate the Sale &c. of other Intoxicating Liquors to Persons of the Native Race	248	See No. 39, 1870.		
4	To provide for the management of Savings Banks	248	...	Repealed, No. 52, 1858	22 Jan., 1849.
5	For regulating the Slaughtering of Cattle in certain places	259			
6	To authorize and regulate the Impounding of Cattle	263			
7	For regulating Marriages in the Colony of New Zealand	273	...	Repealed, No. 12, 1854.	
8	To encourage the Fencing of Land	283			
9	For Registering Births Deaths and Marriages in the Colony of New Zealand	283	...	Repealed, No. 28, 1858.	
10	For promoting the Education of Youth in the Colony of New Zealand	292	...	Repealed, No. 41, 1867	8 Nov., 1848.
11	To secure the Payment of certain Government Debentures out of the General Revenue of the Colony	293			
12	To provide for the protection of Footpaths in the Colony of New Zealand	295	...	...	22 Jan., 1849.
13	For indemnifying the Officers of Her Majesty's Forces and others for all acts done by them under certain Proclamations of Martial Law	296	...	...	9 Nov., 1848.
14	For the Naturalization of a certain Person in the Colony of New Zealand	296	...	...	13 Mar., 1848.
15	To settle an Annuity on Thomas Walker Nene, in consideration of his services	297	...	...	5 Mar., 1849.
16	To authorize the establishment of a Colonial Bank of Issue by the Government of New Zealand, to make and issue a Paper Currency, and to prohibit the making and issuing of Paper Money by Private Individuals	298	...	Repealed, No. 13, 1856	12 Apr., 1850.
Session 9, 1848.					
12 VICTORIA.					
1	To provide for the establishment of Provincial Legislative Councils in the Colony of New Zealand	304	Abrogated	...	12 July, 1850.
2	For regulating the Conveyance and Postage of Letters	308	...	Repealed, No. 15, 1858	10 July, 1852.
3	To amend the Supreme Court Ordinance	309	...	Repealed, No. 17, 1860	6 Nov., 1849.
4	For the Naturalization of certain Persons in the Colony of New Zealand	309	...	...	6 Nov., 1849.

TITLES OF STATUTES.

XV

No.		Page.	Amendments, &c.	Repealed, &c.	Gazette of Confirmation by Her Majesty.
Session 10, 1849.					
13 VICTORIA.					
1	To regulate the Occupation of Waste Lands of the Crown in the Province of New Ulster	310	...	Repealed, No. 23, 1862	14 Mar., 1851.
2	To appropriate the Revenue for the Year 1849-50	318	...	...	7 Mar., 1851.
3	To authorize the Payment of Pensions to certain Persons in consideration of the Injuries received by them while acting with or in aid of Her Majesty's Forces	319	...	...	10 May, 1851.
4	For Quietting Titles to Land in the Province of New Ulster	320	...	...	14 Mar., 1851.
Session 11, 1851.					
15 VICTORIA.					
1	To provide for the Arrest of Debtors Escaping from the Islands of New Zealand	324	...	...	10 July, 1852.
2	To authorize the Governor to apply a portion of the Land Fund arising within a Municipal District at the instance of the Corporation thereof	325	...	...	Disallowed, 14 Dec., 1852.
3	To provide for the Interpretation of Ordinances, and for the shortening of the language used therein	326	...	...	31 Aug., 1852.
4	To alter and amend the Qualification required for the Burgesses of a Municipal District	327	Abrogated	...	31 Aug., 1852.
5	To alter and amend the Duties of Customs	328	...	Superseded, No. 25, 1856	31 Aug., 1852.
6	To provide for the establishment of Provincial Legislative Councils, and for the Election, &c., of Members to serve therein	331	...	Superseded by Constitution Act.	...
7	To amend an Ordinance for regulating Marriages in the Islands of New Zealand	339	...	...	Disallowed, 17 Mar., 1853.
8	For taking a Census of the Colony of New Zealand	341	...	Repealed, No. 20, 1858	31 Aug., 1852.
9	For the Naturalization of certain Persons in the Islands of New Zealand	342	...	...	31 Aug., 1852.
10	To amend the Crown Lands Ordinance, No. 1, Session X., and to extend the operation thereof to the Islands of New Zealand.	343	...	Repealed, No. 23, 1862	31 Aug., 1852.
11	For the regulation of Building and Land Societies	349	Amended, No. 9, 1858, and <i>vide</i> No. 13, 1860	Repealed, No. 70, 1866	31 Aug., 1852.
12	To appropriate the Revenue of the Province of New Ulster and New Munster for the Year 1851	357	...	...	...
13	To authorize the Governor-in-Chief to grant Charters of Incorporation to Banking Companies	357	Amended by No. 3, Sess. XII.	...	...
14	To amend the Paper Currency Ordinance, Session VIII., No. 16	359	...	Repealed, No. 13, 1856	31 Aug., 1852.
15	To ascertain the Contracts and Engagements entered into by the New Zealand Company for the disposal of certain lands in the Islands of New Zealand, and to provide for the completion of such contracts and engagements by the Colonial Government	360	...	Sec. 16 repealed by No. 2, 1855, <i>vide</i> No. 10, 1861.	...
16	To amend an Ordinance, Session II., No. 12, for regulating the sale of Fermented and Spirituous Liquors	369	...	...	31 Aug., 1852.

No.		Page.	Amendments, &c.	Repealed, &c.	Gazette of Confirmation by Her Majesty.
Session 12, 1852-53.					
16 VICTORIA.					
1	To Appropriate the Revenue of the Islands of New Zealand, from the 1st day of January, 1853	371			
2	To amend the Land Registration Ordinance, and to extend the operation of the same to the Canterbury Settlement	372	...	Repealed, No. 51, 1868	27 Dec., 1853.
3	To amend the Bank Charters Ordinance, Session XI., No. 13	373			
4	For the Naturalization of certain Persons in the Islands of New Zealand	373	...	...	27 Dec., 1853.
5	To provide for the admission of Barristers, Attorneys and Proctors to practice in the Supreme Court other than those admissible under the Supreme Court Ordinance, Session III., No. 1	375	...	Repealed, No. 11, 1861	27 Dec., 1853.

ORDINANCES OF NEW MUNSTER.

1	To Naturalize certain Persons in the Province of New Munster	395	Incorporated in No. 2, 1854	...	12 Sept., 1849.
2	To define the Qualifications and to provide for the Remuneration in certain cases of Medical Practitioners	396	...	Repealed, No. 30, 1867	12 Sept., 1849.
3	To prevent Entire Horses and certain other Animals from being suffered to stray or run at large	397	...	...	12 Sept., 1849.
4	To prevent the Extension of the Infectious Disease called the Scab, as well as the Disease called the Influenza or Catarrh, in Sheep or Lambs	397	...	...	12 Sept., 1849.
5	To confer upon the Lieutenant-Governor of New Munster, within the Province, the same powers in certain cases as are conferred on the Officer Administering the Government of the Colony for the time being	400	...	...	9 Oct., 1849.
6	To provide a cheap and expeditious mode of procedure against persons occupying Land or Premises within the Province of New Munster without right title or license	402	...	Repealed, No. 13, 1867	9 Oct., 1849.
7	To authorize the Levying and Collecting of Rates for the Making and Repairing of Roads, Streets, &c., in any Town in the Province of New Munster	403	...	...	9 Oct., 1849.
8	To Appropriate the Revenue for the Year 1849-50	407	...	...	9 Oct., 1849.
9	To increase the efficiency of the Constabulary Force	407	...	...	9 Oct., 1849.
10	To authorize the Levying and Collecting of Tolls on Roads and Rates on Land in the Province of New Munster	412	...	...	9 Oct., 1849.
11	To abate the Dog Nuisance	417	...	...	9 Oct., 1849.

New Zealand.



ANNO QUARTO

VICTORIÆ REGINÆ.

SESSION I. No. I.

AN ORDINANCE to declare that the Laws of New South Wales so far as they can be made applicable shall extend to and be in force in Her Majesty's Colony of New Zealand from and subsequent to the date of Her Majesty's Royal Charter and Letters Patent erecting into a separate Colony the Islands of New Zealand, and to indemnify the Lieutenant-Governor and other Officers thereof for certain acts done and performed between the date of the said Royal Charter and Letters Patent and the day of passing this Ordinance. [3rd June, 1841.]

NEW SOUTH WALES
LAWS ADOPTED.

WHEREAS by an Act of the Governor and Legislative Council of New South Wales, made and passed in the third year of the reign of Her present Majesty, intituled "*An Act to declare that the Laws of New South Wales extend to Her Majesty's dominions in the Islands of New Zealand and to apply the same as far as applicable in the administration of Justice therein, and to indemnify certain Officers for acts already done,*" after reciting that Her Majesty had been pleased to annex Her Majesty's dominions of New Zealand to the Government of New South Wales, it is enacted that all Laws and Acts or Ordinances of the Governor and Legislative Council of New South Wales which then were or thereafter might be in force within the said Colony should extend to and be applied in the administration

Preamble.

3 Vict., No. 28.

of

New South Wales Laws Adopted.

4 Vict., No. 62.

of justice within Her Majesty's dominions in the said Islands of New Zealand so far as they could be applied therein: And whereas under and by virtue of an Act of Parliament made and passed in the fourth year of Her said Majesty's reign, intituled "*An Act to continue until the thirty-first day of December, one thousand eight hundred and forty-one, and to the end of the then next ensuing Session of Parliament, the provisions of any Act to provide for the administration of Justice in New South Wales and Van Dieman's Land, and for the more effectual government thereof, and for other purposes relative thereto,*" Her Majesty did, by Her Royal Charter and Letters Patent, under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster the sixteenth day of November, one thousand eight hundred and forty, erect into a separate Colony the Islands of New Zealand theretofore comprised within or dependencies of the Colony of New South Wales, with all other Islands lying between certain latitude and longitude therein mentioned, and did further provide that from thenceforth the said Islands should be known and designated as the Colony of New Zealand: And whereas by Her said Royal Charter and Letters Patent Her Majesty did constitute a Legislative Council for the said Colony of New Zealand, with full power and authority to make and ordain all such Laws and Ordinances as might be required for the peace order and good government of the said Colony: And whereas it is expedient until such Laws and Ordinances can be well considered and ordained that all such Laws Acts or Ordinances of New South Wales as are applicable to the Colony of New Zealand should continue to be acted upon and be applied therein.

And in order to remove any doubt which may exist, whether the said Laws Acts or Ordinances of the said Governor and Legislative Council of New South Wales are and continue in force within the said Colony of New Zealand from and subsequent to the date and proclamation of such Her Majesty's said Royal Charter and Letters Patent:

So much of all Laws of New South Wales as have already been and can be applied to the Colony of New Zealand adopted.

1. Be it therefore enacted and ordained by His Excellency the Governor in and over the Colony of New Zealand, with the advice of the Legislative Council thereof, That so much of all and every of the Laws Acts or Ordinances heretofore made by the Governor and Legislative Council of New South Wales, and now in force therein, as have already been and can hereafter during the continuance of this Ordinance be applied within the said Colony of New Zealand, shall be and the same are hereby adopted and declared and directed to be extended to and applied in the administration of justice in the said Colony of New Zealand in the like manner as all other the Laws of England and as if the same had been repealed and re-enacted in this Ordinance.

And whereas doubts may arise as to the validity of Acts done and performed in the said Colony of New Zealand, since the date of Her said Majesty's Royal Charter and Letters Patent, by His Excellency as the Lieutenant-Governor of the same, and by Justices of the Peace, officers of Customs, constables, and other officers, under and by virtue of the said partly recited Act of the Governor and Legislative Council of New South Wales, for the removal whereof,—

Indemnity for acts done since 16th November, 1840.

2. Be it therefore further enacted, That the said Lieutenant-Governor of the Colony of New Zealand, and all Justices of the Peace, officers of Customs, constables, and other officers, and all persons whomsoever therein who may have acted under and by virtue of any commission or appointment of Her Majesty, or of the Governor of New South Wales, or of the said Lieutenant-Governor of the said Colony of New Zealand, or under any orders and directions of the

same

New South Wales Laws Adopted.

same Lieutenant-Governor or of His Excellency the Governor since his assuming the government of the said Colony of New Zealand, previous and up to the passing of this Ordinance, shall be and they and each and every one of them are hereby indemnified against and freed and discharged from all damages penalties and forfeitures to which they or any one of them may have heretofore or may now otherwise be liable for any act so done or performed.

3. And be it further enacted, That no act done or performed by any such officer or other person aforesaid shall be questioned or avoided in any Court of Law by reason of any supposed want of power and authority, and that all such acts so done and performed shall be and they are declared to be as valid and effectual in law to all intents and purposes as if each of such officers and persons aforesaid had done and performed such acts within and under or by virtue of any Law or Statute of the Parliament of Great Britain and Ireland. Such acts declared valid.

4. And be it further enacted and ordained, That in all or any of the said Acts of the Governor and Legislative Council of New South Wales, which shall under and by virtue of this Ordinance be brought into operation and extended to and applied in the said Colony of New Zealand, whenever the words "Governor, with the advice of the Executive Council," "Governor," "Justice or Justices of the Peace," or "Government Gazette of New South Wales," are used in such Act or Acts, the same words shall be construed to mean and shall include and extend to "The Governor, with the advice of the Executive Council of New Zealand," or "Governor for the time being," and "all or any Justice or Justices of the Peace," and to the "Government Gazette of the said Colony of New Zealand," and that all words and expressions referring or having relation to New South Wales shall be and the same are hereby directed to be applied and construed to extend to the said Colony of New Zealand. Interpretation clause.

New South Wales Act, 4 Vict., No. 7, Repealed.

No. II.

NEW SOUTH WALES
ACT, 4 VICT., NO. 7,
REPEALED.

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 fourth 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 authorize 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.*”
[9th June, 1841.]

Preamble.

4 Vict., No. 7.

WHEREAS by an Act of the Governor and Legislative Council of New South Wales and its dependencies made and passed in the fourth year of the reign of Her present Majesty, 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,*” after reciting that in various parts of the Islands of New Zealand comprehended within the limits of the Territory and Government of New South Wales tracts or portions of land were claimed to be held by various individuals by virtue of purchases or pretended purchases gifts or pretended gifts conveyances or pretended conveyances or other titles, either mediately or immediately from the chiefs or other individuals of the aboriginal tribes inhabiting the same, and reciting that no such individual or individuals could acquire a legal title to or permanent interest in any such tracts or portions of land by virtue of any gift purchase or conveyance by or from the chiefs or other individuals of such aboriginal tribes as aforesaid, and also reciting that Her Majesty had by instructions under the hand of one of Her Majesty’s Principal Secretaries of State, dated the fourteenth day of August, one thousand eight hundred and thirty-nine, declared Her Royal will and pleasure not to recognize any titles to land in New Zealand which did not proceed from or were not or should not be allowed by Her Majesty, and after stating that it was expedient and proper to put beyond doubt the invalidity of all titles to land within the said Islands of New Zealand founded upon such purchases or pretended purchases gifts or pretended gifts conveyances or pretended conveyances

New South Wales Act, 4 Vict., No. 7, Repealed.

conveyances or other titles from the same uncivilized tribes or aboriginal inhabitants of New Zealand, it was therefore in and by the said now reciting Act declared and enacted that all titles to land in New Zealand which were not or might not thereafter be allowed by Her Majesty were and should be absolutely null and void; and the said now reciting Act then authorizes and empowers the said Governor of New South Wales to issue one or more commission or commissions and thereby to appoint Commissioners who should have full power and authority to hear examine and report on all claims to grants of land in New Zealand, with certain other powers and provisions in the said Act contained: And whereas the said Governor of New South Wales, under and by virtue of the said Act, did issue his commission bearing date under the Seal of the said Colony of New South Wales the thirtieth day of September, in the year of our Lord one thousand eight hundred and forty, thereby appointing certain Commissioners with power to hear examine and report on all claims to grants of land in New Zealand. And the said Commissioners appointed therein did proceed to hear and examine certain of such claims but have not as yet reported thereon, and other of the like claims have lately been referred to the said Commissioners by the said Governor of New South Wales: And whereas, since the appointment of the said Commissioners, the Islands of New Zealand have been separated from the Government of New South Wales and erected into a Colony by Her Majesty's Royal Charter, and it is therefore expedient and necessary that the said Act of the Governor and Legislative Council of New South Wales and its dependencies should be repealed and the said Commission so issued by the said Governor thereof determined: And whereas it is expedient and proper that a local Ordinance for the same general purposes, intended to be provided for by the said in part recited Act of the Governor and Council of New South Wales, together with such other enactments applicable to the altered circumstances of the Colony of New Zealand, should be enacted by the Governor and Legislative Council of the same:

1. Be it therefore enacted and ordained by His Excellency the Governor in and over the said Colony of New Zealand, with the advice and consent of the Legislative Council of the same Colony, That from and immediately after the passing of this Ordinance the said Act of the Governor and Council of New South Wales so adopted as aforesaid, 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,*" be and the same is hereby repealed and of no effect within the said Colony of New Zealand; and the said commission so issued by the said Governor of New South Wales under and by virtue of the powers for that purpose contained in the said Act is hereby determined and declared to be null and void, anything in the said Act to the contrary thereof notwithstanding.

2. And whereas it is expedient to remove certain doubts which have arisen in respect of titles of land in New Zealand, be it therefore declared enacted and ordained, That all unappropriated lands within the said Colony of New Zealand, subject however to the rightful and necessary occupation and use thereof by the aboriginal inhabitants of the said Colony, are and remain Crown or Domain Lands of Her Majesty, her heirs and successors, and that the sole and absolute right of pre-emption from the said aboriginal inhabitants vests in and can only be exercised by Her said Majesty, her heirs and successors, and that all titles to land in the said Colony of New Zealand which are held or claimed by virtue of purchases or pretended purchases gifts or pretended gifts conveyances or pretended conveyances leases or pretended

The New South
Wales Act, 4 Vict.,
No. 7, repealed.

Commission
determined.

All titles to land in
New Zealand
absolutely null and
void except allowed
by Her Majesty.

New South Wales Act, 4 Vict., No. 7, Repealed.

pretended leases agreements or other titles, either mediately or immediately from the chiefs or other individuals or individual of the aboriginal tribes inhabiting the said Colony, and which are not or may not hereafter be allowed by Her Majesty, her heirs and successors, are and the same shall be absolutely null and void: Provided and it is hereby declared that nothing in this Ordinance contained is intended to or shall affect the title to any land in New Zealand already purchased from Her Majesty's Government or which is now held under Her Majesty.

Not to affect land purchased of or held under Her Majesty.

Governor may appoint Commissioners to hear examine and report on claims to grants of land in New Zealand.

3. And whereas Her Majesty hath, in the said instructions, been pleased to declare Her Majesty's gracious intention to recognize claims to land which may have been obtained on equitable terms from the said chiefs or aboriginal inhabitants or inhabitant of the said Colony of New Zealand, and which may not be prejudicial to the present or prospective interests of such of Her Majesty's subjects who have already resorted or who may hereafter resort to and settle in the said Colony: And whereas it is expedient and necessary that in all cases wherein lands are claimed to be held by virtue of any purchase conveyance lease agreement or any other title whatsoever from the said chiefs or tribes or any aboriginal inhabitants or inhabitant whomsoever of the said Colony of New Zealand, an inquiry be instituted into the mode in which such claims to land have been acquired, the circumstances under which such claims may be and are founded, and also to ascertain the extent and situation of the same: Be it therefore enacted and ordained, That it shall and may be lawful for the Governor of the said Colony of New Zealand and he is hereby authorized and empowered to issue one or more commission or commissions and thereby to appoint Commissioners who shall have full power and authority under the same to hear examine and report on all claims to grants of land in virtue of any of the titles aforesaid in the said Colony of New Zealand; and each of such Commissioners shall, before proceeding to act as such, take and subscribe before a Judge of the Supreme Court of New Zealand, or before such person as the Governor or Chief Justice for the time being shall in writing appoint for that purpose, the oath set forth in the Schedule to this Act annexed marked A, which oath shall be recorded in the office of the Colonial Secretary of the said Colony.

All claims to grants of land in New Zealand already made to and directed by the Governor of New South Wales, to be referred to the Commissioners directed to be referred under this Act.

4. And be it further enacted and ordained, That the claims of all persons who may have already made application to the Governor of New South Wales to have grants of land within the said Colony of New Zealand, and whose claims have by the said Governor been referred or directed to be referred to the said Commissioners so appointed by the said Governor of New South Wales, shall be and the same are hereby referred to the Commissioners to be appointed under and by virtue of this Ordinance, to the end that all such claims may be heard examined and reported on for the information and guidance of the said Governor of New Zealand; and the said Commissioners, or any two of them, shall proceed to hear examine and report on such claims in manner hereinafter mentioned: Provided always that in each and every claim already heard and examined or partly heard and examined, it shall and may be lawful for the said Commissioners and they are hereby authorized to receive and act upon the evidence statements and documents or other information taken and recorded by the Commissioners appointed under the said repealed Act of the Governor and Council of New South Wales aforesaid, and shall and may report thereon as if the same had been heard and examined and the said evidence statements documents and other information had been taken and recorded under and by virtue of the provisions

New South Wales Act, 4 Vict., No. 7, Repealed.

provisions of this Ordinance : And whereas in and by the said Act of the said Governor and Council of New South Wales it is provided that all claims which should not be preferred in writing to the Colonial Secretary of New South Wales within six months after the passing of that Act should be absolutely null and void, unless it should be made to appear to the satisfaction of the said Governor that any claimant or claimants should not by reason of absence or other sufficient cause have been able to prefer his or their claims within the said term of six months, in which case it should be lawful for the said Governor at any time within a further term of six months to refer such claim or claims to the said Commissioners, who should have power and authority to receive and report upon the same as in other cases : And whereas the first term of six months so fixed has expired, and it is expedient and proper that the said term under which His Excellency the Governor is empowered to receive and refer further claims shall be extended under this Ordinance :

5. Be it therefore enacted and ordained, That it shall and may be lawful for the Governor of New Zealand, if at any time within twelve months next after the passing of this Ordinance it shall be made to appear to the satisfaction of the said Governor that any claimant or claimants shall not, by reason of absence from the Colony or other sufficient reason, have been able to prefer his or their claims within the said term so fixed by the said in part recited Act of the Governor and Council of New South Wales, it shall be lawful for the said Governor at any time within a further term of twelve months from and after the passing of this Ordinance to refer such claim or claims to the said Commissioners, who shall have power and authority to receive and report upon the same as in other cases : Provided always that nothing herein contained shall authorize the said Commissioners to receive or report upon any claims except such as shall be referred to them under and by virtue of the provisions of this Ordinance.

Governor of New Zealand may receive and refer claims under this Ordinance to Commissioners.

6. And be it enacted and ordained, That in hearing and examining all claims to grants as aforesaid and reporting on the same, the said Commissioners shall be guided by the real justice and good conscience of the case without regard to legal forms and solemnities, and shall direct themselves by the best evidence they can procure or that is laid before them, whether the same be such evidence as the law would require in other cases or not ; and that the said Commissioners 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 for the lands claimed to any of the said chiefs or tribes or any aboriginal inhabitants or inhabitant of the said Colony of New Zealand, as well as the time and manner of the payment and the circumstances under which such payment was made, without taking into consideration the price or valuable consideration which may have been given for the said lands by any subsequent purchaser or to any other person or persons save such chiefs or tribes or aboriginal inhabitants or inhabitant as aforesaid ; and shall also inquire into and set forth the number of acres which such payment would have been equivalent to, or according to the rates fixed in a Schedule marked B annexed to this Ordinance ; and if the said Commissioners or any two of them shall be satisfied that the person or persons claiming such lands or any part thereof is or are entitled according to the declaration of Her Gracious Majesty as aforesaid to hold the said lands or any part thereof, and to have a grant or lease thereof made and delivered to such person or persons under the Great Seal of the said Colony, they the said Commissioners shall report the same and the grounds thereof to the said Governor accordingly, and shall state whether the claim or

Commissioners to be guided by the real justice and good conscience of the case.

claims

New South Wales Act, 4 Vict., No. 7, Repealed.

claims reported on is or are original or derivative, with the name or names of the party or parties to whom the grant or lease should issue, and shall set forth the situation measurement and boundaries by which the said lands or portions of land shall and may be described in every such grant or lease so far as it shall be possible to and they conveniently can ascertain the same: Provided however that no grant of land shall be recommended by the said Commissioners which shall exceed in extent two thousand five hundred and sixty acres, unless specially authorized thereto by the Governor with the advice of the Executive Council, or which shall comprehend any headland promontory bay or island that may hereafter be required for any purpose of defence or for the site of any town or village reserve or for any other purpose of public utility, nor of any land situate on the sea-shore within one hundred feet of high water-mark: Provided also that nothing herein contained shall be held to oblige the said Governor to make and deliver any such grants as aforesaid unless His Excellency shall deem it proper so to do.

Certain lands not to be recommended by Commissioners for grants.

7. Provided nevertheless and be it enacted and ordained, That the said Commissioners shall not propose to grant to any claimant whatsoever any land which may in the opinion of the majority of the said Commissioners or of the majority of the Commissioners appointed to investigate the demand of such claimant be required for the site of any town or village or for the purposes of defence or for any other purpose of public utility, nor shall they propose to grant to any individual any land of a similar character which they may be directed to reserve by the Governor of New Zealand, but that in every case in which land of such description would otherwise form a portion of the land which the Commissioners would propose to grant to the claimant, they shall in lieu of such land propose to grant to him or her a compensation in such quantity of other land as they the said Commissioners or the majority of them shall deem an equivalent for every acre or part of an acre so required to be reserved either for the site of a village or township or for the purpose of defence or for any other purpose of public utility as aforesaid.

Commissioners' meetings.

8. And be it enacted and ordained, That the meetings of the said Commissioners shall be holden in such manner and at such place or places as the said Governor shall from time to time appoint, and the said Commissioners shall proceed with all due dispatch to investigate and report upon the claims referred to them.

Powers of Commissioners.

9. And be it enacted and ordained, That it shall and may be lawful for the said Commissioners, upon receiving any such claim as aforesaid, to notify in the *New Zealand Government Gazette* or in any Gazette or Newspaper published in New Zealand the day appointed for inquiring into such claim, and that such notification shall be a sufficient warning and summons to any claimant or opponent under this Ordinance: Provided that and the said Commissioners or any one of them are and is hereby authorized to issue summonses requiring all such persons as shall therein be named to appear before the said Commissioners at the day time and place therein appointed, to give evidence as to all matters and things known to any such person respecting such claim, and to produce in evidence all deeds instruments or writings in the possession or control of any such persons which they might by law be required and compelled to give evidence of, or to produce in evidence in any cause respecting the like matters depending in any of Her Majesty's Courts of Law in so far as the evidence of such persons and the production of such deeds instruments and writings shall be requisite for the due investigation of such claim depending before the said Commissioners, and that all such evidence shall be taken

New South Wales Act, 4 Vict., No. 7, Repealed.

taken down in writing in presence of and be signed by the witnesses respectively giving the same; but in case any witness shall refuse or shall be unable to sign, the said evidence shall be attested as having being taken and read over by one or more of the said Commissioners, and that all such evidence shall be given on oath, which oath it shall and may be lawful for the said Commissioners or any one of them to administer to every person appearing before them to give evidence, and that any person taking a false oath in any case wherein an oath is required to be taken by this Ordinance shall be deemed guilty of wilful and corrupt perjury, and being thereof duly convicted shall be liable to such pains and penalties as by any law now in force any person convicted of wilful and corrupt perjury is subject and liable to: Provided always that in all cases in which it may be necessary to take the evidence of any aboriginal native who shall not be competent to take an oath, it shall be lawful for the said Commissioners to receive in evidence the statement of such aboriginal native subject to such credit as it may be entitled to from corroborating or other circumstances.

10. And be it enacted and ordained, That whenever any person who, being duly summoned to give evidence before the said Commissioners as aforesaid, his or her reasonable expenses having been paid or tendered by the party requiring such witnesses, and not having any lawful reason or impediment allowed by the said Commissioners, shall fail to appear at the time and place specified in such summons, or after appearing shall refuse to be sworn or to answer any lawful question or to produce any deed instrument or writing which he or she may lawfully be required to produce, or without leave obtained from the said Commissioners shall wilfully withdraw from further examination without a satisfactory excuse being given to the said Commissioners for such default, or appearing shall refuse or decline to be examined or give evidence according to law touching the matter in question, it shall and may be lawful for the said Commissioners and they are hereby authorized and empowered to issue their warrant for the apprehension of such person, in order that he may be brought before them to give evidence touching such matter as shall be in question for which he shall have been summoned as aforesaid; and it shall be further lawful for the said Commissioners, if such person shall not show sufficient cause to the satisfaction of such Commissioners for such default, to commit such person to prison there to remain without bail or mainprize for any term not exceeding twenty-one days, or in lieu of such imprisonment to pay such fine not exceeding one hundred pounds as the said Commissioners shall impose, which fine shall be paid to the Colonial Treasurer of New Zealand and appropriated to the public uses of the Government thereof.

Person summoned not appearing, or refusing to give evidence, may be apprehended under warrant of Commissioners, and punished by fine or imprisonment.

11. And be it enacted and ordained, That the said Commissioners shall and may receive for their own respective use such salaries as the Governor of New Zealand shall direct and appoint, which salaries it shall and may be lawful for the said Governor to order and direct by warrant under his hand to be paid from and out of the revenues of New Zealand, and the same shall be the whole remuneration of the said Commissioners for and in respect of their said office.

Salaries to be paid to Commissioners.

12. And be it enacted and ordained, That there shall be paid to the said Commissioners by every person making a claim to a grant of land, which shall be referred by the Governor to the said Commissioners for examination as hereinbefore is provided, the several fees specified in the annexed Schedule to this Ordinance marked C, and the said Commissioners shall duly account for all fees so paid to them

Fees to be taken by Commissioners on account of the Government.

New South Wales Act, 4 Vict., No. 7, Repealed.

or him as aforesaid, and shall pay the same into the hands of the Colonial Treasurer of New Zealand monthly or as nearly so as practicable, to be appropriated to the public uses of the Government thereof.

Saving the right and prerogative.

13. Provided always and be it declared and ordained, That nothing in this Ordinance contained shall be deemed in any way to affect any right or prerogative of Her Majesty, her heirs or successors.

SCHEDULES.

SCHEDULE A.

COMMISSIONERS' OATH.

I, _____, do solemnly swear that I will faithfully diligently impartially and honestly, to the best of my ability, execute the several powers and trusts reposed in me as a Commissioner appointed under and by virtue of a certain Ordinance of the Governor of New Zealand, with the advice of the Legislative Council of the said Colony, made and passed in the fourth year of the reign of Her Majesty Queen Victoria, intituled "*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 fourth 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 authorize 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;'*" and that I will not myself directly or indirectly take or receive any fee or reward for anything done or performed under and by virtue of the provisions of the said Ordinance other than and except such as is authorized by the said Ordinance. So help me God.

A. B.

Sworn before me this _____ day of _____ 184

Judge of the Supreme Court of New Zealand, or
Commissioner appointed for this purpose.

SCHEDULE B.

Period when the Purchase was made.	Per Acre.			
	s.	d.	s.	d.
From 1st January, 1815, to 31st December, 1824	0	6	to	0 0
" 1825 " 1829	0	6	"	0 8
" 1830 " 1834	0	8	"	1 0
" 1835 " 1836	1	0	"	2 0
" 1837 " 1838	2	0	"	4 0
" 1839 " 1839	4	0	"	8 0

And fifty 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 their selling price in Sydney at the time.

SCHEDULE C.

Customs.

SCHEDULE C.

FEES TO BE RECEIVED BY THE SAID COMMISSIONERS.

	£	s.	d.
For filing any memorial with the Colonial Secretary, or opposition thereto	5	0	0
For every summons for witnesses, each summons containing two names, 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	5	0
For taking down the examination of any witness	0	5	0
For every one hundred words after the first hundred, additional	0	2	6
For every certificate granted by Commissioners, of default, refusal to answer, or wilful withdrawing of any witness	1	0	0
For any final report, to be paid by the party or parties in whose favour made, when the extent of the land recommended be not exceeding five hundred acres	5	0	0
For every additional one hundred acres	0	10	0

No. III.

AN ORDINANCE to repeal within the said Colony of New Zealand an Act of the Governor and Council of New South Wales, passed in the third year of Her present Majesty's reign, intituled "*An Act to repeal an Act relating to the Revenue of Customs in New South Wales and to provide for the general regulation thereof,*" and also a certain other Act of the said Governor and Council of New South Wales, passed in the fourth year of the reign of Her said present Majesty Queen Victoria, intituled "*An Act for increasing the Duties on Spirits Wine and other Goods and Merchandise imported into the Colony of New South Wales and its Dependencies,*" and which said Acts of the Governor and Council of New South Wales were adopted and are now in force within the said Colony of New Zealand and its dependencies; and to make provision for the collection of certain Duties on Goods imported into, and for the general regulation of the revenue of Customs in the Colony of New Zealand and its dependencies. [17th June, 1841.]

CUSTOMS.

WHEREAS Her Majesty Queen Victoria, by her Royal Charter and Letters Patent, has been pleased to erect the Islands of New Zealand into a separate and independent Colony, and it is necessary to provide for the collection of certain duties on goods imported therein

Preamble.

Customs.

therein and for the general regulation of the revenue of Customs and trade thereof: And whereas by a certain Act of Parliament passed in the third and fourth years of the reign of His late Majesty King William the Fourth, intituled "*An Act to regulate the Trade of the British Possessions abroad,*" it was amongst other things enacted that it should be lawful for His Majesty, by and with the advice of his Privy Council, by any Order or Orders to be issued from time to time, to give such directions and make such regulations touching the trade and commerce to and from any British Possession within the limits of the East India Company's charter (excepting the possessions of the said Company) as to His Majesty in Council should appear most expedient and salutary, and that if any goods should be imported or exported in any manner contrary thereto the same should be forfeited together with the ship importing or exporting the same: And whereas no such Order of His late Majesty or of Her present Majesty Queen Victoria in Council has been received in this Colony, and it is expedient to make provisions for the collection of duties on goods imported and for regulating the Customs and trade within the said Colony.

1. Be it therefore enacted and ordained by the Governor of New Zealand, with the advice and consent of the Legislative Council of the same, that from and after the first day of July next, the said recited Acts of the Governor and Council of New South Wales shall be and the same are hereby repealed so far as the same apply to and are in force within the Colony of New Zealand and no further or otherwise, and that this Ordinance shall come into and be and continue in full force and operation for levying certain duties on goods imported into and for regulating the Customs and trade within the said Colony of New Zealand and its dependencies.

2. And be it enacted and ordained, That every person employed on any duty or service relating to the Customs within the said Colony and its dependencies, by the orders or with the concurrence of the Governor of the said Colony or of the Commissioners of Her Majesty's Customs (whether previously or subsequently expressed), shall be deemed to be the officer of the Customs for that duty or service, and that every act matter or thing required by any law at any time in force to be done or performed by to or with any particular officer nominated in such law for such purpose being done or performed by to or with any person appointed by the Governor of the said Colony or the Commissioners of Her Majesty's Customs to act for or in behalf of such particular officer, the same shall be deemed to be done or performed by to or with such particular officer.

3. And be it enacted and ordained, That if any officer clerk or other person acting in any office or employment in or belonging to the Customs in the said Colony shall take or receive any fee perquisite gratuity or reward, whether pecuniary or of any other sort or description whatsoever, directly or indirectly, from any person not being a person duly appointed to some office in the Customs, on account of anything done or to be done by him or in any way relating to his said office or employment, except such as he shall receive under any order or permission of the Governor of the said Colony, the Commissioners of Her Majesty's Treasury or the Commissioners of Her Majesty's Customs, every such officer so offending, on proof thereof to the Governor of the said Colony or to the Commissioners of Her Majesty's Customs, shall be dismissed from his office; and if any person not being a person duly appointed to some office in the Customs shall give offer or promise to give any such fee perquisite gratuity or reward, such person shall for every such offence forfeit the sum of one hundred pounds.

4. And

3 and 4 Wm. IV.

Persons employed by Customs deemed officers for such service.

Officers taking any fee or reward not allowed shall be dismissed.

Customs.

4. And be it enacted and ordained, That if any officer of the Customs or other person duly authorized to act as such shall make any collusive seizure or deliver up or make any agreement to deliver up or not to seize any vessel boat or goods liable to forfeiture, or take any bribe gratuity recompense or reward for the neglect or non-performance of his duty, every such officer or other person shall forfeit for every such offence the sum of five hundred pounds.

Officers making collusive seizures, to forfeit £500.

5. And be it enacted and ordained, That every person who shall give or offer or promise to give any bribe recompense or reward, or shall make any collusive agreement with any such officer as aforesaid, to induce him in any way to neglect his duty or to do or conceal or connive at any act whereby any of the provisions of any Act of the Imperial Parliament or any law rule order or regulation in force within the said Colony may be evaded, every such person shall, whether the offer be accepted or performed or not, forfeit the sum of two hundred pounds.

Persons offering a bribe to forfeit £200.

6. And be it enacted and ordained, That it shall be lawful for the Collector or other principal officer of the Customs, with the sanction of the Governor of the said Colony, from time to time to appoint the hours of general attendance of the respective officers and other persons under their survey at their proper offices and places of employment.

Hours of attendance.

7. And be it enacted and ordained, That no officer of Customs or person employed in the collection or management of or accounting for the revenue of Customs or any part thereof, nor any clerk or other person acting under them, shall during the time of his acting as such officer or of his being so employed as aforesaid or of his acting as such clerk or other person as aforesaid as the case may be, be compelled to serve in any other public office or employment, or to serve on any jury or inquest or in the Militia, any law usage or custom to the contrary thereof notwithstanding.

Officers of Customs not liable to serve in parochial or other local offices.

8. And be it enacted and ordained, That no day shall be kept as a public holiday by the Customs except Christmas Day and Good Friday in every year and any days appointed by the Governor's Proclamation for the purpose of a general fast or of a general thanksgiving, and all such days as shall be appointed for the celebration of the birthdays of Her Majesty and of her successors.

Holidays.

9. And be it enacted and ordained, That in all cases wherein proof on oath or affirmation shall be required by any law, or shall be necessary in any matter relating to the Customs, the same may be made before the Collector or other principal officer where such proof or affirmation shall be required to be made, or before the persons acting for them respectively, and who are hereby authorized and empowered to administer the same.

Collector &c. authorized to administer oaths and affirmations.

10. And be it enacted and ordained, That upon examinations and inquiries made by the Collector or other principal officer of Customs or other persons appointed by the Commissioners of Customs to make such examinations and inquiries for ascertaining the truth of facts relative to the Customs or the conduct of officers or persons employed therein, any person examined before them or him as a witness shall deliver testimony on oath, to be administered by such Collector or other principal officer or such other person as shall examine him, and who are hereby authorized to administer such oath; and if such person shall be convicted of making a false oath touching any of the facts so testified on oath, or of giving false evidence on his examination on oath before such Collector or other principal officer of Customs or such other person in conformity to the directions of this Ordinance, every such person so convicted as aforesaid shall be

Collector &c. may examine on oath.

Customs.

deemed guilty of perjury and shall be liable to the pains and penalties to which persons are liable for wilful and corrupt perjury.

General provision.

11. And whereas it is expedient that the officers of Customs should have full cognizance of all ships coming into any port in the said Colony or approaching the coast thereof, and of all goods on board or which may have been on board such ships, and also of all goods unladen from any ship in any port or place in the said Colony : Be it therefore enacted and ordained, That no goods shall be unladen from any ship arriving from parts beyond the seas at any port or place in the said Colony, nor shall bulk be broken after the arrival of such ship within four leagues of the coast thereof respectively, before due report of such ship and due entry of such goods shall have been made and warrant granted in manner hereinafter directed, and that no goods shall be so unladen except at such times and places and in such manner and by such persons and under the care of such officers as is and are hereinafter directed, and that all goods not duly reported or which shall be unladen contrary hereto shall be forfeited ; and if bulk be broken contrary hereto, the master of such ship shall forfeit the sum of one hundred pounds.

Goods &c. declared forfeited by law may be seized.

12. And be it enacted and ordained, That all goods ships vessels and boats which by any law in force within the said Colony shall be declared to be forfeited, may be seized by any officer of the Customs.

Vessels not bringing to at stations, master to forfeit not less than £10 nor more than £100.

13. And be it enacted and ordained, That if the master of any ship or vessel arriving at or departing from any port in the said Colony shall neglect or refuse to bring to at the proper stations in such port appointed by the Governor for the boarding or landing of officers of the Customs, the master of such ship or vessel shall for every such offence forfeit the sum of not less than ten nor more than one hundred pounds.

Officers may be stationed in ships in the limits of any port.

14. And be it enacted and ordained, That it shall be lawful for the Collector or other principal officer of Customs to station an officer on board any ship or vessel while within the limits of any port in the said Colony, and the master of every ship or vessel on board of which any officer is so stationed shall provide every such officer sufficient room under the deck in some part of the fore-castle or steerage for his bed or hammock, and in case of neglect or refusal so to do shall forfeit the sum of twenty pounds.

Ships and cargo to be reported on arrival.

15. And be it enacted and ordained, That the master of every ship or vessel arriving in the said Colony, whether laden or in ballast, shall come within twenty-four hours and before bulk be broken to the Custom House, and there make a report in writing to the Collector or other principal officer of the arrival and voyage of such ship or vessel, stating the name country and tonnage, and, if British, the port of registry, the name and country of the master, the country of the owners, the number of the crew and how many are of the country of such ship or vessel, and whether she be laden or in ballast, and if laden, the marks numbers and contents of every package or parcel of goods on board, and where the same was laden, and where and to whom consigned, and where and what goods if any had been unladen during the voyage, and what part of the cargo if any is intended for exportation in such ship or vessel to parts beyond the seas, and what surplus of stores or stock remains on board such ship or vessel, as far as any of such particulars can be known to him ; and the master shall further answer all such questions concerning the ship or vessel and the cargo and the crew and the voyage as shall be demanded of him by such officer ; and if any goods shall be unladen from any ship or vessel before such report be made, or if the master shall fail to make such report or shall make an untrue report or not truly

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truly answer the questions demanded of him, he shall forfeit the sum of one hundred pounds.

16. And be it enacted and ordained, That it shall be lawful for the proper officer or officers of the Customs to board any ships or vessels arriving at any port of the said Colony and freely to stay on board until all the goods laden therein shall have been duly delivered from the same, and such officer or officers shall have free access to every part of the ship or vessel, with power to fasten down hatchways and to mark any goods before landing and to lock up seal mark or otherwise secure any goods on board such ship or vessel, and if any place or any box or chest be locked and the keys be withheld, such officer or officers if he or they be of a degree superior to tidewaiters may open any such place box or chest in the best manner in their power, and if they be tidewaiters or only of that degree they shall send for their superior officer, who may open or cause to be opened any such place box or chest in the best manner in his power; and if any goods be found concealed on board of any such ship or vessel they shall be forfeited; and if the officer shall place any lock mark or seal upon any goods on board, and such lock be wilfully opened altered or broken before due delivery of such goods, or if any such goods be secretly conveyed away, or if the hatchways after having been fastened down by the officer be opened, the master of such ship or vessel shall forfeit the sum of one hundred pounds.

Officers to board ships.

17. And be it enacted and ordained, That from and after the first day of July next there shall be raised levied collected and paid unto her Majesty, Her heirs and successors, for the public uses of the said Colony, upon goods wares and merchandize imported into the Colony of New Zealand and its dependencies and landed at any port or place therein, the several duties of Customs as the same are respectively inserted described and set forth in figures in the table to this Ordinance annexed, denominated "A Table of Duties of Customs," except British goods and goods the produce of and imported direct from New South Wales or Van Dieman's Land.

Duties.

18. And whereas, in and by a certain Act of the Governor and Council of New South Wales made and passed in the fourth year of the reign of Her said present Majesty, intituled "*An Act to regulate the payment of the Duties of Customs in Her Majesty's Dominions in the Islands of New Zealand,*" and which has been adopted and is intended still to be in force within the said Colony of New Zealand, it is provided that no duty of Customs shall be charged payable or paid on any tobacco which may be imported into any of the Islands of New Zealand until the first day of January, one thousand eight hundred and forty-three; and it is expedient that such duty shall commence and be charged payable and paid from the first day of January now next ensuing: Be it therefore further enacted and ordained that so much of the said Act as appoints the first day of January, one thousand eight hundred and forty-three, for the commencement of such duty on tobacco shall be and the same is hereby repealed, and that the said Act in all other respects is and shall be in force within the said Colony of New Zealand and its dependencies.

4 Vict., No. 19.

Duty on tobacco.

19. And be it enacted and ordained, That the person entering any goods shall deliver to the Collector or other proper officer a bill of the entry thereof, fairly written in words at length, containing the name of the importer and of the ship and of the master and of the place from whence they were brought and of the place within the port where the goods are to be unladen, and the particulars of the quality and quantity of the goods and the packages containing the same and the marks and numbers on the packages, and two or more duplicates

Particulars of entry of goods inwards.

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as the case may require of such bill in which all sums and numbers may be expressed in figures, and the particulars contained in such bills shall be written and arranged in such form and manner and the number of such duplicates shall be such as the Collector or other principal officer or other proper person shall require, and such person shall at the same time pay down all duties due upon the goods, and the Collector or other proper officer shall thereupon grant his warrant for the unlading of such goods.

Unauthorized persons not permitted to make entries.

20. And be it enacted and ordained, That every person who shall make or cause to be made any such entry inwards of any goods not being duly authorized thereto by the proprietor or consignee of such goods, shall for every such offence forfeit the sum of one hundred pounds.

If goods be not entered in 20 days, officers may land and secure them.

21. And be it enacted and ordained, That every importer of goods shall within twenty days after the arrival of the importing ship or vessel make due entry inwards of such goods and land the same, and in default of such entry and landing it shall be lawful for the officers of the Customs to convey such goods to the Queen's warehouse, and if the duties due upon such goods be not paid within three months after such twenty days shall have expired, together with all charges of removal and warehouse rent, the same shall be sold and the produce thereof shall be applied first to the payment of freight and charges next of duties and the overplus if any shall be paid to the proprietor of the goods or other person duly authorized to receive the same.

Entry not to be valid if goods are not properly described in it.

22. And be it enacted and ordained, That no entry nor any warrant for the landing of any goods or for the taking of any goods out of any warehouse shall be deemed valid unless the particulars of the goods and packages in such entry shall correspond with the particulars of the goods and packages purporting to be the same in the report of the ship, or in the certificate or other document where any is required by which the importation or entry of such goods is authorized, nor unless the goods shall have been properly described in such entry by the denominations and with the characters and circumstances according to which such goods are charged with duty or may be imported; and any goods taken or delivered out of any ship or out of any warehouse by virtue of any entry or warrant not corresponding or agreeing in all such respects or not properly describing the same, shall be deemed to be goods landed or taken without due entry thereof, and shall be forfeited.

Goods imported from the United Kingdom or British Possessions must appear in cocket &c. &c.

23. And be it enacted ordained and declared, That no goods shall be imported into New Zealand as being imported from the United Kingdom or from any other British possession (if any advantage attach to such distinction) unless such goods appear upon the cockets or other proper documents for the same to have been duly cleared outwards at the port of exportation in the United Kingdom or in such other British possession, nor unless the ground upon which such advantage be claimed be stated in such cocket or document.

Goods to be unshipped &c. at expense of importer.

24. And be it enacted and ordained, That the unshipping carrying and landing of all goods, and the bringing of the same to the proper place after landing for examination or for weighing, and the putting of the same into the scales and the taking of the same out of and from the scales after weighing, and the opening and closing of the same, shall be performed by or at the risk and expense of the importer.

Bonds to be taken by the Collector.

25. And be it enacted and ordained, That all bonds relating to the Customs required to be given in respect of goods or ships shall be taken by the Collector or other principal officer of Customs for the use of Her Majesty, and after the expiration of three years from the date

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date thereof or from the time if any limited therein for the performance of the condition thereof, every such bond upon which no prosecution or suit shall have been commenced shall be void and may be cancelled and destroyed.

26. And be it enacted and ordained, That before any goods shall be shipped for exportation to the United Kingdom as being the produce of the said Colony or of New South Wales or of Van Diemen's Land or any island of the Pacific Ocean respectively, and upon which any advantage shall be claimed at the port of importation, sufficient proof shall be made to the satisfaction of the Collector or other principal officer of Customs of the identity of such goods being the produce of the said Colony or of New South Wales or of Van Diemen's Land or of some island of the Pacific Ocean respectively, whereupon the Collector or other principal officer is hereby empowered to grant a certificate to that effect.

Certificate of production where advantage is derived at port of importation.

27. And be it enacted and ordained, That if the importer of any goods or his known agent shall make and subscribe a declaration before the Collector or other proper officer that he cannot for want of full information make perfect entry thereof, it shall be lawful for the Collector or other proper officer to receive an entry by bill of sight for the packages or parcels of such goods by the best description which can be given, and to grant a warrant thereupon in order that the same may be landed and secured to the satisfaction of the officers of Customs and at the expense of the importer and may be seen and examined by such importer in the presence of the proper officer; and within three days after the goods shall have been so landed the importer shall make a perfect entry thereof, and shall either pay down all duties due thereon or duly warehouse the same, and in default of such entry such goods shall be taken to the Queen's warehouse, and if the importer shall not within one month after such landing make perfect entry of such goods and pay the duties due thereon together with charges of removal and warehouse rent such goods shall be sold for the payment thereof, and the overplus if any shall be paid to the proprietor of the goods or other person duly authorized to receive the same.

Entry inwards by bill of sight.

28. And be it enacted and ordained, That in all cases where the duties imposed upon the importation of articles into the said Colony are charged not according to weight tale gauge or measure but according to the value thereof, such value shall be ascertained by the declaration of the importer of such articles or his known agent in manner and form following, that is to say:—

Goods subject to ad valorem duty.

I, A.B., do hereby declare that the articles mentioned in the entry and contained in the packages [*Here specifying the several packages and describing the several marks and numbers as the case may be*] are of the value of .

Witness my hand, this . day of .

A.B.

The above declaration, signed the . day of ., in the presence of C.D., Collector, [*or other principal officer*].

Which declaration shall be written on the bill of entry of such articles and shall be subscribed with the hand of the importer thereof or his known agent in the presence of the Collector or other principal officer of the Customs at the port of importation: Provided that if upon view and examination of such articles by the proper officer of the Customs it shall appear to him that the said articles are not valued according to the true price and value thereof and according to the true intent and meaning of this Ordinance, then and in such case the importer or his known agent shall be required to declare on oath before the

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the Collector or other principal officer of Customs what is the invoice price of such articles and that he verily believes such invoice price is the current value of the articles at the place from whence the said articles were imported, and such invoice price with the addition of ten pounds per centum thereon shall be deemed to be the value of the articles in lieu of the value so declared by the importer or known agent and upon which the duties due thereon shall be charged and paid: Provided also that if it shall appear to the Collector or other principal officer that such articles have been found invoiced below the real and true value thereof at the place from whence the same were imported or if the invoice price is not known the articles shall in such case be re-examined by two competent persons to be nominated and appointed by the Governor of the said Colony, and such persons shall declare on oath before the Collector or other proper officer what is the true and real value of such articles at the port of importation in the said Colony, and the value so declared on the oaths of such persons shall be deemed to be the true and real value of such articles and upon which the duties due thereon shall be charged and paid.

If importer refuse to pay duty, goods to be sold.

29. And be it enacted and ordained, That if the importer of such articles shall refuse to pay the duties imposed thereon, it shall and may be lawful for the Collector or other officer of the Customs and he is hereby required to take and secure the same with the casks or other packages thereof and cause the same to be publicly sold within the space of twenty days at the most after such refusal made and at such time and place as such officer shall by four or more days' public notice appoint for that purpose, which articles shall be sold to the best bidder and the money arising from the sale thereof shall be applied in the first place in the payment of the said duties together with the charges that shall have been occasioned by the said sale, and the overplus if any shall be paid to such importer or proprietor or any other person authorized to receive the same.

Drawback on goods exported having paid duty on importation.

30. And be it enacted and ordained, That there shall be allowed upon the exportation of goods wares or merchandise imported into any port in the said Colony a drawback of the duty paid thereon: Provided always that proof be made to the satisfaction of the Collector or other principal officer that the full duties on importation had been paid and that such goods had been duly landed at the port for which the same were cleared, and that no drawback shall be allowed unless the goods on which the same is claimed shall be shipped within three years from the day of importation thereof nor unless the value of the goods upon which the duty is to be returned shall amount to fifty pounds and that such drawback is duly claimed within one year from the day of such shipment: Provided always that no drawback shall be allowed upon any goods which by reason of damages or decay shall become of less value for home use than the amount of such drawback, and all goods so damaged which shall be cleared for any drawback shall be forfeited and the person who caused such goods to be so cleared shall forfeit the sum of two hundred pounds or treble the amount of the drawback in such case at the election of the Governor of the said Colony.

Returned goods entered by bill of store.

31. And be it enacted and ordained, That it shall be lawful to reimpor into the said Colony any goods which shall have been legally exported from the same and to enter such goods by bill of store referring to the entry outward and exportation thereof provided the property in such goods continue in the same person by whom or on whose account the same have been exported; and if the goods so returned be foreign goods which had before been legally imported into the said Colony, the same duties shall be payable thereon as would at the time of such reimportation be payable on the like goods under the same circumstances

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stances of importation as those under which such goods had been originally imported, or such goods may be warehoused as the like goods may be warehoused upon a first importation thereof.

32. And be it further enacted and ordained, That whenever any goods shall be taken to and secured in any of the Queen's warehouses in the said Colony for security of the duties thereon or to prevent the same from coming into home use, it shall and may be lawful for the Collector or other principal officer to charge demand and receive warehouse rent for such goods for all such time as the same shall remain in such warehouse at the rates specified in the Schedule E annexed to this Ordinance.

Rents on goods secured for duty.

33. And be it enacted and ordained, That in case goods shall not be duly cleared from the Queen's warehouse within three calendar months (or sooner if they be of a perishable nature), it shall be lawful for the Collector or other principal officer of Her Majesty's Customs to cause such goods to be publicly sold by auction for home use or for exportation as the case may be, and the produce of such sale shall be applied towards the payment of the duties if sold for home use, and of the warehouse rent and all other lawful charges, and the overplus if any shall be paid to the person duly authorized to receive the same: Provided always that it shall be lawful for the said Collector or other principal officer to cause any of such goods to be destroyed as cannot be sold for a sum sufficient to pay such duties and charges if sold for home use, or sufficient to pay such charges if sold for exportation: Provided also that if such goods shall have been landed by the officers of the Customs and the freight of the same shall not have been paid, the produce of such sale shall be first applied to the payment of such freight.

Power to sell goods not cleared from Queen's warehouse within limits of a port.

34. And whereas it is expedient to make regulations for the warehousing of spirits tobacco and other goods which may be legally imported, and it is therefore necessary to provide for the appointing of proper warehouses and for the lodging and securing such goods therein: Be it therefore enacted and ordained that it shall be lawful for the Collector or other principal officer by notice in writing under his hand to appoint such warehouses respectively as shall be approved of by him for the free warehousing and securing of goods therein for the purposes of this Ordinance and also by like notice to revoke any such appointment: Provided that every such notice shall be transmitted to the Governor and shall be published in such manner as he shall direct.

Collector or other principal officer to appoint warehouses for bonding goods.

35. And be it enacted and ordained, That it shall be lawful for the importer of any spirits tobacco or other goods to warehouse the same in the warehouses so appointed without payment of any duty on the first entry thereof, subject nevertheless to the rules regulations restrictions and conditions hereinafter contained.

Goods may be warehoused without payment of duty.

36. And be it enacted and ordained, That upon the entry and landing of any goods to be warehoused, the proper officer of the Customs shall take a particular account of the same, and shall mark the contents on each package and shall enter the same in a book to be kept for that purpose, and no goods which have been so warehoused shall be taken or delivered from the warehouse except upon due entry and under the care of the proper officer for exportation or upon due entry and payment of the duty for home use.

Account of goods to be taken on landing.

37. And be it enacted and ordained, That upon entry of any goods to be warehoused the importer of such goods instead of paying down the duties due thereon shall give bond with two sufficient sureties to be approved of by the Collector or other principal officer in treble the amount of duties payable on such goods, with condition for the safe depositing

Bond upon entry of goods to be warehoused.

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depositing of such goods in the warehouse mentioned in such entry and for the payment of all duties due upon such goods or for the exportation thereof according to the first account taken of such goods upon the landing of the same, and without any abatement on account of deficiency except as by this Ordinance is otherwise provided, and with further condition that no part thereof shall be taken out of such warehouse until cleared from thence upon due entry and payment of duty or upon due entry for exportation, and if after such bond shall have been given the goods or any part thereof shall be sold or disposed of so that the original bonder shall be no longer interested in or have control over the same, it shall be lawful for the Collector or other principal officer to admit fresh security to be given by the bond of the new proprietor or other person having control over such goods, with two sufficient sureties, and to cancel the bond given by the original bonder of such goods or to exonerate him to the extent of the fresh security so given.

Bonds given previous to Ordinance to continue in force.

38. And be it enacted and ordained, That all appointments of warehouses for the warehousing of goods made under the authority of any other Ordinance in force at the time of the commencement of this Ordinance shall continue in force as if the same had been made under the authority of this Ordinance, and all bonds given in respect of any goods warehoused or entered to be warehoused under any Ordinance in force at the time of the commencement of this Ordinance shall continue in force for the purposes of this Ordinance.

Samples may be taken.

39. And be it enacted and ordained, That it shall be lawful for the officers of the Customs to take such samples of any goods as shall be necessary for ascertaining the amount of any duties payable on the same, and all such samples shall be disposed of and accounted for in such manner as directed by the Collector or other principal officer of Her Majesty's Customs.

Bond on entry for exportation.

40. And be it enacted and ordained, That upon the entry outwards of any goods to be exported from the warehouse, the person entering the same shall give security by bond in treble the duties of importation on the quantity of such goods, with two sufficient sureties to be approved by the Collector or other proper officer, that the same shall be landed at the place for which they shall be entered outwards or be otherwise accounted for to the satisfaction of the Collector or other proper officer.

Spirits and tobacco may be re-gauged or re-weighed.

41. And whereas spirits and tobacco and certain other goods are liable in time to fluctuation of quantity by the effect of the atmosphere or other natural causes: Be it therefore enacted and ordained, That it shall be lawful for the Collector or other principal officer or for the proprietor or importer of any such goods as aforesaid to require the same to be re-gauged or re-weighed at the time when the same shall be respectively delivered from the said warehouse, and the duties respectively payable thereon shall be paid according to the quantities ascertained upon such re-gauging or re-weighing unless it shall be mutually agreed by and between the said parties that the said duties shall be paid on the quantities originally entered.

Goods may be re-sorted and re-packed.

42. And be it enacted and ordained, That it shall be lawful for the Collector or other principal officer, under such regulations as he shall see fit, to permit the proprietor or other person having control over any goods so warehoused to sort separate pack and re-pack any such goods and to make such alterations therein or arrangements and assortments thereof as may be necessary for the preservation of such goods, or in order to the sale shipment or legal disposal of the same, and also to permit any part of such goods so separated to be destroyed but without prejudice to the claim for duty upon the whole original

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original quantity of such goods: Provided always that it shall be lawful for any person to abandon any whole packages to the officers of the Customs for the duties without being liable to any duty upon the same.

43. And be it enacted and ordained, That goods warehoused at any warehousing port in the said Colony, being first duly entered, may be delivered under the authority of the proper officer of the Customs without payment of duty except for any deficiency thereof for the purpose of removal to another warehousing port in the same Colony under bond, to the satisfaction of such officer for the due arrival and warehousing of such goods at such other port.

Goods warehoused may be delivered for removal without payment of duty.

44. And be it enacted and ordained, That if any goods entered or warehoused or entered to be delivered from the warehouse shall be lost or destroyed by any unavoidable accident, either on shipboard or in the landing or shipping of the same or in the receiving into or delivering from the warehouse, it shall be lawful for the Governor of the said Colony for the time being to remit or return the duties payable or paid on the quantity of such goods so lost or destroyed.

Goods lost or destroyed, Governor may remit duties.

45. And be it enacted and ordained, That in case it shall at any time happen that any embezzlement waste spoil or destruction shall be made of or in any goods or merchandise which shall be warehoused in warehouses under the authority of this or any other Act or Ordinance by or through any wilful misconduct of any officer or officers of Customs, such officer or officers shall be deemed guilty of a misdemeanour, and shall upon conviction suffer such punishment as may be inflicted by law in cases of misdemeanour; and if such officer shall be so prosecuted to conviction by the importer consignee or proprietor of the goods or merchandise so embezzled wasted spoiled or destroyed, then and in such case no duty shall be payable for or in respect of such goods or merchandise so embezzled wasted spoiled or destroyed, and no forfeiture nor seizure shall take place of any goods or merchandise so warehoused in respect of any deficiency caused by such embezzlement waste spoil or destruction, and the damage occasioned by such embezzlement waste spoil or destruction of such goods or merchandise shall be repaid and made good to such importer consignee or proprietor by the Collector or other principal officer of Customs, under such orders regulations and directions as shall be for that purpose made and given by the Governor of the said Colony for the time being.

Embezzlement &c. of goods warehoused through wilful misconduct of officers.

46. And be it enacted and ordained, That all goods so warehoused shall be stowed in such parts or divisions of the warehouse as the Collector or other principal officer may direct and in such manner that easy access may be had to every package, and if the occupier of the warehouse shall omit to stow the same he shall for every such omission forfeit the sum of five pounds, and that the warehouse shall be locked and secured in such manner and shall be opened and visited only at such times and in the presence of such officers and under such rules and regulations as the Collector or other proper officer shall direct.

Stowage of goods in warehouse.

47. And be it enacted and ordained, That if any importer or proprietor of any goods warehoused, or any other person, shall by any contrivance fraudulently open the warehouse or gain access to the goods except in the presence of the proper officer acting in the execution of his duty, such importer proprietor or other person shall forfeit and pay for every such offence the sum of five hundred pounds.

Warehouse fraudulently opened, penalty £500.

48. And be it enacted and ordained, That all goods which shall have been so warehoused or re-warehoused shall be duly cleared either

All goods to be cleared within three years or sold.

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either for exportation or home consumption within three years from the day of the entry thereof, and if such goods be not so cleared it shall be lawful for the Collector or other proper officer to cause the same to be sold and the produce shall be applied first to the payment of the duties next to the warehouse-rent and other charges and the overplus if any shall be paid to the proprietor or other person duly authorized to receive the same: Provided always that it shall be lawful for the Collector or other proper officer to grant further time for any such goods to remain warehoused if they shall see fit so to do.

Goods not duly
warehoused &c. to
be forfeited.

49. And be it enacted and ordained, That if any goods which have been entered to be warehoused shall not be duly carried and deposited in the warehouse, or shall afterwards be taken out of the warehouse without due entry and clearance, or having been entered and cleared for exportation from the warehouse shall not be duly carried and shipped or shall afterwards be re-landed except with the permission of the proper officer of the Customs, such goods shall be forfeited.

Entry outwards of
ship or cargo.

50. And be it enacted and ordained, That the master of any ship or vessel bound from the said Colony shall before any goods be laden therein deliver to the Collector or other proper officer an entry outwards under his hand of the destination of such ship, stating her name country and tonnage, and if British the port of registry the name and country of the master the country of the owners the number of the crew and how many are of the country of such ship; and if any goods be laden on board any ship or vessel before such entry be made the master of such ship or vessel shall forfeit and pay the sum of fifty pounds; and before such ship or vessel depart the master shall bring and deliver to the Collector or other proper officer a content in writing under his hand of the goods laden and the names of the respective shippers and consigners of the goods with the marks and numbers of the packages or parcels of the same, and shall make and subscribe a declaration to the truth of such content as far as any of such particulars can be known to him; and the master of every ship or vessel bound from the said Colony, whether in ballast or laden, shall before departure come before the Collector or other proper officer and answer upon oath all such questions concerning the ship or vessel and the cargo if any and the crew and passengers and the voyage as shall be demanded of him by such officer, and thereupon the Collector or other proper officer if such ship or vessel be laden shall make out and give to the master a certificate of the clearance of such ship or vessel for her intended voyage containing an account of the total quantities of several sorts of goods laden therein, or a certificate of her clearance in ballast as the case may be; and if the ship shall depart without such clearance, or if the master shall deliver a false content or shall not truly answer the questions demanded of him, he shall forfeit and pay the sum of one hundred pounds.

Goods not stated in
certificate to be pro-
duce of this Colony,
to be deemed of
foreign production.

51. And be it enacted and ordained, That no goods shall be stated in such certificate of clearance of any ship or vessel from the said Colony to be the produce thereof unless such goods shall have been expressly stated so to be in the entry outwards of the same.

Colonial trade.

52. And be it enacted and ordained, That all vessels the property of Her Majesty's subjects trading from one part of the said Colony to another part thereof, between the North Cape in or about the latitude of 34° South and the southern limits of the same in or about the latitude of 47° 10" South, shall be considered as engaged in the coasting trade.

Goods carried
coastwise, under
what regulations.

53. And be it enacted and ordained, That no goods shall be laden on board any vessel in any port of the said Colony as aforesaid where
any

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any officer of the Customs shall or may be hereafter stationed to be carried coastwise, nor having been brought coastwise shall be unladen, until due notice in writing signed by the master shall be given to the Collector or other proper officer by the master owner or agent of such vessel of the intention to lade goods on board the same to be so carried or of the arrival of such vessel with goods so brought as the case may be, nor until proper documents shall have been granted for the lading or unloading of such goods, and such goods shall not be so laden or unladen except at such times and places and in such manner and by such persons and under the care of such officers as shall be appointed by the Collector or other proper officer for that duty: Provided always that it shall be lawful for the Commissioners of Her Majesty's Customs to make and appoint such other regulations for the carrying coastwise of any goods or for the removing of any goods for shipment as shall to them appear expedient, and that all goods laden waterborne or unladen contrary to this Ordinance or contrary to any regulations so made and appointed shall be forfeited, and the master of any vessel so lading or unloading goods contrary to the true intent and meaning of this Ordinance shall forfeit and pay the sum of ten pounds.

54. And whereas it is advisable to allow the produce of New South Wales and Van Diemen's Land to be imported into the said Colony of New Zealand free of duty: Be it enacted and ordained, That the produce of manufactures of New South Wales and Van Diemen's Land excepting spirituous liquors shall be admitted to entry on importation into the said Colony of New Zealand without any duty being charged thereon.

Produce and manufacture of New South Wales and Van Diemen's Land, excepting spirituous liquors, to be admitted duty free.

55. And in order to avoid the frequent use of numerous terms and expressions in this Ordinance or any other Act or Ordinance relating to the Customs, and to prevent any misconstruction of the terms and expressions used therein: Be it enacted and ordained, That whenever the several terms or expressions following shall occur in this Ordinance or in any other Act or Ordinance relating to the Customs or to trade and navigation, the same shall be construed respectively in manner hereinafter directed, that is to say,—That the term "ship" shall be construed to mean ship or vessel generally unless such term shall be used to distinguish a ship from sloops brigantines and other classes of vessels; that the term "master" of any ship shall be construed to mean the person having or taking the charge or command of such ship; that the term "owners" and the term "owner" of any ship shall be construed alike to mean one owner if there be only one and any or all the owners if there be more than one; that the term "mate" of any ship shall be construed to mean the person next in command of such ship to the master thereof; that the term "seaman" shall be construed to mean alike seaman mariner sailor or landsman being one of the crew of any ship; that the term "British possessions" shall be construed to mean colony plantation island territory or settlement belonging to Her Majesty; that the term "Her Majesty" shall be construed to mean Her Majesty, her heirs and successors; that the term "East India Company" shall be construed to mean the United Company of Merchants of England trading to the East Indies; that the terms "Limits of the East India Company's Charter" shall be construed to mean all places and seas eastward of the Cape of Good Hope to the Straits of Magellan; that the term "Collector or other officer" shall be construed to mean the Collector or other officer of the Customs of the port intended in the sentence; that whenever mention is made of any public officer the officer mentioned shall be deemed to be such officer for the time being; that the term "warehouse" shall be construed to mean any place

Construction in general.

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place whether house shed yard timber pond or other place in which goods entered to be warehoused upon importation may be lodged kept and secured without payment of duty; that the term "Queen's warehouse" shall be construed to mean any place provided by the Crown for lodging goods therein for security of the Customs.

Vessels not under seventy tons proceeding on a voyage exceeding forty days, permitted to ship limited quantities of spirits and tobacco free of duty.

56. And be it enacted and ordained, That the master or owner of any ship or vessel being of the burthen of seventy tons at least, bound on a voyage to foreign parts the probable duration of which out and home will not be less than forty days, shall be permitted to ship such quantities of spirits and tobacco free of duty from the warehouse as stores for the use of the crew and passengers in a proportion not exceeding one gallon of spirits and one pound of tobacco for each man on board for every month the ship or vessel may be reasonably expected to be absent: Provided that such stores shall be duly borne upon the ship or vessel's victualling bill and shall be shipped in such manner and subject to such directions and regulations as the Collector or other principal officer of Customs shall appoint: Provided also that the master or owner of such ship or vessel shall previously enter into a bond with two sufficient sureties in treble the amount of duties payable upon the spirits and tobacco so shipped that no part thereof shall be re-landed in the said Colony without due entry at the Custom House.

Vessels found light to be forfeited.

57. And be it enacted and ordained, That if any ship vessel or boat whatsoever shall be found within the limits of any port in the said Colony with a cargo on board, and such ship vessel or boat shall afterwards be found light or in ballast and the master is unable to give a due account of the port or place within the said Colony where such ship vessel or boat shall have legally discharged her cargo or the deficient part thereof, such ship vessel or boat with her guns furniture ammunition tackle and apparel shall be forfeited.

Vessel to bring to on being chased by vessels or boats of the Navy or in preventive service; and not bringing to may be fired into.

58. And be it enacted and ordained, That in case any ship vessel or boat liable to seizure or examination under any Ordinance or Law relating to the Customs or for the prevention of smuggling shall not bring to on being required so to do on being chased by any ship vessel or boat in Her Majesty's Navy having the proper pendant and ensign of Her Majesty's ships hoisted, or by any ship vessel or boat duly employed for the prevention of smuggling having a proper pendant and ensign hoisted, it shall be lawful for the captain master or other person having the charge or command of such ship vessel or boat in Her Majesty's Navy or employed as aforesaid (first causing a gun to be fired as a signal) to fire at or into any such ship vessel or boat, and such captain master or other person acting in his aid or assistance or by his direction shall be and he is hereby indemnified and discharged from any indictment penalty action or other proceeding for so doing.

Vessels belonging to Her Majesty's subjects not to hoist any pendant ensign or colours usually worn by Her Majesty's ships.

59. And be it enacted and ordained, That if any person or persons shall from and after the passing of this Ordinance wear carry or hoist in or on board any ship vessel or boat whatever belonging to any of Her Majesty's subjects, whether the same be merchant or otherwise, without particular warrant for so doing from Her Majesty or her High Admiral of Great Britain or the Commissioners for executing the office of High Admiral of Great Britain, Her Majesty's "Jack" commonly called the "Union Jack," or any pendant ensign or colours usually worn by Her Majesty's ships, or any flag jack pendant ensign or colours resembling those of Her Majesty or those used on board Her Majesty's ships, or any other ensign or colours than the ensign or colours by any Proclamation of Her Majesty now in force or hereafter to be issued prescribed to be worn then and in every such case the masters or other person having the charge or command thereof or the owner or owners being on board the same and every other person so offend-

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ing shall forfeit and pay the sum of fifty pounds; and it shall be lawful for any officer or officers of Her Majesty's Navy on full pay or for any officer or officers of Customs to enter on board any such ship vessel or boat and to seize any such flag jack pendant ensign or colours, and the same shall thereupon be forfeited.

60. And be it enacted and ordained, That all ships vessels and boats made use of in the removal carriage or conveyance of any goods liable to forfeiture under this or any other Act or Ordinance relating to the revenue of Customs shall be forfeited.

Vessels and boats used in removal of run goods to be forfeited.

61. And be it enacted and ordained, That the owner of every ship or vessel belonging in the whole or in part to any of Her Majesty's subjects shall within twenty-four hours after her report paint or cause to be painted on the outside of the stern of every boat belonging to such ship or vessel the name of such ship or vessel and the port or place to which she belongs, and the master's name within the transom in white or yellow Roman letters not less than two inches in length on a black ground, on pain of the forfeiture of such boat not so marked wherever the same shall be found.

Boats belonging to vessels to have names of vessels painted upon the outside of stern, and master's name within the transom.

62. And be it enacted and ordained, That the owner of every boat not belonging to any ship or vessel shall paint or cause to be painted upon the stern of such boat in white or yellow Roman letters of two inches in length on a black ground the name of the owner or owners of the boat and the port or place to which she belongs, on pain of the forfeiture of such boat not so marked wherever the same shall be found.

Boats not belonging to vessels to have names of owners painted upon the stern.

63. And be it enacted and ordained, That all ships vessels and boats belonging in the whole or in part to Her Majesty's subjects, having false bulk-heads false bows double sides or bottom or any secret or disguised place whatsoever in the construction of the said ship vessel or boat for the purpose of concealing goods, or having any hole pipe or device in or about the ship vessel or boat adapted for the purpose of running goods, shall be forfeited with all the guns furniture ammunition tackle and apparel belonging to such ship vessel or boat, and all goods liable to the payment of the duties or prohibited to be imported into the said Colony found concealed on board any ship vessel or boat or in any of the packages of goods on board or in or underneath the ballast or in any other place on board such ship vessel or boat shall be forfeited.

Vessels &c. with false bulkheads &c. forfeited.

64. And be it enacted and ordained, That no ship vessel or boat under the tonnage allowed by law to be registered shall be employed either in the removal of goods or passengers or for any purpose whatever unless duly licensed according to the form hereinafter stated, and every such ship vessel or boat so employed without being duly licensed as aforesaid shall be forfeited together with the tackle furniture and apparel thereof, and shall and may be seized by any officer of Customs.

Boats not registered to be licensed.

65. And be it enacted and ordained, That the license for every vessel or boat requiring a license under this Ordinance shall be granted by the Collector or other proper officer of the Customs, and such license shall set forth the name or names of the owner or owners thereof and his or their place or places of abode and the manner and limits in which such vessel or boat is to be used, together with any other particulars which the said Collector or other proper officer may require and direct, and that the owner or owners thereof shall give his or their own security by bond with two sufficient sureties (being housekeepers) in treble the value of such vessel or boat with conditions as follows, that is to say,—That the vessel or boat shall not be employed in the importation landing or removing of any prohibited or uncustomed goods contrary to the true intent and meaning of this

Particulars of license.

Ordinance

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Ordinance or any other Act relating to the revenue of Customs, nor in the exporting of goods nor in the re-landing of goods contrary to law, nor shall receive or take on board or be found at sea with any goods subject to forfeiture, nor shall do anything contrary to this Ordinance or any other Act or Ordinance hereafter to be made relating to the revenue of Customs or the protection of the trade or commerce in the said Colony, nor shall be employed otherwise than mentioned in the said license and within the limits therein mentioned, and in case of loss breaking-up or disposal of such vessel or boat, that the license shall be delivered up within six months from the date of such loss breaking-up or disposal of such vessel or boat to the Collector or other proper officer of the Customs.

Goods unshipped without payment of duties, and prohibited goods, liable to forfeiture, with the boats &c. used in removal.

66. And be it enacted and ordained, That if any goods liable to the payment of duties shall be unshipped from any ship vessel or boat in the said Colony, Customs or other duties not being first paid or secured, or if any prohibited goods whatsoever shall be imported into any part of the said Colony, or if any goods whatsoever shall have been warehoused or otherwise secured in the said Colony either for home consumption or exportation shall be clandestinely or illegally removed from or out of any warehouse or place of security, that then and in such case all such goods as aforesaid shall be forfeited, together with all horses and other animals and all carriages and other things made use of in the removal of such goods.

Vessels boats and goods may be seized by officers and persons herein mentioned, and must be delivered to the proper officer.

67. And be it enacted and ordained, That all ships vessels and boats and all goods whatsoever liable to forfeiture under this or any other Ordinance relating to the revenue of Customs shall and may be seized in any place either upon land or water by any officer or officers of Her Majesty's Navy on full pay, or by any officer or officers of Customs, or by any person having authority to seize from the Commissioners of Her Majesty's Customs or the Governor of the said Colony, and all ships vessels boats and goods so seized shall, as soon as conveniently may be, be delivered into the care of the proper officer appointed to receive the same.

Officers authorized by writ of assistants and having a peace officer, may search houses for prohibited goods and break open doors and packages to seize such goods.

68. And be it enacted and ordained, That it shall and may be lawful for any officer or officers of Customs or person acting under the direction of the Governor of the said Colony or of the Commissioners of Her Majesty's Customs having a writ of assistants under the hand of the Chief Justice of Her Majesty's Supreme Court of the said Colony, to take a constable or other public officer inhabiting near the place, and in the day time to enter into and search any house shop cellar warehouse room or other place, and in case of resistance to break open doors chests trunks and other packages, there to seize and from thence to bring any uncustomed or prohibited goods and to put and secure the same in the Queen's warehouse in the port next to the place from which such goods shall be so taken as aforesaid.

Duration of writs of assistants.

69. And be it enacted and ordained, That all writs of assistants so issued as aforesaid shall continue and be in force during the whole of the reign in which such writs shall have been granted and for six months from the conclusion of such reign.

Officers of Customs &c. may on probable cause stop carts &c. and search for goods.

70. And be it enacted and ordained, That it shall be lawful for any officer or officers of Customs, or other person acting in his or their aid or assistance or duly employed for the prevention of smuggling, upon reasonable suspicion to stop and examine any cart waggon or other means of conveyance for the purpose of ascertaining whether any smuggled goods are contained therein, and if no such goods shall be found, then and in such case the officer or other person so stopping and examining such cart waggon or other conveyance, having had probable cause to suspect that such cart waggon or other conveyance had

had

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had smuggled goods contained therein, shall not on account of such stoppage and search be liable to any prosecution or action at law on account thereof; and all persons driving or conducting such cart waggon or other conveyance, refusing to stop when required so to do in the Queen's name, shall forfeit the sum of one hundred pounds.

71. And be it enacted and ordained, That every person who shall unship or be aiding assisting or be otherwise concerned in the unshipping of any goods the duties for which have not been paid or secured, or who shall knowingly harbour keep or conceal, or shall knowingly permit or suffer to be harboured kept or concealed, any goods which shall have been illegally unshipped without payment of duties, or which shall have been illegally removed without payment of the same from any warehouse or place of security in which they may have been deposited, and every person to whose hands and possession any such uncustomed or prohibited goods shall knowingly come, or who shall assist or be in anywise concerned in the illegal removal of any goods from any warehouse or place of security in which they shall have been deposited as aforesaid, shall forfeit either the treble value thereof or the penalty of one hundred pounds at the election of the officer or officers of Her Majesty's Customs.

Persons unshipping harbouring or having custody of any prohibited or uncustomed goods, to forfeit treble the value, or £100.

72. And be it enacted ordained and declared, That in all cases where any penalty the amount of which is at any time to be determined by the value of any goods is directed to be sued for under any law now in force or hereafter to be made for the prevention of smuggling or relating to the revenue of Customs, such value shall be deemed and taken to be according to the rate and price which goods of the like sort or denomination and of the best quality bear at such time, and upon which the duties due upon importation have been paid.

How value is to be ascertained.

73. And be it enacted and ordained, That if any person or persons shall offer for sale any goods under pretence that the same are prohibited or have been unshipped and run on shore without payment of duties, then and in such case all such goods (although not liable to any duties or prohibited) shall be forfeited, and the person or persons and every of them offering the same for sale shall forfeit the treble value of such goods or the penalty of one hundred pounds at the election of the officer or officers of Her Majesty's Customs.

Penalty on persons offering goods for sale under pretence of being run or prohibited.

74. And be it enacted and ordained, That every person whatsoever who shall unship or be aiding assisting or concerned in the unshipping of any spirits or tobacco or other goods liable to forfeiture under this or any other Act or Ordinance relating to the Customs in the said Colony, or who shall carry convey or conceal or be aiding assisting or concerned in the carrying conveying or concealing of any such spirits tobacco or other goods liable to forfeiture, shall pay and forfeit for such offence the sum of one hundred pounds sterling or treble the value of such goods at the election of the officers of the Customs; and every such person may be detained by any officer of the Customs duly employed for the protection of the revenue and for the prevention of smuggling in the said Colony and taken before any Justice of the Peace to be dealt with as hereinafter directed; and it shall and may be lawful for the officers of Customs to proceed against any person so offending either as above directed or by information and summons before two or more Justices as to the officer of Customs may seem most expedient.

Persons unshipping or concerned in the carrying conveying or concealing spirits or tobacco to forfeit £100, and may be detained or proceeded against by information and summons.

75. And whereas it is expedient that time should be allowed to prepare informations convictions and warrants of commitment: Be it declared enacted and ordained, That where any person or persons shall have been detained by any officer or officers of the Navy on full

Where persons are taken before a Justice for any offence under any Act relating to the Customs, such Justice may order them to be detained a reasonable time.

pay

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pay or by any officer of Customs or any person or persons acting in his or their aid or assistance or duly employed for the prevention of smuggling, for any offence under this or any other Act or Ordinance relating to the Customs, and shall have been taken and carried before any Justice of the Peace, if it shall appear to such Justice that there is reasonable cause to detain such person or persons such Justice may and he is hereby authorized and required to order such person or persons to be detained a reasonable time, and at the expiration of such time to be brought before any two Justices of the Peace who are hereby required finally to hear and determine the matter.

Any person liable to be arrested, making his escape, may afterwards be detained by any officer of Customs.

76. And be it enacted and ordained, That if any person liable to be detained under the provisions of this or any other Act or Ordinance relating to the Customs shall not be detained at the time of so committing the offence for which he or they is or are liable, or after detention shall make his or their escape, it shall and may be lawful for any officer or officers of the Navy on full pay or for any officer of Customs or any other person acting in his or their aid or assistance or duly employed for the prevention of smuggling to detain such person so liable to detention as aforesaid at any time afterwards and to take him before any Justice of the Peace, to be dealt with as if detained at the time of committing the said offence.

Persons resisting officers, or rescuing or destroying goods to prevent seizure, to forfeit the sum of £100.

77. And be it enacted and ordained, That if any person whatsoever shall obstruct any officer or officers of the Navy on full pay or any officer or officers of Customs or any person acting in his or their aid or assistance or duly employed for the prevention of smuggling in the execution of his or their duty or in the due seizing of any goods liable to forfeiture by this or any other Act or Ordinance relating to the Customs, or shall rescue or cause to be rescued any goods which have been seized or shall attempt or endeavour to do so or shall before or at or after any seizure stove break or otherwise destroy any goods to prevent the seizure thereof or the securing the same, then and in such case the party or parties so offending shall forfeit for every such offence the sum of one hundred pounds.

Persons shooting at any boat belonging to the Navy or in the service of the revenue &c. deemed guilty of felony.

78. And be it enacted and ordained, That if any person shall maliciously shoot at any ship vessel or boat belonging to Her Majesty's Navy or in the service of the revenue within one hundred leagues of any part of the coast of the said Colony, or shall maliciously shoot at maim or dangerously wound any officer of the Navy on full pay or any officer of Customs or any person acting in his aid or assistance or duly employed for the prevention of smuggling in the due execution of his office or duty, every person so offending and every person aiding abetting or assisting therein shall, being lawfully convicted, be adjudged guilty of a felony and suffer death as a felon.

Persons assaulting officers by force or violence may be transported.

79. And be it enacted and ordained, That if any person shall by force or violence assault resist oppose molest hinder or obstruct any officer of the Navy on full pay or any officer of Customs or other person acting in his or their aid or assistance or duly employed for the prevention of smuggling in due execution of his or their office or duty, such person being convicted thereof shall be transported for seven years or sentenced to be imprisoned in any house of correction or common gaol and kept to hard labour for any term not exceeding three years, at the discretion of the Court before whom the offender shall be tried and convicted as aforesaid.

Vessels and goods seized may be disposed of as the Collector &c. shall direct.

80. And be it enacted and ordained, That all ships vessels and boats and all goods whatsoever which shall have been seized and condemned for a breach of any law relating to the Customs, shall be disposed of as soon as conveniently may be after the condemnation thereof, in such manner as the Collector or other proper officer of Her Majesty's Customs shall direct.

81. And

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81. And be it enacted and ordained, That for the necessary subsistence of any poor person confined in the said Colony under and by virtue of any process for the recovery of any duties or penalties, either upon bond or otherwise, under this or any other law relating to the revenue of Customs in force in the said Colony, it shall and may be lawful for the said Governor at his discretion to cause an allowance not exceeding sixpence and not less than fourpence per day to be made to any such poor person out of any money arising from the duties of Customs as the case may require.

Allowance to poor persons confined for offences against Custom laws.

82. And be it enacted and ordained, That all forfeitures and penalties recovered under this or any other Act or Ordinance relating to the Customs, shall be divided paid and applied (after deducting the charges of prosecution and other contingent expenses) as follows, that is to say,—One moiety to Her Majesty for the public uses of the said Colony and the other moiety to the seizing officer or to the person or persons who shall sue or shall have sued for such penalty.

Application of penalties.

83. And be it enacted and ordained, That all penalties and forfeitures incurred or imposed by this or any other Act or Ordinance relating to the Customs or to trade or navigation, shall and may be sued for prosecuted and recovered by action of debt bill plaint or information in any of Her Majesty's Courts of Record in the said Colony or in the Courts of Vice-Admiralty or by information before any two or more Justices of the Peace for the said Colony: Provided that no proceedings shall be had or taken under this or any other Ordinance except in the name of Her Majesty's Attorney-General or in the name or names of some of Her Majesty's officer or officers of Customs.

Penalties and forfeitures how to be sued for.

84. And be it enacted and ordained, That all ships vessels boats and goods which shall have been or shall be hereafter seized as forfeited under any law relating to the Customs, and which shall have been or shall hereafter be ordered to be prosecuted by the Collector or other proper officer of Customs, shall be deemed and taken to be condemned and may be sold in the manner directed by law in respect to ships vessels boats and goods seized and condemned for breach of any Law relating to the Customs, unless the person from whom such ships vessels boats and goods shall have been seized, or the owner of them, or some person authorized by him, shall within one calendar month from the day of seizing the same give notice in writing to the Collector or other chief officer of the Customs at the nearest port that he claims the ship vessel boat or goods or intends to claim them.

All vessels boats and goods seized under any law of the Customs and ordered to be prosecuted, shall be deemed to be condemned unless the owner gives notice that he intends to claim.

85. And be it enacted and ordained, That upon the exhibiting any information before any Justice of the Peace for any offence against this or any other Act or Ordinance relating to the Customs or to trade or navigation, for which offence the party charged is not liable to be detained in manner hereinbefore mentioned, such Justice is hereby required to issue a summons for the appearance of the party against whom such information is exhibited before two Justices of the Peace, and such summons directed to such party being left at his or her last known place of residence or on board any ship or vessel to which such party may belong shall be deemed to have been sufficiently served.

Justices may summon offenders, and the summons may be left at his last place of residence or on board any ship to which he belongs.

86. And be it enacted and ordained, That upon the appearance or default of any party so summoned it shall be lawful for any two Justices of the Peace to proceed to the examination of the matter contained in such information, and upon due proof thereof, either upon the confession of such party or upon the oath of one or more credible witness or witnesses, to convict such party in the penalty or penalties sued for by such information, and in case of non-payment thereof

Two Justices may, upon appearance or default of the party, proceed to the hearing.

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thereof the same shall be levied by distress and sale of the goods and chattels of such party wherever the same may be found; and if it should appear to the Justice or Justices who shall have so convicted any such party that the goods and chattels of such party are not sufficient whereon to levy the distress awarded together with the costs of such distress and sale, it shall be lawful for such Justice or Justices of the Peace and they are hereby authorized and required by warrant under hand and seal to commit such party to any of Her Majesty's goals within their or his jurisdiction, there to remain until the penalty or penalties shall be paid, or for any period not exceeding six calendar months, unless the said penalty with costs shall be sooner paid.

Warrants.

87. And be it enacted and ordained, That such warrants shall and may be executed in any part of the said Colony.

Mode of proceeding before Justices for the condemnation of seized goods.

88. And be it enacted and ordained, That when any information shall have been exhibited before any Justice of the Peace for the forfeiture of any goods whatsoever seized under this or any other Act or Ordinance relating to the Customs, it shall be lawful for the said Justice and he is thereby authorized and required to summon the party to whom such goods belonged or from whom they were seized to appear before any two Justices of the Peace, and such summons directed to such party being left either at his or her last known place of residence or on board any ship to which such party may belong shall be deemed to have been sufficiently served, and upon his her or their appearance or default any two Justices may proceed to the examination of the matter, and upon due proof that the said goods are liable to forfeiture under this or any other Act or Ordinance relating to the Customs, may condemn the said goods.

Informations and convictions to be in the form or to the effect in the Schedules.

89. And be it enacted and ordained, That all informations before Justices of the Peace for any offences committed against this or any other Act or Ordinance relating to the Customs, and all convictions for such offences and warrant of Justices of the Peace founded upon such convictions, shall be drawn respectively in the form or to the effect in the Schedules A B C and D to this Ordinance annexed.

Information &c. to be deemed valid if the offence is set forth in the words of the Ordinance.

90. Provided always and be it declared enacted and ordained, That every information for any penalty or forfeiture and every conviction or warrant of commitment for any penalty shall be deemed valid and sufficient in which the offence for which such penalty shall have been inflicted or the cause of such forfeiture is set forth in the words of this Ordinance.

No claim or appearance to be entered to any information for the forfeiture of seized goods unless in the name of the owner and oath made to the property.

91. And be it enacted and ordained, That no claim shall be permitted to be entered to and no appearance shall be permitted to be entered to any information filed for the forfeiture of any ship vessel boat or goods seized for any cause of forfeiture and returned into any of Her Majesty's Courts of Record or in the Court of Vice Admiralty in the said Colony unless such claim or appearance is entered in the true and real name or names of the owner or owners of such ship vessel boat or goods, describing the place of residence and the business or profession of such person or persons, and such owner or owners so making such claim or entering such appearance as aforesaid shall make oath before one of the Judges of the Court into which the said ship vessel boat or goods are returned, or in which such information is filed, or before any Commissioners duly appointed to administer oaths therein, that the said ship vessel boat or goods was or were really and truly the property of him her or them at the time of such seizure, and in case such claim or appearance shall be made by agent, such agent shall in like manner make oath that he has full power and legal authority and directions from such owner or owners

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owners to enter such claim or appearance, and that to the best of his knowledge and belief such ship vessel boat or goods were at the time of the seizure thereof *bond fide* and truly the real property of the person or persons in whose name or names such claim or appearance is entered; and on failure thereof the ship vessel boat or goods shall be absolutely condemned, and judgment shall be entered thereon by default according to the usual method of proceedings of the Court in the same manner as if no claim or appearance had been entered thereto; and every person who shall be convicted of making or taking a false oath to any of the facts hereinbefore directed or required to be sworn, shall be deemed guilty of perjury and shall be liable to the pains and penalties to which persons are liable for wilful and corrupt perjury.

92. And be it enacted and ordained, That upon the entry of any claim to any ship boat or vessel, or to any goods seized for any cause of forfeiture or of any appearance to any information filed for such forfeiture, the person or persons who shall enter the claim or appearance as the owner or owners thereof (in case such claimant or claimants shall reside in the said Colony) shall be bound with two other sufficient securities in the penalty of one hundred pounds to answer and pay the costs occasioned by such claim or appearance; and if such owner or owners shall not reside in the said Colony, then and in such case the attorney or solicitor by whose direction such claim or appearance shall be entered shall in like manner be bound with two other sufficient sureties in the like penalty to answer and pay the costs occasioned by such claim or appearance.

Owners to give security for costs occasioned by the claim or appearance.

93. And be it enacted and ordained, That in case any information or suit shall be commenced or brought to trial on account of the seizure of any ship vessel boat or goods merchandise or commodities whatsoever, or any horses or other animals or any carriage seized as forfeited by this or any other Act or Ordinance relating to the Customs wherein a verdict shall be found for the claimant thereof, and it shall appear to the Judge or Court before whom the same shall have been tried that there was a probable cause of seizure, such Judge or Court shall certify in the record that there was such probable cause, and in such case the person who made such seizure shall not be liable to any action indictment or other suit or prosecution on account of such seizure; and in case any action indictment or other suit or prosecution shall be commenced and brought to trial against any person or persons whatsoever on account of any such seizure as aforesaid, wherein a verdict shall be given against the defendant or defendants, if the Court or Judge before whom such information or suit shall have been tried shall have certified in the said record that there was a probable cause for such seizure, then the plaintiff, besides the things seized or the value thereof, shall not be entitled to above twopence damages, nor to any costs of suit, nor shall the defendant in such prosecution be fined above one shilling.

If suit brought on account of seizure, and the Judge shall certify that there was probable cause, plaintiff to have twopence damages, and defendant fined not more than one shilling.

94. And be it enacted and ordained, That no writ shall be sued out against nor any copy of any process served upon any officer of the Navy or Customs or against any person acting under the direction of the Commissioners of Her Majesty's Customs for anything done in the execution of or by reason of his office until one calendar month next after notice in writing shall have been delivered to him or left at his usual place of abode by the attorney or agent for the party who intends to sue out such writ or process as aforesaid, in which notice shall be clearly and explicitly contained the cause of action the name and place of abode of the person who is to bring such action and the name and place of abode of the attorney or agent,

No process to be sued out against any officer making seizure until one calendar month next after notice given.

and

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and that a fee of twenty shillings shall be paid for preparing or serving of every such notice and no more.

No evidence to be adduced but what is contained in the notice.

95. Provided always and be it enacted and ordained, That no plaintiff in any case where an action shall be grounded on any such act done by the defendant shall be permitted to produce any evidence of the cause of such action except such as shall be contained in the notice to be given as aforesaid, or shall receive any verdict against such officer or person unless he shall prove on the trial of such action that such notice was given; and in default of such proof the defendant in such action shall receive a verdict and costs as aforesaid.

Officer may tender amends.

96. And be it enacted and ordained, That it shall and may be lawful to and for every such officer or other person to whom such notice shall have been given as aforesaid, at any time within one calendar month after such notice shall have been given, to tender amends to the party complaining or to his her or their agent or attorney, and in case the same is not accepted, to plead such tender in bar to any action to be brought against him, grounded on such writ or process, together with the plea of not guilty, and other pleas, with leave of the Court; and if upon issue joined thereon the jury shall find the amends so tendered to have been sufficient, that then they shall give a verdict for the defendant; and in such case, or in case the plaintiff shall become non-suited, or discontinue his her or their action, or in case judgment shall be given for such defendant upon demurrer, then such defendant shall be entitled to the like costs as he would have been entitled to in case he had pleaded the general issue only; but if upon issue joined the jury shall find that no amends were tendered or that the same were not sufficient, or shall find against the defendant in such other plea or pleas, then they shall give a verdict for the plaintiff, and such damages as they shall think proper, together with his her or their costs of suit.

Neglecting to tender amends may pay money into Court, or shall have tendered insufficient amends.

97. And be it enacted and ordained, That in case such officer or other person as aforesaid shall neglect to tender any amends before the action brought, it shall and may be lawful for him, by leave of the Court where such action shall be brought, at any time before the trial of the said action, to pay into Court such sum of money as he shall see fit, whereupon such proceedings orders and judgments shall be had made and given in and by such Court as in other actions where the defendant is allowed to pay money into Court.

Action to be commenced within six months next after cause of action has arisen.

98. And be it enacted and ordained, That if any action or suit be brought or commenced as aforesaid, such action or suit shall be brought or commenced within six calendar months next after the cause of action shall have arisen and not afterwards, and the defendant or defendants shall and may plead the general issue and give the special matter in evidence at any trial had thereupon; and if the plaintiff or plaintiffs shall become non-suited, or discontinue his her or their action or suit, or if upon a verdict or demurrer judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall or may receive treble costs and have such remedy for the same as any defendant or defendants can or may have in other cases where costs are given by law.

Judges may issue warrants for apprehending offenders prosecuted by indictment or information.

99. And be it enacted and ordained, That whenever any person shall be charged with any offence against this or any Act relating to the Customs, or for which he or she may be prosecuted by indictment or information in Her Majesty's Supreme Court in New Zealand, and the same shall be made appear to any Judge of the same Court, by affidavit or by certificate of an information or indictment being filed against such person in the said Court for such offence, it shall and may be lawful for such Judge to issue his warrant under his hand and

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and seal and thereby to cause such person to be apprehended and brought before him or some other Judge of the same Court or before some one of Her Majesty's Justices of the Peace, in order to his or her being bound to the Queen's Majesty with two sufficient sureties in such sum as in the said warrant shall be expressed, with condition to appear in the said Court at the time mentioned in such warrant and to answer to all and singular indictments or informations for any such offence; and in case any such person shall neglect or refuse to become bound as aforesaid, it shall be lawful for such Judge or Justice respectively to commit such person to the common gaol there to remain until he or she shall become bound as aforesaid or shall be discharged by order of the Court in term time or of one of the Judges of the said Court in vacation; and the recognizance to be thereupon taken shall be returned and filed in the said Court and shall continue in force until such person shall have been acquitted of such offence, or in case of conviction shall have received judgment for the same, unless sooner ordered by the Court to be discharged; and that where any person, either by virtue of such warrant of commitment aforesaid or by virtue of any writ of *capias ad respondendum* issued out of the said Court, is now detained or shall hereafter be committed to and detained in any gaol for want of bail, it shall be lawful for the prosecutor of such indictment or information to cause a copy thereof to be delivered to such person or to the gaoler keeper or turnkey of the gaol wherein such person is or shall be so detained, with a notice thereon endorsed, that unless such person shall within eight days from the time of such delivery of a copy of the indictment or information as aforesaid cause an appearance and also a plea or demurrer to be entered in the said Court to such indictment or information, an appearance and the plea of not guilty will be entered thereto in the name of such person, and in case he or she shall thereupon for the space of eight days after the delivery of a copy of such indictment or information as aforesaid neglect to cause an appearance and also a plea or demurrer to be entered in the said Court to such indictment or information, it shall be lawful for the prosecutor of such indictment or information, upon affidavit being made and filed in the Court of the delivery of a copy of such indictment or information, with such notice endorsed thereon as aforesaid, to such person or to such gaoler keeper or turnkey as the case may be, which affidavit may be made before any Judge or Commissioner of the said Court authorized to take affidavits in the said Court, to cause an appearance and the plea of not guilty to be entered in the said Court to such indictment or information for such person, and such proceedings shall be had thereupon as if the defendant in such indictment or information appeared and pleaded not guilty according to the usual course of the said Court; and that if upon trial of such indictment or information any defendant so committed and detained as aforesaid shall be acquitted of all the offences therein charged upon him or her, it shall be lawful for the Judge before whom such trial shall be had to order that such defendant shall be forthwith discharged out of custody as to his or her commitment as aforesaid, and such defendant shall be thereupon discharged accordingly.

100. And be it enacted and ordained, That where any person shall be arrested by virtue of a warrant issued as aforesaid, and shall enter into a recognizance and appear in the said Court at the return of the said recognizance but shall not afterwards plead to the information or indictment, it shall and may be lawful for the prosecutor of such information or indictment to cause a copy thereof to be delivered to such person, or to his or her Attorney or Agent, or to be left at his

When recognizance is given, and the party shall not plead, a copy of the information or indictment may be delivered to his Attorney or Agent.

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or her last place of abode, with a notice thereon endorsed that unless such person shall within eight days from the time of such delivery of a copy of the information or indictment as aforesaid cause a plea to be entered in the said Court to such information or indictment, that the prosecutor of such information or indictment will enter a plea of not guilty on his or her behalf, and that upon affidavit being made and filed in the Court of the delivery of a copy of such information or indictment, with such notice endorsed thereon as aforesaid, to such person or to his or her Attorney or Agent, or at his or her last place of abode, as the case may be, it shall be lawful for the prosecutor of such information or indictment to cause the plea of not guilty to be entered in the said Court to such information or indictment for such person, and such proceedings shall be had thereupon as if the defendant in such information or indictment had pleaded according to the usual course of the said Court.

Proof of payment of duties or of the lawful importation of goods to be on the owner.

101. And be it enacted and ordained, That if any goods shall be seized for non-payment of duties or any other cause or forfeiture, and any dispute shall arise whether the Customs duties have been paid for the same, or the same have been lawfully imported, or concerning the place from whence such goods were brought, then and in such case the proof thereof shall be on the owner or claimer of such goods and not on the officer who shall seize and stop the same.

Averment of certain matters to be sufficient unless the contrary is proved.

102. And be it enacted and ordained, That in case of any information or proceedings had under this or any other Act relating to the Customs, the averment that the Collector or other principal officer of Her Majesty's Customs has directed or elected such information or proceedings to be instituted, or that any ship or vessel is foreign or belonging wholly or in part to Her Majesty's subjects, or that any person detained or found on board any ship vessel or boat liable to seizure is or is not a subject of Her Majesty, or that any person is an officer of the Customs, and where the offence is committed in any port in the said Colony, the naming of such port in any information or proceedings shall be sufficient, without proof as to such fact or facts, unless the defendant in such case shall prove to the contrary.

Persons employed for the prevention of smuggling to be deemed to be duly employed.

103. And be it enacted and ordained, That all persons employed for the prevention of smuggling under the direction of the Commissioners of Her Majesty's Customs, or the Governor of the said Colony, or of any officer or officers in the service of the Customs, shall be deemed and taken to be duly employed for the prevention of smuggling, and the averment in any information or suit that such party was so duly employed shall be sufficient proof thereof, unless the defendant in such information or suit shall prove to the contrary.

Viva voce evidence may be given that a party is an officer and deemed a competent witness, although entitled to the whole or a share of the seizure, or penalty, or reward, on conviction.

104. And be it enacted and ordained, That if upon any trial a question shall arise whether any person is an officer of the Navy on full pay, or an officer of Customs, or is duly employed for the prevention of smuggling, evidence of his having acted as such shall be deemed sufficient, and such person shall not be required to produce his commission or deputation unless sufficient proof shall be given to the contrary, and every such officer and any person acting in his aid or assistance shall be deemed a competent witness upon the trial of any suit or information on account of any seizure or penalty as aforesaid, notwithstanding such officer or other person may be entitled to the whole or any part of such seizure or penalty, or to any reward upon the conviction of the party charged in such suit or information.

Within what time suits indictments or informations are to be exhibited.

105. And be it enacted and ordained, That all suits indictments or informations exhibited for any offence against this or any other Act or Ordinance relating to the Customs in any of Her Majesty's Courts of

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of Record, or Courts of Vice-Admiralty in the said Colony, shall and may be had tried brought sued or exhibited within three years next after the date of the offence committed, and shall and may be exhibited before any one or more Justice or Justices of the Peace within six calendar months next after the date of the offence committed.

106. And be it enacted and ordained, That it shall not be lawful for any person to act as agent for transacting any business at the Custom House which shall relate to the entry or clearance of any ship or of any goods or of any baggage unless authorized so to do by license of the Collector or other principal officer of Her Majesty's Customs, who is hereby empowered to require bond to be given by every person to whom such license shall be granted, with one sufficient surety in the sum of two hundred pounds for the faithful and honest conduct of such person and of his clerks acting for him; and if any person shall act as such agent not being so licensed, or if any person shall be in partnership in such agency with any person not so licensed, such person shall in either case for every such offence forfeit the sum of one hundred pounds: Provided always that nothing herein contained shall extend to prevent the clerk or servant of any person or persons in co-partnership from transacting any business at the Custom House on account of such person or persons without such license, provided such clerk or servant shall not transact any such business as clerk servant or agent to any other person.

Persons entering or clearing ships &c. as agents, to be licensed and give bond.

107. And be it enacted and ordained, That it shall be lawful for the Collector or other principal officer of the Customs, with the concurrence of the Governor of the said Colony, by any order under his hand to revoke any such license, and that after a copy of such order shall have been delivered to any such licensed person or to his clerk or left at his usual place of abode or business such license shall be void.

Agents' licenses may be revoked.

108. And be it enacted and ordained, That if any person shall counterfeit or falsify or wilfully use when counterfeited or falsified any entry warrant cocket transire or other document for the unlading lading entering reporting or clearing of any ship or vessel, or for the landing shipping or removing of any goods stores baggage or articles whatever, or shall by any false statement procure any writing or document to be made for any of such purposes, or shall falsely make any oath or affirmation required by this or any other Act for regulating the trade of the said Colony, or shall forge or counterfeit a certificate of the said oath or affirmation or shall publish such certificate knowing the same to be so forged or counterfeited, every person so offending shall for every such offence forfeit the sum of two hundred pounds, and such penalty shall and may be prosecuted sued for and recovered in like manner and by such ways and means as any penalty may be prosecuted sued for and recovered under the provisions and directions of this Ordinance.

Falsifying documents &c., penalty £200.

SCHEDULES.

SCHEDULE A.

FORM OF INFORMATION BEFORE JUSTICES OF THE PEACE WHERE A PECUNIARY PENALTY IS INFLECTED.

New Zealand } BE it remembered that on the day of , in the year of our Lord
to wit.) , A.B., officer of Customs, who is directed by the Collector or other
principal officer of Her Majesty's Customs [*as the case may be*] to prefer this information,
gives

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gives us _____, Esquires, two of Her Majesty's Justices of the Peace for the said Colony, to understand and be informed that C.D., on the _____ day of _____, in the year of our Lord _____ [*Here state the offence*], contrary to the form of the Act in that case made and provided, whereby the said C.D. hath forfeited the sum of _____.

SCHEDULE B.

FORM OF CONVICTION TO BE USED FOR AN OFFENCE AGAINST THIS ORDINANCE,
WHERE A PECUNIARY PENALTY IS INFLICTED.

New Zealand } BE it remembered that on the _____ day of _____, in the year of our Lord
to wit. } _____, an information was exhibited by A.B., officer of Customs, before
us _____, Esquires, two of Her Majesty's Justices of the Peace of the said Colony, against
C.D., which said information charged that the said C.D., on the _____ day of _____, in
the year of our Lord _____ [*Here state the offence as in the information*], contrary to the
form of the Ordinance in such case made and provided, which offence has been duly
proved before us the said Justices: We do therefore adjudge that the said C.D. hath
forfeited for his said offence the sum of _____.
Given under our hands and seals, the _____ day of _____, in the year of our
Lord _____.

SCHEDULE C.

WARRANT OF DISTRESS.

To A.B.
New Zealand } WHEREAS C.D. has been duly convicted before us _____, Esquires, two
to wit. } of Her Majesty's Justices of the Peace of the said Colony, of the offence
of having [*Here state the offence as in the information*]: And whereas the said C.D. hath
forfeited for his said offence the sum of _____, which said sum of _____ has not been paid:
These are therefore to command you, the said A.B., to levy the said sum of _____ by
distress and sale of the goods and chattels so to be distrained, to be sold and disposed
of within _____ days after such distraint, unless the said sum of _____ for which such
distress shall be made, together with the reasonable charges of taking and keeping
such distress, shall be sooner paid; and you the said A.B. are hereby commanded to
certify to us the said Justices, on the _____ day of _____ next ensuing, what you shall
do by virtue of this warrant.
Given under our hands and seals, at _____, the _____ day of _____, in the year of
our Lord _____.

SCHEDULE D.

FORM OF WARRANT OF COMMITMENT TO GAOL FOR A PENALTY.

To A.B., Officer of Customs, and to E.F., the Gaoler or Keeper of the _____, in
the _____
New Zealand } WHEREAS C.D. has been duly convicted before us _____, Esquires, two
to wit. } of Her Majesty's Justices of the Peace for the said Colony, of having
[*Here state the offence as in the information*]: And whereas we the said Justices did
adjudge that the said C.D. hath forfeited for his said offence the sum of _____: And
whereas it appears to us the said Justices that the said C.D. has not sufficient goods
or chattels whereon to levy the sum of _____, and which sum of _____ has not been
paid: These are therefore to require you the said A.B. forthwith to take carry and
convey the said C.D. to the _____ at _____, in the _____, and to deliver him into the
custody of the gaoler or keeper of the said _____, to receive the said C.D. into his
custody, and him safely to keep for the period of six calendar months, unless he shall
sooner pay the said sum of _____ or otherwise be delivered by due course of law.
Given under our hands and seals, at _____, in the _____, this _____ day of _____,
in the year of our Lord _____.

SCHEDULE E.

WAREHOUSE RENT.

*Table of Rent to be paid to the Collector of Customs on all Goods lodged in any of
Her Majesty's Warehouses in New Zealand.*

For every pipe, butt, piece, or puncheon, per week	...	...	...	...	...	...	Fourpence
Half-pipe or hogshead	...	...	...	...	...	...	Twopence
Barrel, quarter-cask, case, or box	...	...	...	...	...	...	One penny
Seron or case of tobacco	...	...	...	...	...	...	One penny
Keg of tobacco	...	...	...	...	...	...	One halfpenny
Basket ditto	...	...	...	...	...	...	One farthing

A TABLE

Sessions Courts.

A TABLE OF DUTIES OF CUSTOMS

PAYABLE ON GOODS, WARES, AND MERCHANDIZE IMPORTED INTO THE COLONY OF NEW ZEALAND AND ITS DEPENDENCIES.

SPIRITS OR STRONG WATERS :—For every gallon of such Spirits or Strong Waters, of any strength not exceeding the strength of Proof by Sykes' Hydrometer, and so in proportion for any greater strength than the strength of Proof, and for any greater or less quantity than a gallon, viz. :—

	£	s.	d.
Not being spirits or strong waters the produce of the United Kingdom, of any British Possession in America, or of New South Wales or Van Diemen's Land	0	5	0
Spirits or strong waters the produce of the United Kingdom, of the British Possessions in America, and of New South Wales and Van Diemen's Land	0	4	0
Wine, for every hundred pounds value	15	0	0
Tobacco, unmanufactured, per lb.	0	0	9
Ditto, manufactured (except cigars and snuff)	0	1	0
Cigars and snuff	0	2	0
Tea, sugar, flour, meal, wheat, rice, and other grain and pulse, for every hundred pounds value... ..	5	0	0
On all other goods (except goods the produce and manufacture of the United Kingdom, or of New South Wales or Van Diemen's Land), for every hundred pounds value	10	0	0

No. IV.

AN ORDINANCE for instituting and regulating Courts of General and Quarter Sessions in the Colony of New Zealand, and to authorize the holding of Petty Sessions within the same, and for defining their respective powers and determining the places at which the same shall be holden, and for repealing within the Colony of New Zealand certain Acts of the Governor and Council of New South Wales, adopted and now in force within the said Colony of New Zealand. [24th June, 1841.]

SESSIONS COURTS.

WHEREAS it is expedient to institute and regulate Courts of General Quarter and Petty Sessions, and to consolidate the laws relating thereto in the Colony of New Zealand, and to define the respective powers and authorities of the said Courts, and to determine by proper authority the places at which the said Courts shall be respectively holden: And whereas for these purposes it is expedient and necessary that certain Acts of the Governor and Council of New South Wales should be repealed so far as relates to the said Colony of New Zealand:

Preamble.

1. Be it therefore enacted and ordained by His Excellency the Governor in and over the Colony of New Zealand, with the advice and consent of the Legislative Council of the said Colony, that a certain Act of the Governor and Council of New South Wales, passed in the tenth year of the reign of His late Majesty King George the

New South Wales,
Acts of.

Sessions Courts.

- 10 Geo. IV., No. 7. Fourth, intituled “*An Act for instituting and regulating Courts of General and Quarter Sessions in New South Wales;*” and a certain other Act of the said Governor and Council of New South Wales, passed in the third year of the reign of His late Majesty King William the Fourth, intituled “*An Act to consolidate and amend the Laws for the Transportation and Punishment of Offenders in New South Wales, and for defining the respective powers and authorities of General Quarter Sessions and of Petty Sessions, and for determining the places at which the same shall be holden, and for better regulating the summary jurisdiction of Justices of the Peace, and for repealing certain Laws and Ordinances relating thereto;*” and a certain other Act of the said Governor and Council of New South Wales, passed in the fourth year of the reign of His said late Majesty King William the Fourth, intituled “*An Act to amend an Act of the Governor and Council, intituled ‘An Act for instituting Courts of General and Quarter Sessions in New South Wales;’*” and a certain other Act of the said Governor and Council of New South Wales, passed in the third year of the reign of Her present Majesty, intituled “*An Act to alter and improve the mode of electing a Chairman for the Courts of General and Quarter Sessions in New South Wales;*” and a certain other Act of the said Governor and Council of New South Wales, passed in the fourth year of the reign of Her said Majesty, intituled “*An Act to provide for the more effectual Administration of Justice in New South Wales and its Dependencies;*” and also a certain other Act of the said Governor and Council of New South Wales, made and passed in the fourth year of Her said present Majesty’s reign, intituled “*An Act to provide for the Trial by Jury in civil and criminal cases in the Circuit and other Courts to be holden within the Colony of New South Wales and its Dependencies;*” all which said Acts of the Governor and Council of New South Wales were adopted and are now in force within the said Colony of New Zealand, shall, from and after the passing of this Ordinance, be and the same are hereby repealed so far as regards the said Colony of New Zealand.

Repealed so far as regards New Zealand.

Courts of General and Quarter Sessions to be holden for the Colony of New Zealand at Auckland, Port Nicholson, and Russell, and such other places and at such times as the Governor by any Proclamation shall appoint.

Powers of such Court.

Courts to have power to make rules, forms, practice, proceeding, and process for the conduct and despatch of business.

A copy thereof to be transmitted to the Judge or Judges of the Supreme Court of New Zealand, who may revoke or alter the same.

2. And be it further enacted and ordained, That Courts of General and Quarter Sessions for the Colony of New Zealand shall be holden in and for the said Colony at the following places, that is to say,—At Auckland, Port Nicholson, Russell, and at such other places within the said Colony and at such times respectively as the Governor for the time being by any Proclamation to be duly issued for that purpose shall from time to time appoint and at no other place whatsoever.

3. And be it further enacted and ordained, That the said Courts of General and Quarter Sessions shall have full power and authority to take cognizance of all matters and things cognizable in Courts of General and Quarter Sessions in England, so far as the circumstances and conditions of the said Colony of New Zealand shall require and admit.

4. And be it further enacted and ordained, That the said Courts of General and Quarter Sessions, when and as the same shall be established throughout the said Colony of New Zealand, shall or lawfully may from time to time make and prescribe all such rules and forms practice proceeding and process for the conduct and despatch of business therein respectively as to such Courts shall seem proper, and the same from time to time shall or may revoke alter or vary as occasion shall or may require: Provided always that a copy of every such rule and form so made and prescribed shall, within two months next following the making thereof, be transmitted by the Clerk of the Peace acting at or in such Court to the Judge or Judges of the Supreme

Sessions Courts.

Supreme Court of New Zealand, or in the non-appointment or absence of such Judge or Judges, to such other person or persons as the Governor of the said Colony may appoint, who shall have power to approve revoke or alter the same as to him or them shall seem expedient: Provided that until so revoked or altered by the Judge or Judges, or such other person or persons as aforesaid, the said rules and forms shall and may be acted upon in the said Courts.

Rules may be acted upon until so revoked or altered.

5. And be it further enacted and ordained, That until the Governor of New Zealand for the time being, with the advice and consent of the Legislative Council thereof, shall extend and apply the form and manner of proceeding by grand jury in the presentment of all crimes misdemeanours issues matters and things, and until further provision be made therein, all crimes misdemeanours and offences cognizable in the said Courts of General and Quarter Sessions within the said Colony of New Zealand shall be prosecuted in the name of Her Majesty's Attorney-General for the said Colony, or in the name of such other officer as the Governor for the time being of the said Colony shall for such purpose duly appoint; and all issues of fact joined on every such information shall be tried before and at the said Courts of General and Quarter Sessions by a jury of twelve of the inhabitants of the said Colony.

Until grand jury appointed, or further provision made, all crimes misdemeanours and offences cognizable at Courts of General and Quarter Sessions to be prosecuted in the name of Her Majesty's Attorney-General or other officer appointed by the Governor for that purpose, and tried by a jury of twelve inhabitants.

6. And be it further enacted and ordained, That every man (except as hereinafter excepted) between the ages of twenty-one and sixty years, residing within fifty miles of each of the towns appointed or hereafter to be appointed as places at which such Courts of General and Quarter Sessions shall be holden under this Ordinance, and who shall have resided in the said Colony for at least six months, and who shall be of good fame and character, shall be qualified and liable to serve on juries for the trials of crimes offences and misdemeanours and of all such issues joined in the said Courts of General and Quarter Sessions as aforesaid.

Qualification of jurors.

7. And be it further enacted and ordained, That the following persons shall not be liable (except by and with their own consent) to serve upon any jury at the said General and Quarter Sessions as aforesaid, that is to say,—All the Judges of the Supreme Court, Commissioners of the Courts of Requests, Chairman of the Courts of Sessions, and all ministerial officers of the said Courts respectively; all members of the Executive or Legislative Councils and Justices of the Peace; all persons holding offices under the Department of Customs; all clergymen in holy orders, priests of the Roman Catholic faith, and Dissenting Ministers, duly licensed as such; all barristers, attorneys, and solicitors, duly admitted to practice and actually practicing in the Supreme Court, or in the said Courts of General and Quarter Sessions; coroners and gaolers; physicians, surgeons, and apothecaries, in actual practice; all military and naval officers on full pay, licensed pilots, and masters of vessels actually employed in the service of the Crown; sheriff's officers, stipendiary constables or peace officers, schoolmasters, and parish clerks: Provided that each of such persons shall, either by themselves or agent, claim such exemption at each special Petty Sessions for revising the lists.

Exemptions.

8. And be it enacted ordained and declared, That the following persons shall not be qualified to serve on any such jury as aforesaid, that is to say,—Every man not being a natural-born or naturalized subject of the Queen, and every man who hath been or shall be attainted of any treason or felony or convicted of any crime that is infamous (unless he shall have received for such crime a pardon, or shall be under the benefit and protection of some Act of Parliament having the force and effect of a pardon, under the Great Seal, for such crime),

Disqualifications.

Sessions Courts.

crime), and every man of bad fame or of dishonest life or conduct or of immoral character or repute.

Governor may appoint Courts of Petty Sessions.

Two or more Justices in Petty Sessions to have the same powers as Benches of Magistrates.

Power for Justices at Petty Sessions to adjourn the Courts to other places in their districts.

Two or more Justices may assemble and form the adjourned Court of Petty Sessions.

All proceedings valid.

And to be recorded.

Power for Governor to appoint Visiting Justices for distant parts of the Colony.

Speedily.

Preparation of Jury Lists.

9. And be it further enacted and ordained, That it shall and may be lawful for the Governor for the time being, by any notice published in the *New Zealand Government Gazette*, to appoint places at which Petty Sessions shall be holden, and to nominate one fit and proper person to be Clerk to every such Petty Sessions, who shall attend at the place for which he shall be nominated; and that any two or more of Her Majesty's Justices assigned to keep the peace, assembled and sitting in open Court at any such place so appointed in manner aforesaid (such Court not being a Court of General or Quarter Sessions as aforesaid), shall be deemed to be and shall be a Court of Petty Sessions; and every such Court of Petty Sessions shall have and exercise all the powers and authorities and perform all the duties which in and by any Act or Ordinance now or hereafter to be in force within the said Colony of New Zealand are given and required to be performed by Benches of Magistrates and Clerks of the Bench: Provided always and be it further enacted and ordained, That it shall and may be lawful for the Justices in each and every of such Courts of Petty Sessions assembled when and as often as they shall deem the state of business in their respective districts to require the holding of a Petty Sessions of the Peace at a place other than the one appointed under this Ordinance, to adjourn such Court of Petty Sessions to any place or places within their said district not exceeding twenty miles from the place appointed by the Governor under this Ordinance, which adjournment shall be publicly notified as such Justices shall direct; and any two or more Justices of the Peace acting within and for the said Colony of New Zealand shall and may assemble at such adjourned Petty Sessions on the day and at the place appointed, and shall form the adjourned Court of Petty Sessions at such place, and shall and may hear and determine such business as shall come before them; and all proceedings had by and before any two or more Justices of the Peace so assembled at such adjourned Petty Sessions shall be as good and effectual in the law to all intents and purposes as if the same were had before the Court of Petty Sessions assembled and sitting at its usual and ordinary place appointed under this Ordinance; and the proceedings of such adjourned Courts of Petty Sessions shall be entered on the registry or record hereinafter mentioned.

10. And whereas there are in various remote parts of the said Colony divers whaling and other fishing establishments and other settlements and other places of business in or near which justice can only be well and speedily administered by Visiting Justices of the Peace: Be it therefore further enacted and ordained, That it shall and may be lawful for the Governor for the time being, from time to time and as often as he shall think proper, to nominate and appoint two or more Justices of the Peace of the said Colony to visit and perambulate in all or any of the districts thereof; and such Visiting Justices shall and may proceed at any place or places (except where Petty Sessions are appointed to be holden as aforesaid, or within twenty miles thereof) to hear and determine all matters and business cognizable by and before two Justices, and to have act upon and possess all the powers and authorities of a Court of Petty Sessions under this Ordinance; and the proceedings of such Visiting Justices shall be entered in a registry or record thereof, to be transmitted by such Justices to such Court of Petty Sessions as the Governor for the time being shall direct.

11. And be it further enacted and ordained, That the Justices in Special Petty Sessions assembled shall in the first week of the month of July

Sessions Courts.

July in this present year, or so soon thereafter as can be, and in the first week of the month of January in every succeeding year, prepare or cause to be prepared lists of all men of good fame and character within their respective townships or districts liable to serve on the said juries, setting forth their Christian and surnames, residences, titles, additions, and qualifications according to the form annexed to this Ordinance in Schedule A; and the said Justices, or any two or more of them so assembled as aforesaid, shall subscribe the said lists with a declaration that such list contains to the best of their knowledge and belief the names of all persons liable to serve on juries in the district for which it is made under this Ordinance.

12. And be it further enacted and ordained, That the said Justices in Petty Sessions shall cause a copy of the lists which shall be made out as aforesaid to be, within three days after the same shall be prepared, affixed in such place or places as they shall deem best calculated for the publication and inspection thereof, with a notice signed by such Justices so assembled as aforesaid, or any two of them, that the Justices of the Peace acting in and for the said towns and districts respectively will assemble and hear at the then next Petty Sessions directed to be held for that purpose as hereinafter mentioned all objections to the said lists: Provided always that the said Justices shall cause the Clerk to every Petty Sessions to keep the said original lists or copies of the same at the Police Office or other place where such Petty Sessions shall be generally held, to which the inhabitants of the said towns or districts respectively shall have access at any reasonable time within fourteen days after the date of such notice, without fee, in order that due notice may be given of names improperly omitted or inserted.

Lists to be affixed for publication and inspection.

13. And be it further enacted and ordained, That special Petty Sessions shall be holden in the third week of the month of August in this year, and in the third week of the month of January in every succeeding year, in each of the said towns or districts, at which the said Justices of the Peace residing at or acting within such towns or districts respectively shall attend, and the lists so prepared and verified as aforesaid shall be thereupon produced, and the Justices so assembled shall examine such lists *seriatim*, and shall strike out of such lists the names of all persons, at the instance or application of such persons, not liable to serve or disqualified from serving as jurors, and also of such as are disabled by lunacy (or inability of mind) deafness blindness or other permanent infirmity, and shall insert all names improperly omitted, and correct all errors and mistakes in such lists; and the said Justices shall within two days after the meeting of such Petty Sessions cause notice in writing to be given by the Clerk of Petty Sessions to the parties who may be affected by such omissions insertions or corrections, and require them respectively on a day certain to show cause if any they may have against the same; and the said Justices shall fix a day not being more than six days after such notice for hearing the said parties, and the Justices then assembled or any two of them shall then finally settle the said lists, and the same when so settled shall be final and shall continue in force until the Jury Lists for the year next ensuing shall be made out and transmitted to the Sheriff or Deputy Sheriff as hereinafter is directed.

Special Petty Sessions to be holden for correcting the lists.

14. And be it further enacted and ordained, That it shall and may be lawful for every Justice of the Peace present at such Petty Sessions to assist and vote therein upon all questions which may be put respecting the character qualification disqualification or exemption of every person named in such list or of every person whose name

All Justices may assist and vote at such Sessions.

Sessions Courts.

Justices to elect a
Chairman at each
Petty Sessions.

may be proposed to be added thereto: Provided that the Justices so assembled at each Petty Session as aforesaid shall and they are hereby required, before proceeding to make out and settle such Jury List as aforesaid, to elect by a majority of voices one of the said Justices so present to be Chairman at such Petty Sessions, and such Chairman shall have as well a deliberate as a casting vote in case of equality in numbers: Provided always that if any question shall arise respecting the striking out or adding of a name, the same shall be decided by ballot.

Vote by ballot.

Certificate to be sub-
joined to lists.

15. And be it enacted and ordained, That after the said lists shall have been finally settled and approved in Petty Sessions in manner as aforesaid, a certificate shall be subjoined to each such list and subscribed by each Justice there present, stating that the same has been carefully examined and corrected according to the best of the knowledge and belief of the Justices then present, and that all persons then named in such lists are qualified to serve on juries according to the provisions of this Ordinance.

Magistrates in each
district to be sum-
moned to Petty
Sessions.

16. And be it enacted and ordained, That the Clerks of Petty Sessions shall cause all Magistrates of their districts respectively to be especially summoned to attend each of the said special Petty Sessions, and the Justices there assembled shall sit *de die in diem* until the Jury Lists shall be settled as hereinbefore directed; and if any Magistrate after having been so summoned shall neglect or fail to attend at any such special Petty Sessions, or if attending shall refuse or fail to vote accordingly upon any question that shall be put, every such Magistrate so neglecting or failing to attend or so refusing or failing to vote, unless he can show reasonable cause, shall forfeit and pay for every such offence the sum of twenty pounds, to be sued for recovered and appropriated as hereinafter is directed; and the Clerks of the Petty Sessions respectively shall note the names of all such Magistrates as shall attend the said special Petty Sessions and as shall be absent from the same from day to day, and at the close of the said Sessions shall transmit a certified list thereof to the Attorney-General.

Twenty pounds
penalty for non-
attendance.

Clerks of Petty
Sessions to make
report of absentees,
to the Attorney-
General.

Jury Lists to be
transmitted to the
Sheriff, to be entered
in a book.

17. And be it further enacted and ordained, That as soon as the said Jury Lists shall be settled as aforesaid, the same shall immediately be transmitted by the said Justices to the Sheriff of the Colony or Deputy Sheriff of the district as the case may be, and each Deputy Sheriff upon receiving the lists of jurors within his district shall within five days after the receipt thereof in each and every year cause the same to be transcribed fairly in a book to be kept in his office, and forthwith transmit the original lists to the Sheriff, and the Sheriff, upon receiving the original lists, as well from the Justices as from the Deputy Sheriff or Deputy Sheriffs, shall within ten days after the receipt thereof in each and every year cause the same to be transcribed fairly in a book to be kept in his office, and such book shall be styled "The Jurors' Book," and shall contain the names of all persons mentioned and contained in such lists respectively, with the addition of their respective titles and qualifications in alphabetical order, beginning under each letter of the alphabet with the surname of each person, and such Jurors' Book shall thereupon be and continue in force until the Jury Lists for the year ensuing shall be transcribed by the Sheriff and Deputy Sheriff into the Jurors' Book of that year.

Copies to be sent to
the Clerks of the
Peace.

18. And be it further enacted and ordained, That true and faithful copies of the said Jurors' Book shall be made and certified by the said Sheriff in each and every year as soon as conveniently may be, and shall be delivered by the said Sheriff to each Clerk of the Peace for the said Courts of General and Quarter Sessions, in order that the same may be referred to in the said Courts respectively at the trial of every issue as aforesaid.

19. And

Sessions Courts.

19. And be it further enacted and ordained, That it shall and may be lawful for the Governor of the said Colony, and he is hereby authorized and empowered, as often as he shall see fit, to nominate and appoint for each such General and Quarter Sessions as aforesaid some fit and proper person being a Justice of the Peace to act as the Chairman thereof; and in case no such nomination and appointment shall have taken place, or in the occasional absence of any such person so nominated and appointed to act as Chairman as aforesaid, the Justices assembled at any such General and Quarter Sessions shall nominate and appoint, by a majority of votes, from amongst themselves a Justice qualified to act as Chairman; and the person or persons so respectively nominated and appointed by the said Governor to act as Chairman of such Courts of General and Quarter Sessions respectively, or the person so elected under the circumstances as aforesaid, shall have and exercise such and the same power authority and jurisdiction as a Chairman of General and Quarter Sessions in England.

Chairman to be appointed by the Governor.

In case no such appointment, or in absence of such Chairman, the Justices at Sessions to appoint Chairman.

20. And be it further enacted and ordained, That fourteen days before the first General and Quarter Session shall be held under this Ordinance, it shall be lawful for any two of the Justices of the Peace of the said Colony, and at each of the future General and Quarter Sessions aforesaid for the Chairman thereof, and they and he are and is hereby authorized and required to issue a precept under the hand and seal of each of such Justices, and afterwards of such Chairman, to the Sheriff of New Zealand or Deputy Sheriff aforesaid, requiring him to summon so many jurors to attend at the next following Court of General and Quarter Sessions for each district at such time and place as shall be therein mentioned and appointed, and such precept shall not require more than forty nor less than twenty-four persons duly qualified to serve as jurors to attend the said Court at any one Session thereof.

Chairman to issue precept for summoning jurors.

21. And to the end that all persons liable to serve on any such juries as aforesaid may bear an equal share of the public duty imposed upon them: Be it further enacted and ordained, That as often as any such precept as aforesaid shall be delivered to the said Sheriff or Deputy Sheriff requiring him to summon jurors for the trial of such issues as aforesaid, the Sheriff or Deputy Sheriff shall and he is hereby required to summon so many persons duly qualified as aforesaid to serve as jurors, and who shall reside within the distance of fifty miles, to attend the said Court of General and Quarter Sessions at such time and place as shall be specified in such precept, according to the alphabetical order in which such names shall successively be placed, until every such person shall have been summoned in his turn; and in case any such person shall make default, every such defaulter shall be summoned a second time, or oftener, until he shall have served for such default or defaults, and such order shall be observed in each succeeding year, the Sheriff or Deputy Sheriff beginning with the names in the new book next after the names of the persons in the last book who were last summoned to attend such juries as aforesaid: Provided always that every such precept shall be issued and delivered to the Sheriff or Deputy Sheriff in this present year at least twenty clear days and in each succeeding year at least two months before the attendance of such jurors shall be required, and ever such summons shall be in writing, and signed by the Sheriff or Deputy Sheriff to the following effect:—

Jurors to be summoned in alphabetical order.

Precept to be delivered to Sheriff two months before attendance of jurors required.

Mr. A.B. [*Naming the juror*]: You are hereby required to appear as a Juror at the Court of General Quarter Sessions, to be holden on the day of next, and there to attend
from

Form of summons.

Sessions Courts.

from day to day until you are discharged by the said Court.
And hereof fail not at your peril.

C.D., *Sheriff, or Deputy Sheriff.*

Sheriff's Office, of _____, 184 .

Service personally or
left at abode ten
clear days before
attendance required.

Penalties for jurors
not attending when
summoned.

And the said summons shall be served personally upon or left at the place of abode of the said jurors respectively full ten clear days before their attendance shall be required as aforesaid.

22. And be it further enacted and ordained, That if any person being duly summoned to attend any General and Quarter Sessions as aforesaid shall make default and fail to attend the same, such person shall upon proof on oath of having been duly summoned as aforesaid be fined and forfeit a sum of not more than ten pounds at the discretion of the Justices sitting in the said Courts, to be sued for recovered and appropriated as hereinafter directed, unless some just cause for such defaulter's absence shall be made to appear by oath or affidavit.

Names of jurors to be
drawn from a box.

23. And be it further enacted and ordained, That at the sitting of the said Courts for the trial of any such issue as aforesaid, the name condition and place of abode of each juror summoned as aforesaid shall be written on a separate piece of card or paper and put into a box, and when such issue is called on to be tried the Clerk of the Peace or other ministerial officer of the said Court shall in open Court draw therefrom until twelve men appear who are not objected to or challenged, and after the trial such names shall be returned into the box to be kept with the other undrawn names, and so *toties quoties*, as long as any issue remain to be tried.

Talesmen.

24. And be it further enacted and ordained, That when any issue so to be tried by such a jury be called on, and a sufficient number of jurors summoned to attend such Court shall not be in attendance, it shall be competent for the Attorney-General, or such other person prosecuting as aforesaid, or for the party in whose case such issue is about to be tried as aforesaid, to pray a tales; and the Court may then command the Sheriff or Deputy Sheriff forthwith to summon, *viva voce*, as many good and lawful men of the by-standers as shall be sufficient to make up a full jury for the trial of such issue as aforesaid.

Allowance to jurors.

25. And be it further enacted and ordained, That every juror who shall attend at any General and Quarter Sessions as aforesaid, being duly summoned, shall be entitled to receive for every day during his attendance a compensation for his expenses at and after the following rates, that is to say,—If such person shall reside within the town or place in which such Court shall be holden or within five miles thereof the sum of three shillings for every day such juror shall attend the said Court, and if such juror shall reside at the distance of more than five miles the sum of five shillings for every day such juror shall be so in attendance, and the further sum of sixpence per mile for every mile he shall travel for that purpose; and the Clerk of the Peace or other ministerial officer of the said Courts respectively shall keep an account of the number of days each juror shall duly attend the Court, and after the expiration of the time appointed by the Court for the attendance of such jurors respectively, the said Clerk or proper officer shall thereupon pay to such juror the sum of money to which he may be entitled.

Fines or penalties for
neglect of duty or
influencing jurors.

26. And be it further enacted and ordained, That any Sheriff, or Deputy Sheriff, Justice of the Peace, Clerk of the Peace, or any other ministerial or other officer, who shall refuse neglect or fail to do and perform all and every the acts matters and things hereby required to be by him or them respectively done and performed, shall forfeit for every such offence a sum not exceeding fifty pounds at the discretion

of

Sessions Courts.

of the Court; and if any person shall be guilty of the offence of corrupting or influencing or attempting to corrupt or influence any such juror or any such juror shall consent thereto, every such person so offending shall incur and become liable to and may be punished with fine and imprisonment on proof being adduced before the Court.

27. And be it further enacted and ordained, That all penalties fines and forfeitures incurred or imposed under and by virtue of this Ordinance shall be recovered levied enforced and applied in the form and manner hereafter directed.

Penalties fines and forfeitures to be recovered &c. as after directed.

28. And be it further enacted and ordained, That a registry or record in writing shall be kept by each and every Clerk of Petty Sessions of all acts or orders and proceedings done at such Petty Sessions, whether in civil or criminal cases, in the manner and form set forth in the Schedule B to this Ordinance annexed, such registry or record to be signed on each day on which such Petty Sessions shall be holden by all the Justices present, and that no summons warrant conviction committal information recognizance or any other magisterial act or order of any kind be issued or signed at such Petty Sessions without the making an entry thereof in the said registry or record.

A registry of all acts and proceedings to be kept.

29. And be it further enacted and ordained, That every warrant information conviction committal recognizance or order of the Justices at Petty Sessions shall be signed by two Justices at the least, and not by any one person as Chairman and on the behalf of others; and that no summons warrant or order be signed by any Justice or Justices of the Peace unless the blanks in the same shall have been first duly filled up.

Warrant &c at Petty Sessions to be signed by two Justices.

No summons &c. to be signed unless blanks filled up.

30. And be it further enacted and ordained, That it shall and may be lawful to and for any Justices at Petty Sessions to hear and proceed with and determine upon any case in which such Justices have jurisdiction, although the complaint may have been received and the summons or warrant for the same issued by any other Justice acting singly or by any other Justices at a previous meeting of such Petty Sessions, in such and the like manner as if the first complaint was made and the summons or warrant issued by the same Justices before whom the subsequent proceedings were had and taken.

Justices at Petty Sessions may determine cases, although complaint made before other Justices.

31. And be it further enacted and ordained, That in all cases in which it becomes necessary for a single Justice to act magisterially not being in Petty Sessions (save and except in the issue of summonses), such Magistrates do report such case together with the informations taken or recognizances acknowledged to the Petty Sessions then next ensuing to be holden for the district in which such case had arisen, and that a particular entry be made in the registry or record of such Petty Sessions of every such case.

Entry to be made of all cases where a single Justice acts.

32. And be it further enacted and ordained, That copies of the said registry or record and of all depositions and other evidence taken in relation thereto and all original informations depositions and other evidence and proceedings in every and any criminal case heard sworn taken and entered into before the said Courts of Petty Sessions or transmitted thereto, together with the recognizances therein, shall once in every month at the least be transmitted to the Attorney-General of the said Colony of New Zealand or other law officer of the Crown duly appointed for that purpose.

Copies of such registry and original informations depositions &c. taken at Petty Sessions to be transmitted to Attorney-General.

33. And whereas it is expedient that certain fees should be taken at the several Petty Sessions by the Clerks thereof and by Clerks of Police and other Magistrates acting singly or with each other within the said Colony of New Zealand, and that the same fees should be ascertained and fixed: Be it therefore further enacted and ordained,

Further preamble.

Clerks of Petty Sessions of Police and other Magistrates acting singly may demand certain fees.

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Clerks demanding a larger fee than specified to be fined not exceeding five pounds.

Mode of enforcing and recovering fees.

A printed table of fees to be affixed in every Court House &c.

Clerks to Justices acting singly to produce similar printed tables of fees, or liable to fine.

Such penalties only recoverable on complaint within one calendar month.

Clerks to make a return once in every month to Petty Sessions of all fees &c.

Return to be sent to Colonial Treasurer.

Clerks to pay to Treasurer amount of such fees.

Further preamble.

That from and after the passing of this Ordinance the said Clerks respectively shall and may demand receive and take the several fees specified in the Schedule C hereunto annexed for the business and services therein stated and by them performed; and if at any time hereafter any such Clerk or any person acting as such shall, under pretence of any matter or thing done transacted or performed by such Clerk or person acting as such, demand or receive any other or greater fee than such as are specified and set forth in the said Schedule C, he shall for every such offence forfeit and pay a penalty not exceeding the sum of five pounds, to be recovered in a summary way before any one of the said Justices of the Peace; and that it shall be lawful for any Justice of the Peace acting within the said Colony to refuse to do any act for which any of the said fees shall be demandable unless such fees shall be first paid; and that if any such act shall be done and the fee thereon due shall not be immediately paid on demand, it shall be lawful for any Justice of the Peace to summon the person from whom such fee shall be due and to make order for payment of the same with the costs of the proceedings, and in default of payment to levy the same with costs of the distress by warrant under his hand and seal.

34. And be it further enacted and ordained, That a printed table of the said fees shall be affixed or posted up in a conspicuous part within every Court House or public Justice Room or other place wherein such Petty Sessions are holden; and the said Clerks to each and every Justice acting singly as aforesaid shall produce and show if required to the person requiring to see the same a printed table of the said fees; and every such Clerk who shall neglect or refuse to show and produce such printed table on being reasonably required so to do, shall forfeit and pay the sum of ten shillings for every such offence, to be recovered in a summary way before any one Justice of the Peace: Provided always that the penalties herein imposed, so far as relates to the duties of such Clerks, shall not be recoverable unless upon complaint thereof made within one calendar month next after the alleged commission of the offence.

35. And be it further enacted and ordained, That the several Clerks of Petty Sessions, of Police, and other Magistrates acting singly or out of Sessions, shall once in every month make a return, in the form in Schedule D hereunto annexed, to the Courts of Petty Sessions of each district respectively, of all fees received by them in their offices or places for business or services done and performed therein, such return to be signed and sworn to by them; and such return after being copied and entered in such registry or record as aforesaid shall be transmitted in duplicate, as the voucher of their several accounts by and under the order of the said Justices in Petty Sessions assembled, to the Colonial Treasurer of the said Colony of New Zealand; and such Clerks shall forthwith transmit and pay to the said Colonial Treasurer the full amount of all such fees, to be appropriated and applied to the public uses of the said Colony and in the support of the Government thereof, and such Clerks shall enter the Colonial Treasurer's receipt for such fees in the registry or record.

36. And whereas, in order to avoid doubts and difficulties which might arise as to the recovery and application of all penalties forfeitures or fines, and the enforcement of forfeited recognizances imposed and entered into by and before any Justice or Justices of the Peace acting as such within and for the said Colony of New Zealand, it is expedient to make special provision in that behalf adapted to the present circumstances of the Colony: Be it therefore further enacted and

and

Sessions Courts.

and ordained, That each and every Justice of the Peace before whom any recognizance shall be entered into or taken shall and is hereby required to give, at the time of taking such recognizance, to the person or persons surety or sureties so entering into the same and to each of them, a written paper or notice in the form or to the effect stated in the Schedule E to this Ordinance annexed, adapting the same to the particular circumstances of the case; and each such Justice shall in such recognizance state and particularly specify not only the profession art mystery or trade of every person so entering into such recognizance, together with his Christian name and surname, but also his place of residence.

Notices to be given to persons entering into recognizances, and the sureties.

37. And be it further enacted and ordained, That from and after the passing of this Ordinance, all fines issues americiaments forfeited recognizances sum and sums of money paid or to be paid in lieu or satisfaction of them or any of them (save and except the same are or shall be by virtue of any Act or Acts of the Parliament of Great Britain, or of the Governor and Council of the said Colony of New Zealand for the time being lawfully constituted, directed to be otherwise levied recovered appropriated or disposed of), which already are or hereafter shall be set imposed lost or forfeited by or before any Justice or Justices of the Peace of New Zealand, shall be and are hereby required to be certified by the Justice or Justices of the Peace by or before whom any such fines issues americiaments forfeited recognizances sum or sums of money paid or to be paid in lieu or satisfaction of them or any of them, shall be set imposed lost or forfeited to the Clerk of the Peace acting for the nearest county district or place in the said Colony; and such certificate shall contain the names and residences trade profession or calling of the parties, the amount of the sum forfeited by each respectively, and the cause of each forfeiture, and be signed by such Justice or Justices of the Peace, and forwarded to the said Clerk of the Peace once in each month; and such Clerk of the Peace shall copy on a roll such fines issues americiaments forfeited recognizances sum or sums of money paid or to be paid in lieu of them or any of them, together with all fines issues americiaments forfeited recognizances sum or sums of money paid or to be paid in lieu or satisfaction of them or any of them imposed or forfeited at the Court of General or Quarter Sessions, and shall, within such time as shall be fixed and determined by such Court not exceeding one month after the adjournment or termination of such Court, send a copy of such roll, with a writ according to the form and effect in the Schedule F to this Ordinance annexed, to the Sheriff of the Colony or to any Sheriff or other officer who shall at the time being have lawful execution of process in the county district or place, and the same roll and writ shall be the authority to such Sheriff or other officer as aforesaid for proceeding to the immediate levying and recovering of all such fines issues americiaments forfeited recognizances sum or sums of money paid or to be paid in lieu or satisfaction of them or any of them on the goods and chattels of such several persons, or for taking into custody the bodies of such persons in case sufficient goods and chattels shall not be found whereon distress or levy can be made for recovery thereof, and every person so taken shall be lodged in the common gaol until the next General or Quarter Sessions of the Peace, there to abide the judgment of the Court.

Statements of fines &c. to be forwarded to the Clerk of the Peace by the Justice by whom the same is imposed.

Clerk of the Peace to copy on a roll such fines &c. together with fines &c. at Quarter Sessions, and send copy to Sheriff with writ to levy on goods &c. or arrest of person.

38. Provided nevertheless and be it enacted and ordained, That in every case in which any person bound by recognizance for his or her appearance, or for whose appearance any other person shall be bound, to prosecute or give evidence in any case of felony or misdemeanour

Clerk of the Peace to prepare list of defaulters bound by recognizance to appear, and lay them before the Chairman and Justices of the

Session Courts.

Quarter Sessions, or any two Justices, without whose order Clerk of the Peace shall not estreat or put in process any such recognizance.

meanour, or to answer for any common assault, or to articles of the peace, shall therein make default, the Clerk of the Peace shall and he is hereby required to prepare a list in writing specifying the name of every person so making default, and the nature of the offence in respect of which every such person, or his or her surety, was so bound, together with the residence trade profession or calling of every such person or surety, and shall in such lists distinguish the principals from the sureties, and shall state the cause if known why each person has not appeared, and whether by reason of the non-appearance of such person the ends of justice have been defeated or delayed; and every such Clerk of the Peace shall before any such recognizance shall be estreated lay such list before the Chairman or two other Justices of the Peace who shall have attended such Courts, who are respectively required to examine such list and to make such order touching the estreating or putting in process any such recognizance as shall appear to them respectively to be just; and it shall not be lawful for the said Clerk of the Peace to estreat or put in process any such recognizance without the written order of the Chairman or two Justices of the Peace before whom respectively such lists shall have been laid.

Clerk of the Peace to make oath to all fines &c. which shall be paid.

39. And be it enacted and ordained, That the Clerk of the Peace shall, before he delivers the roll to the Sheriff or other officer as aforesaid containing the fines issues amerçiements forfeited recognizances sum and sums of money paid or to be paid in lieu or satisfaction of them or any of them, and he is hereby required to make oath before any Justice of the Peace of the county district or place for which such Clerk of the Peace shall act, which oath shall be indorsed on the back of the writ or of the said roll attached thereto, such Clerk of the Peace stating therein all such fines issues amerçiements forfeited recognizances sum or sums of money which shall have been paid or otherwise accounted for, and such oath shall be made in the form following:—

Form of oath.

I, _____, make oath that this roll is truly and carefully made up and examined, and that all fines issues amerçiements recognizances and forfeitures which were set imposed or forfeited and in right and due course of law ought to be levied and paid, are to the best of my knowledge and understanding inserted in the said roll, with the exception of such as are now under reference to the Chairman of Quarter Sessions upon a list submitted to him by me according to law, as yet undetermined; and in the said roll are also contained and expressed all such fines as have been paid to or received by me either in Court or otherwise, without any wilful or fraudulent discharge omission misnomer or defect whatsoever. So help me God.

Sworn at _____, in the Colony of New Zealand, this
day of _____, A.D. 184 _____.

Persons may appeal to Quarter Sessions against fines &c. upon giving security.

40. Provided always and be it further enacted and ordained, That if any person upon whose goods and chattels such Sheriff or other officer as aforesaid shall be authorized to levy any such forfeited recognizance or sum of money to be paid in lieu or satisfaction thereof, shall give security to the said Sheriff or other officer as aforesaid for his appearance at the next General or Quarter Sessions then and there to abide the decision of the Court, and also to pay such forfeited recognizance or sum of money to be paid in lieu or satisfaction thereof, together with all such expenses as shall be ordered and adjudged by the said Court, it shall be lawful for the said Sheriff or other officer as aforesaid and he is hereby authorized and required to suspend the execution of the writ and discharge such person so giving

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giving security out of custody: Provided always that in case such party so giving security shall not appear in pursuance of his undertaking, it shall be lawful for the Sheriff or other officer as aforesaid to put the said writ so suspended into execution, and for the said Court of General or Quarter Sessions forthwith to issue a writ of *distringas* and *capias* or *fieri facias* and *capias* against the surety or sureties of the person so bound as aforesaid.

41. And be it further enacted and ordained, That the Court of General or Quarter Sessions before whom any person so committed to gaol or bound to appear shall be brought is hereby authorized and required to inquire into the circumstances of the case, and shall at its discretion be empowered to order the discharge of the whole of the forfeited recognizance or sum of money to be paid in lieu or satisfaction thereof or of any part thereof, and such order shall be made in the form or to the effect of the Schedule marked G to this Ordinance annexed and shall be signed by the Clerk of the Peace, which said order shall be a discharge to such Sheriff or other officer as aforesaid on the passing of his accounts before any auditor or other proper officer duly authorized to pass the same; and it shall and may be lawful for the said Court of General or Quarter Sessions to award such costs charges and expenses to be paid by either party to the other as to the said Court shall seem just and reasonable.

42. And be it further enacted and ordained, That it shall be lawful for the Justices assembled at any General or Quarter Sessions of the Peace, and they are hereby authorized and required at the following or any subsequent General or Quarter Sessions, to insert or cause to be inserted in any following roll all such fines issues amerancements forfeited recognizances sum or sums of money to be paid in lieu or satisfaction of them or any of them which have not been duly levied or recovered or properly accounted for by the Sheriff or other officer, or have not been discharged on appeal before the General or Quarter Sessions or by warrant or authority of his Excellency the Governor or other officer having lawful authority for the time being to remit or dispense with the enforcement of debts due to the Crown in New Zealand and its dependencies, and so to continue such process from Sessions to Sessions till it shall be duly ascertained that the party in default has not any goods or chattels lands or tenements upon which a levy can be made, and that he is not to be found, or that his body cannot be lodged in any of Her Majesty's gaols: Provided always that the said Sheriff or other officer to whom the writ of *distringas* and *capias* or *fieri facias* or other writ deemed necessary by the Justices at any such General or Quarter Sessions to meet the exigency of the case shall be sent by order of the said Court shall keep and detain in his possession the writ or writs so directed to him and the roll or rolls attached to such writ or writs, delivering to the said Court of General or Quarter Sessions a copy of such roll or rolls on the first day of the sitting of the said Court, and also a copy of any former roll or rolls where the fines amerancements forfeited recognizances sum or sums of money paid or to be paid in lieu or satisfaction of them or any of them shall not have been delivered, and such original writ and roll or writs and rolls shall continue in force and effect and shall be sufficient authority without any further writ or roll. And such Sheriff or other officer is hereby required, in the event of quitting his office or the division of the territory or district over which his office shall extend, to deliver over to his successor or to his successors in any particular district county or division of territory as the case may be, all rolls and writs in his possession relating to the office or duty of any such successor,

Justices at Quarter Sessions to hear and determine appeals.

Court may award costs.

Justices in Sessions may insert in following rolls all such fines &c. as have not been levied or accounted for by the Sheriff &c. or that have not been discharged.

Sheriff to detain the original writs in his possession, which shall continue in force and be authority to act upon.

Sheriff on quitting his office to deliver over rolls and writs to his successor.

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particularizing any fines issues amerçiements forfeited recognizances sum and sums of money paid or to be paid in lieu or satisfaction of them or any of them, in order that the Sheriff or other officer coming into office may use every means in his power for recovering the sums so unpaid and not charged to his predecessor on the passing of his accounts before the auditor or proper officer; and the officer or officers intrusted with the execution of the process in any county district or place, shall be duly and diligently examined on oath by the Court at the delivery of the roll or whenever thereunto required by the Court, as to the execution or the circumstances attending the non-execution of any such writ or writs as aforesaid; and every such examination shall be duly recorded by the Clerk of the Peace or other proper officer, in order that the Sheriff or other officer may be chargeable with all sums not satisfactorily accounted for on the passing of his accounts.

Sheriff may follow the party or his goods &c. into another jurisdiction if his own be too limited.

43. And be it further enacted and ordained, That in case by any means the Sheriff or other officer to whom any such writ or writs shall be directed as aforesaid shall not have or shall cease to have execution of process throughout the whole Colony, and in case any party incurring or subject to any fine issue amerçiement forfeited recognizances sum or sums of money to be paid in lieu or satisfaction of them shall reside or shall have fled from or removed out of the jurisdiction of such Sheriff or other officer as aforesaid, it shall be lawful for such Sheriff or other officer and he is hereby required to issue his warrant together with a copy of the writ directed to the Sheriff or other officer acting for the county district or place in which such person shall then reside or be or in which any goods or chattels or other his property shall be found, requiring such last-mentioned Sheriff or other officer to execute such writ; and every such last-mentioned Sheriff or other officer is hereby authorized and required to act in all respects under such warrant in the same manner as if the original writ had been directed to him by order of a Court of General or Quarter Sessions held within the county district or division of territory within which he shall act, and the said last-mentioned Sheriff or other officer is hereby required within thirty days after the receipt of such warrant to return to the Sheriff or other officer from whom he shall have received the same what he shall have done in the execution of such process, and whether the party shall have given good and sufficient security to appear at the ensuing General or Quarter Sessions to be held for the county district or place from which the writ issued; and in case a levy shall have been made, to pay over all moneys received in pursuance of the warrant to the Sheriff or other officer from whom he shall have received the same.

Fees of Clerk of Peace and other officers.

44. And be it further enacted and ordained, That the Clerk of the Peace and other officers shall be entitled to their usual and legal fees on the discharge of any forfeited recognizance and other duties performed under this Ordinance, the amount thereof to be fixed where the same may not otherwise be ascertained by law by the said Courts of General or Quarter Sessions; and in case any Sheriff or other officer as aforesaid shall refuse or neglect to do and perform any duty act or thing imposed upon or required from him in manner by this Ordinance directed, then and in every case such Sheriff or other officer or Clerk of the Peace so refusing or neglecting shall forfeit the penalty of no less than ten nor more than one hundred pounds, to be recovered by any person or persons who will sue for the same, together with full costs of suit by action of debt or on the case in any competent Court in New Zealand wherein no essoign protection wager of law or any more than one imparlance shall

Penalty for neglect of Sheriff.

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shall be allowed: Provided that the party suing shall give sufficient surety at the discretion of such Court for payment of costs if a verdict be given against the suer.

45. And be it further enacted and ordained, That every Clerk of the Peace in New Zealand do and shall on or before the thirty-first day of January in each year make and deliver to the Colonial Treasurer, or at such other time and to such other officer as the Governor or the person administering the Government of the Colony for the time being shall direct and require, a true and perfect duplicate on certificate of all such fines issues amerciaments and forfeited recognizances and sum or sums of money and other forfeitures whatsoever paid in lieu or satisfaction of them or any of them as shall be contained in the several rolls or copies which shall be so sent out to the Sheriff or other officer as aforesaid for the purposes of levying as aforesaid during the year ending the thirty-first day of December then preceding, to the intent that the Sheriff or Sheriffs or other officer or officers respectively may be duly charged with the moneys levied by them in respect thereof; and all parties entitled to any share of such fines forfeitures or sum or sums of money may be at liberty to claim the same according to law.

Clerks of the Peace to make annual returns to the Colonial Treasurer.

46. And be it further enacted and ordained, That the Sheriff or Sheriffs or other officer or officers as aforesaid as the case may be having execution of any writ or writs to be sent to him by any Clerk of the Peace as aforesaid shall and he is hereby required to make up or cause to be made up annually on or before the thirty-first day of January in each year, or within one month after the expiration of his or their office if the same shall expire at any other time than the thirty-first day of December, an account in writing containing the names and residences of all persons incurring fines issues amerciaments forfeited recognizances sum or sums of money paid or to be paid in lieu or satisfaction of them or any of them which he has been authorized or required to levy by virtue of any writ or writs issued to him or to any predecessor in his office; and in case any fine issue amerciament forfeited recognizance sum or sums of money paid or to be paid in lieu or satisfaction of them or any of them shall not have been levied or paid, the causes of non-payment shall be fully and particularly stated; and such account every such Sheriff or other officer is hereby required to transmit on or before such thirty-first day of January in each year, or within one month after expiration of office as aforesaid (as the case may be), to the Colonial Treasurer of New Zealand, or at or within such other period or to such other officer as the Governor or officer administering the Government of the Colony for the time being shall require, in order that such may be duly examined checked and inspected in such manner as shall be from time to time lawfully appointed in that behalf.

Sheriff also to make an annual return.

47. Provided and it is hereby declared enacted and ordained, That nothing herein contained shall be intended or construed to prevent the application of the law of England to any matter except so far as such law is not by this Ordinance expressly modified to suit the circumstances of the Colony, but that such law shall be deemed and taken to apply except as aforesaid in like manner in all respects as before the passing of this Ordinance.

This Ordinance not to interfere with the operation of English laws except so far as the same is expressly modified to suit the Colony.

48. And be it further enacted and ordained, That all penalties fines and forfeitures incurred and imposed under and by virtue of this Ordinance, and for the recovery whereof no other or special provision is herein made, shall and may be sued for and recovered in a summary manner by information before any two or more Justices of the Peace for the said Colony in Petty Sessions, and such Justices shall have full

Recovery of penalties &c. by information order for payment warrant of distress or imprisonment not less than one nor exceeding three months.

power

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power to order immediate payment thereof, and in default of payment to levy the same with costs by warrant of distress under their hands and seals; but if upon the return of such warrant it shall appear that no sufficient distress can be had whereon to levy such penalties fines and forfeitures, it shall be lawful for such Justices and they are hereby authorized to commit such defaulter or defaulters to any common gaol or house of correction in the said Colony for any term not less than one calendar month and not exceeding three calendar months, unless such penalties fines and forfeitures and all reasonable charges shall be sooner paid and satisfied.

Chief and other constables shall attend and obey all warrants orders &c. of Justices.

49. And be it therefore enacted and ordained, That every chief and other constable shall attend and every such chief and other constable is hereby required when not engaged on other actual duty to attend at the several General, Quarter, and Petty Sessions, when and as the same shall be held within the district county or town or other respective place where such constable shall be stationed or in which he shall act; and every such chief and other constable shall obey and execute all warrants orders and commands of such Justices at General, Quarter, or Petty Sessions assembled in all cases, civil as well as criminal.

SCHEDULES.

SCHEDULE A.

FORM OF RETURN OR LIST REFERRED TO

THE LIST OF ALL MEN WITHIN THE DISTRICT, COUNTY, OR TOWN OF [as the case may be], IN THE COLONY OF NEW ZEALAND, LIABLE TO SERVE ON JURIES.

District, County, Town, or other Place.	Christian and Surname, at full length.	Residence, &c.	Title, Quality, or Calling.
District of _____	Adams, John	Manawa	Esquire
County of _____	Bowles, James	Matakana	Yeoman
	Carter, William	Waitemata	Labourer
Town of Auckland.	Dobson, James	Manakau	Carpenter
	Edwards, John	The same	Bricklayer
	Francis, Edward	Peroa	Clerk
	Gibson, Richard	Victoria-street	Druggist
	Harris, Samuel	Shortland Crescent	Merchant

A.B. }
C.D. } Justices of the Peace.
E.F }

SCHEDULE B.

REGISTRY OF SUMMONSES ISSUED FROM PETTY SESSIONS HELD AT _____, IN THE COLONY OF NEW ZEALAND, OR BY JUSTICES ACTING THEREIN.

No.	Date of Complaint.	Complainant's Name and Residence.	Complaint.	Persons Summoned, Names and Residences.

REGISTRY

Sessions Courts.

REGISTRY OF CIVIL PROCEEDINGS AT PETTY SESSIONS HELD AT _____, IN THE
COLONY OF NEW ZEALAND.

No.	Date of Complaint.	Complainant's Name and Residence.	Complaint.	Name, Residence, and addition of Defendant.	Witnesses Examined.	Adjudication.

REGISTRY OF PROCEEDINGS IN CRIMINAL MATTERS AT PETTY SESSIONS HELD FOR
, IN THE COLONY OF NEW ZEALAND, OR BY JUSTICES ACTING THERE.

No.	Date of Information.	Informant's Name, &c.	Offence.	Persons Discharged, Name and Residence.	Witnesses Examined.	Determination.

SCHEDULE C.

LIST OF FEES TO BE TAKEN BY THE CLERKS OF PETTY SESSIONS AND CLERKS TO
POLICE MAGISTRATES AND OTHER JUSTICES OF THE PEACE ACTING SINGLY IN
NEW ZEALAND.

	s.	d.
For every information (in cases not felonious), each	1	6
Swearing the same	1	0
Summons (to include only one name), each	0	6
Copy and service of each, where the service is within two miles	2	0
Above that distance, for every mile in addition	0	8
For every deposition in evidence, and swearing the same	2	6
For every other oath administered in cases within the jurisdiction of a Justice of the Peace (except Naval and Military Pensions), each	1	0
Ditto where the proceedings exceed a folio of ninety words, for each additional folio	0	8
For any document required in the discharge of the duties of Justice of the Peace, not enumerated in this Schedule, for each and every folio of ninety words	0	8
Copy of those proceedings per same, folio	0	4
Warrant to apprehend (in cases not felonious)	2	6
Recognizance with two sureties	5	0
Notices to principal of the two sureties	2	0
Warrant for distress under penal Acts	2	6
Order of a Justice or Justices	1	6

SCHEDULE D.

ACCOUNT OF ALL FEES RECEIVED BETWEEN THE _____ DAY OF _____, 18____, AND THE
DAY OF _____, 18____, BY THE UNDERSIGNED, AS CLERK OF _____.

Time when.	Parties Litigating.	From whom.	On what Account.	—
				£ s. d.

The above account verified on oath, the _____ day of _____, one thousand eight
hundred and _____.

E.F., Clerk of _____
SCHEDULE E.

Sessions Courts.

SCHEDULE E.

Colony of } TAKE NOTICE, that you, A.B., of _____, in the Colony of New Zealand,
 New Zealand } C.D., of _____, in the said Colony, and E.F., of _____, in the same
 to wit. } Colony, are severally and respectively bound, you the said A.B., of _____,
 in the sum of _____ pounds, and you [sureties], the said C.D. and E.F., in the sum of _____
 pounds each, to appear at the next General or Quarter Sessions of the Peace, to
 be holden at _____, in the said Colony of New Zealand, on the _____ day of _____ next,
 or on such other day on which the same may be held by adjournment next, and unless
 you personally make and continue your appearance accordingly, the recognizance
 entered into by you and each of your sureties will be forthwith estreated, and the amount
 thereof levied on your said sureties.

Dated this _____ day of _____, one thousand eight hundred and forty _____.
 J.S., Justice of the Peace.

SCHEDULE F.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and
 Ireland, Queen, Defender of the Faith, and so forth, to the Sheriff of the Colony
 of New Zealand [or the Sheriff or officer, as the case may be, of the County,
 District, or Place, as the case may be], Greeting :

You are hereby required and commanded, as you regard yourself and all yours, that of
 all the goods and chattels lands and tenements of all and singular the persons in the
 several extracts to this writ annexed, you cause to be levied all and singular the debts
 and sums of money upon them in the same extracts severally imposed and charged, so
 that the money may be ready for payment at the next General or Quarter Sessions of
 the Peace holden within and for the said Colony, to be paid over in such manner as is
 or shall be lawfully appointed, and if any of the said several debts cannot be levied by
 reason of no goods or chattels being to be found belonging to the parties, then in all
 cases that you take the bodies of the parties refusing or being unable to pay the
 aforesaid debts and lodge them in the proper gaol, there to await the decision of the
 Justices assembled at the next General or Quarter Sessions of the said Colony, unless
 the parties shall have given sufficient security for their appearance at such Sessions, for
 which you will be held answerable, and have you then there this writ.

Witness, _____ Esquire, Chairman of the Quarter Sessions of the Peace for the
 of _____, in the Colony of New Zealand, the _____ day of _____, in
 the _____ year of our reign.

E.F., Clerk of the Peace.

SCHEDULE G.

To THE SHERIFF [or OFFICER, as the case may be].

WHEREAS _____ hath appeared before the Justices of the Peace assembled at the General
 or Quarter Sessions [as the case may be], held at _____, having forfeited the sum of _____
 [Here describe the nature of the fine or forfeiture], and having made it appear to
 the satisfaction of the Justices so assembled that [he or she] should be relieved from the
 payment of the said sum of _____, [or if the penalty is mitigated, state from part thereof],
 you are hereby required to discharge the said sum of _____ from the estreat roll delivered
 to you after the Quarter Sessions held at _____ on the _____ day of _____, for which
 discharge this warrant shall be your authority, and shall exonerate you from the said
 charge on the passing of your accounts before the proper officer.

By order of the Court,

E.F., Clerk of the Peace.

Distillation.

No. V.

AN ORDINANCE for prohibiting the Distillation of Spirits
within the Colony of New Zealand.

DISTILLATION.

[23rd June, 1841.]

WHEREAS it is expedient to prohibit the distillation of spirits within the Colony of New Zealand : Preamble.

1. Be it therefore enacted and ordained by His Excellency the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, that from and after the passing of this Ordinance all distillation of spirits from grain sugar molasses fruit or any other materials whatsoever and all rectifying and compounding thereof within the Colony of New Zealand and its dependencies shall be and the same is hereby prohibited. Distillation of spirits prohibited.

2. And be it further enacted and ordained, That from and after the passing of this Ordinance it shall not be lawful for any person, except as hereinafter is excepted, to have keep or make use of any still back or other utensil or vessel for distilling spirits or for rectifying or compounding spirits in any place or part of the said Colony of New Zealand and its dependencies, under a penalty of not less than one hundred pounds nor more than five hundred pounds, to be recovered as hereinafter directed. No person to keep or use a still under a penalty of from £100 to £500.

3. And be it further enacted and ordained, That it shall and may be lawful for the Colonial Treasurer for the time being, or other person to be appointed by the Governor for the time being for that purpose, to issue a license free of all charge to any apothecary, chemist, or druggist applying for the same to keep and use on his premises a still of not more than eight gallons content for the purposes of his trade only : Provided that every person wishing to keep such still shall notify his intention so to do to the Colonial Treasurer or other person appointed as aforesaid, who shall thereupon require such person to give bond with two sufficient sureties in the sum of two hundred pounds that he will not make use of such still or suffer it to be made use of except for the preparation of medicines or other articles required *bona fide* for medical purposes ; and every such person found to have such still without having entered into such bond and obtained license shall forfeit and pay not less than one hundred pounds nor more than five hundred pounds. Apothecaries chemists and druggists may have stills of eight gallons content.

4. And be it further enacted and ordained, That it shall and may be lawful for any Justice of the Peace, officer of Customs, or other person duly and lawfully authorized, having reasonable grounds to believe and suspect that any private and concealed still back or other utensil or vessel for the distillation of spirits is set up or kept in any house or place within the said Colony or its dependencies, to enter into such house or place in the day time, and accompanied by a peace officer, to search for and seize any such still back utensil or vessel and also all spirits and other materials preparing for distillation, and either to detain and keep the same in the house or place where found, or to remove the same to the Customs or Police Office or other place in charge of the officer of Customs or Police Magistrate, or as they or one of them or any Justice of the Peace shall direct, and the said still back utensil or vessel and all spirits and other materials preparing for distillation shall be absolutely forfeited, and the proprietor or owner or occupier Justice of the Peace, officer of Customs, or other person duly appointed, suspecting private distillation, may enter house or place, and seize still &c.

Such still &c. absolutely forfeited.

Distillation.

Proprietor or owner of house &c. or person in whose custody still &c. is found, liable to penalty before-mentioned.

Obstructing Justice or other officer.

Penalty.

Justice or officer empowered to enter such house or place.

And if after demand and not admitted, to break therein.

Penalty for refusal.

Recovery of penalties.

occupier of any house or place where any such private and concealed still back utensil or vessel shall be so found and seized, or the person or persons in whose custody the same shall be found, shall be liable to and pay the penalty or sum of not less than twenty pounds nor more than one hundred pounds, exclusive of and in addition to any other penalty he she or they may be liable to ; and if any person or persons shall obstruct oppose molest or hinder such Justice of the Peace, officer of Customs, or other person aforesaid, in the due searching for and seizing any such private and concealed still back or other utensil or other vessel spirits and other materials for distillation, or in detaining keeping or removing the same or any of them after seizure, then and in every such case every person so offending shall forfeit the sum of not less than ten nor more than one hundred pounds.

5. And be it further enacted and ordained, That in case any such Justice of the Peace, officer of Customs, or other person as aforesaid, after having demanded admittance into the house or place where such private and concealed still back utensil or vessel for the distillation of spirits is reasonably suspected to be kept and used, shall not be immediately and without the least delay admitted into such house or place, it shall and may be lawful for such Justice of the Peace, officer of Customs, or other person as aforesaid, being accompanied by a peace officer, by force to break into and enter such house or place and make search therein, and every person found in such house or place after admittance demanded and refused shall for every such offence forfeit and pay a penalty of not less than ten nor exceeding one hundred pounds.

6. And be it further enacted and ordained, That all fines penalties and forfeitures imposed and accruing under this Ordinance shall be sued for recovered and levied by information laid before and summons issued by one Justice, but to be heard and determined before two or more Justices of the Peace for the said Colony in Petty Sessions assembled, at the instance and in the name of any superior officer of Customs or of the Attorney-General for the time being, and in case of non-payment after order and adjudication of such Justices of the Peace, the amount thereof may be levied as well as the costs of proceedings by distress and sale of the goods and chattels of the offender or offenders or person or persons liable to pay the same by warrant under the hands and seals of such Justices, and the overplus, if any, of the money so to be recovered and levied after discharging the fine penalty or forfeiture for which such warrants shall be issued and the costs and expenses of recovering and levying the same shall be returned on demand to the owner of the goods and chattels so seized or distrained ; but if upon the return of such warrant it shall appear that no sufficient distress can be had whereon to levy the said fines penalties and forfeitures and such costs as aforesaid and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such Justices, either by the confession of the offender or offenders or otherwise, that he or she or they hath or have not sufficient goods and chattels whereon such fines penalties and forfeitures costs and expenses can be levied if a warrant of distress were issued, such Justices shall not be required to issue such warrant of distress ; and thereupon it shall and may be lawful for such Justices, and they are hereby authorized and required by warrant under their hands and seals, to cause such offender and offenders to be committed to any common gaol or house of correction in the said Colony, there to remain without bail or mainprize for any time of not less than one nor exceeding six calendar months, unless such fines penalties and forfeitures and all reasonable charges shall be sooner paid and satisfied.

7. And

Courts of Requests.

7. And be it further enacted and ordained, That all fines penalties and forfeitures which shall be levied and enforced under this Ordinance shall, after deducting the charges of prosecution from the proceeds thereof, be divided paid and applied as follows, that is to say,—The moiety or one-half of the net proceeds thereof shall be paid to the Colonial Treasurer for the use of Her Majesty, her heirs and successors, to be applied to the public uses of the said Colony, and the other moiety or half part thereof shall be paid and distributed to and among such person or persons who shall have assisted in the seizure or have given information or evidence leading to the conviction of the offender or offenders in such portions as the said Justices shall in their discretion think proper, and any overplus of such last-mentioned moiety or half part shall be paid to the Colonial Treasurer for the purposes aforesaid.

Fines &c. to be paid one-half to the Queen and one-half to witnesses &c.

No. VI.

AN ORDINANCE for instituting Courts of Civil Jurisdiction, to be called “Courts of Requests,” in different parts of the Colony of New Zealand and its Dependencies. [5th July, 1841.]

COURTS OF REQUESTS.

WHEREAS by an Act of the Imperial Parliament of Great Britain and Ireland, made and passed in the ninth year of His late Majesty King George the Fourth, intituled “*An Act to provide for the Administration of Justice in New South Wales and Van Diemen’s Land, and for the more effectual government thereof, and for other purposes relating thereto,*” it was enacted that it should be lawful for the Governors of New South Wales and Van Diemen’s Land respectively, with the advice of their said Legislative Councils, by Laws or Ordinances to be from time to time for that purpose made and enacted as thereafter mentioned, to institute Courts of civil jurisdiction, to be called “Courts of Requests,” in different parts of New South Wales and Van Diemen’s Land, or the dependencies thereof, as occasion might require, with full power and authority to hear and determine in a summary way all actions, plaints and suits for the payment or recovery of any debt, damages or matter not exceeding ten pounds sterling, except the matter in question should relate to the title to any lands, tenements or hereditaments, or to the taking or demanding of any duty payable to His Majesty, or to any fee of office, annual rent or other such matter where rights in future might be bound, or to any general right or duty, and to award costs therein, and the determination and award of such Courts of Requests in all cases within the jurisdiction thereof should be final, and should be carried into execution by attachment and sale of the goods and effects or by corporal arrest of the party or parties against whom such determination or award should be made: And whereas by a certain other Act of the Imperial Parliament of Great Britain and Ireland passed in the second and third year of the reign of Her present Majesty Queen Victoria, intituled “*An*

Preamble.

2 & 3 Vict.

Act

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Act to amend an Act of the ninth year of the reign of King George the Fourth, to provide for the Administration of Justice in New South Wales and Van Diemen's Land, and for the more effectual government thereof, and for other purposes relating thereto, and to continue the same until the thirty-first day of December, one thousand eight hundred and forty, and thenceforward to the end of the next Session of Parliament," after reciting that, by the said Act passed in the ninth year of King George the Fourth, provision was made for the administration of justice in the said colonies, and further reciting that the provisions of the said Act had by reason of the extension of the said colonies been found in divers respects inapplicable to the circumstances of the said colonies and to the wants of the inhabitants thereof, but the local Legislatures of the said respective colonies had no power to repeal or alter any of the before-mentioned provisions, it was enacted that it should be lawful for the local Legislatures of the said respective colonies, by any Laws or Ordinances to be by them from time to time for that purpose made in manner prescribed by the said Act of the ninth year of King George the Fourth and subject to the conditions and provisions therein contained, to make such provision as to them might seem meet for the better administration of justice and for defining the constitution of Courts of Law and Equity and of juries within the said colonies respectively, or within any present or future dependency thereof respectively, anything in the said recited Act or in any Charter of Justice or Order in Council made and issued in pursuance thereof or in any Law Statute or usage to the contrary thereof in anywise notwithstanding: And whereas it is expedient and necessary that provision be made for the holding of Courts of civil jurisdiction, to be called "Courts of Requests," within the Colony of New Zealand and its dependencies:

Courts of Requests to be holden at certain places.

1. Be it therefore enacted and ordained by His Excellency the Governor of the said Colony of New Zealand, with the advice and consent of the Legislative Council thereof, That from and after the passing of this Ordinance, Courts of civil jurisdiction, to be called "Courts of Requests," shall be holden at and in the following towns or places for the several and respective townships and districts to be included therein under the provisions hereinafter contained, that is to say,—At the towns or districts of Auckland, Port Nicholson, and Russell, in the said Colony; and that such Courts shall be holden at such times at the said several towns or places as the Governor for the time being shall by Proclamation to be issued for that purpose from time to time direct and appoint.

Governor to appoint Commissioners and officers.

2. And be it further enacted and ordained, That it shall and may be lawful for the Governor for the time being and he is hereby authorized and empowered to nominate and appoint Commissioners or a Commissioner and such ministerial or other officers as shall be necessary for the administration of justice in the said Courts respectively and for the execution of the orders and process thereof respectively, and the said Commissioners ministerial and other officers from time to time to remove when and as often as the said Governor shall see fit, and such Commissioners ministerial and other officers shall and may receive for their own respective use such salaries as the Governor of New Zealand shall direct and appoint, which salaries it shall and may be lawful for the said Governor to order and direct by warrant under his hand to be paid from and out of the revenues of New Zealand, and the same shall be the whole remuneration of the said Commissioners ministerial and other officers for and in respect of their said offices, and each Commissioner shall and he is required to take the oath in Schedule A to this Ordinance annexed, and the said oath shall be administered

Governor to order salaries of the Commissioners and officers.

To be whole remuneration.

Courts of Requests.

administered either at General or Petty Sessions or otherwise by any two Justices of the Peace.

3. And be it further enacted and ordained, That from and immediately after the passing of this Ordinance, and so soon thereafter as the Governor shall issue his Proclamation appointing the several times for holding such Courts as aforesaid, each and every of the said Courts shall have full power and authority and the Commissioners thereof may under the provisions thereof and they are hereby respectively authorized to hear and determine within their respective jurisdictions in a summary way all disputes and differences between party and party in all cases of debt covenant assumpsit actions on the case upon assumpsit or promises trover conversion trespass for goods taken or detainue and suits for the recovery of any debt damages or matter not exceeding fifty pounds sterling, except the matter in question should relate to the title of any lands tenements or hereditaments, or to the taking of any duty payable to Her Majesty, or to any fee of office annual rent or other such matter where rights in future might be bound or any general right or duty.

Powers of such Courts

4. And be it further enacted and ordained, That no cause of action which shall exist at any one time, and shall amount in the whole to a sum beyond the sum of fifty pounds as aforesaid, shall be split or divided so as to be made the ground of two or more different actions in order to bring such cases within the jurisdiction created by this Ordinance; but if the Commissioner of the said Court shall find that the plaintiff in any case shall have split his cause of action as aforesaid, he shall dismiss the said action with the ordinary costs of a dismiss, without prejudice however to the plaintiff's right to sue upon such cause of action in the Supreme Court of the said Colony of New Zealand or in such other manner as he lawfully may: Provided also that if such plaintiff shall be satisfied to recover such sum as according to this Ordinance the jurisdiction of the Courts of Requests is made to extend to in full of the whole of such his demand, then the said Commissioner shall and may, if such plaintiff shall satisfactorily prove his case, make and pronounce one decree for such plaintiff for such sum as shall in such case be demanded by the process, so as such sum does not exceed the jurisdiction created by this Ordinance, and the same shall be expressed in such decree to be and shall be in full discharge of the whole of such demand, and shall be a full and complete bar to any other action plaint or suit which may be brought thereon in the same or any Court whatever.

No cause of action to be split, but the Court may decide thereon if plaintiff be satisfied to receive the sum awarded in full of all demands.

5. And be it further enacted and ordained, That nothing in this Ordinance shall extend to any debt being the disputed balance of an unsettled account originally exceeding fifty pounds, nor to any debt or supposed debt for any money or thing won or alleged to have been won at or by means of any horse-race cock-match wager or any kind of chance gaming or play, or to any debt which there had not been a contract acknowledging undertaking or promise to pay within three years before the taking out of the summons.

No jurisdiction in certain cases.

6. And for the better discovery of the truth, and the more speedily obtaining the end of such suits: Be it further enacted and ordained, That it shall and may be lawful for the said Commissioner to examine the plaintiff or plaintiffs defendant or defendants *viva voce* on their several corporal oaths, and that it shall be lawful for the Commissioner to award costs in all actions tried in the aforesaid Court.

Plaintiffs and defendants may be examined on oath, and Commissioner to award costs.

7. And be it further enacted and ordained, That the several proceedings orders decrees and dismisses which shall be taken prosecuted and pronounced in pursuance of this Ordinance, shall be in the form prescribed

Proceedings, orders, &c., to be in form prescribed in Schedule.

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prescribed in Schedule B hereunto annexed or as near thereto as circumstances will admit.

Commissioner may dismiss action with costs &c.

8. And be it further enacted and ordained, That it shall be lawful for any Commissioner appointed under this Ordinance and he is hereby authorized and empowered to dismiss any action or proceeding before him with costs, and either on the merits or without prejudice to further or other proceedings as he shall think fit.

Suits prosecuted in the Supreme Court for causes of action under fifty pounds, and Judge shall think fit to certify that such action ought to have been brought in Court of Requests, defendant to have double costs.

9. And be it further enacted and ordained, That if any action or suit shall be commenced in the Supreme Court of New Zealand for any debt or demand other than hereinbefore excepted not exceeding the sum of fifty pounds sterling, and recoverable by virtue of this Ordinance in any of the said Courts of Requests respectively, the plaintiff or plaintiffs in such action or suit shall not by reason of any verdict for him her or them or otherwise have been entitled to any costs whatsoever, and if the verdict shall be given for the defendant or defendants in such action or suit, and the Judge or Judges before whom the same shall be tried or heard shall think fit to certify that such action or suit ought to have been brought into any of the said Courts of Requests, then such defendant or defendants shall have double costs and shall have such remedy for recovering the same as any defendant or defendants may have for his her or their costs in any cases by law.

Plaintiffs and defendants must attend personally, unless unavoidably prevented.

10. And be it further enacted and ordained, That no person whatever shall be permitted to appear and act in the Courts of Requests in any suit for or in behalf of any plaintiff or defendant in such suit unless it shall be first proved to the satisfaction of the Commissioner of such Court that such plaintiff or defendant is prevented by some unavoidable necessity or some good and sufficient cause from attending such Court in person.

Judgments may be executed anywhere within the Colony.

11. And be it further enacted and ordained, That the judgments decrees and orders of any of the said Courts may and shall be carried into execution in any district or place whatsoever within the said Colony where the defendant his goods or chattels may be found or be met with.

Witnesses not attending and persons guilty of contempt punishable by fine or imprisonment.

12. And be it further enacted and ordained, That all persons summoned to attend any of the said Courts shall attend pursuant to such summons, and shall be subject to the like actions and attachments for disobeying such summons as they would be subject to for disobedience to a subpoena out of the Supreme Court, and also that it shall and may be lawful for any of the said Courts to punish in a summary way, by fine not exceeding twenty pounds or by imprisonment for any time not exceeding two calendar months, any person or persons guilty of any contempt before any such Court.

Witnesses guilty of perjury may be prosecuted for the same.

13. And be it further enacted and ordained, That if it shall appear to the Commissioner of the said Court of Requests that any person examined on oath, or if a Quaker on affirmation, has in any proceeding whatever hereafter to be instituted or in any way connected with the said Courts of Requests committed wilful and corrupt perjury in swearing or affirming in any affidavit or affirmation required to be made before the said Commissioner, then and in each and every such case it shall and may be lawful for the said Commissioner to direct a prosecution for perjury to be forthwith instituted against any such person so falsely swearing or affirming as aforesaid, in order that he or she may be punished according to law.

Appointment of bailiffs, and after judgment, what execution may issue and to whom directed.

14. And be it further enacted and ordained, That each Commissioner for the time being shall and may appoint a sufficient number of proper and responsible persons to act as bailiffs for the execution of the orders and decrees of the said Courts of Requests respectively, and in

Courts of Requests.

in each and every case where the said Commissioners shall have made any order or decree for the payment of money, it shall and may be lawful for the said Courts, at the prayer of the party prosecuting such order or decree, to issue a precept signed by the Commissioner in the nature of a writ of *feri facias* or *capias ad satisfaciendum*, which precept shall be directed to one or more of such bailiffs so appointed for any of the said Courts, who is and are hereby authorized and empowered to levy the amount thereof off the goods and effects of the defendant, and to arrest the defendant as the case may be: Provided however that each of the said Commissioners is hereby empowered and authorized, when thereto required by the plaintiff in any suit wherein such precept or writ may be issued, to appoint one or more special bailiff or bailiffs to be named by the said plaintiff, to execute such precept or writ upon receiving from such plaintiff full and sufficient security against any improper use or abuse of such precept or writ.

Commissioner may appoint special bailiffs for executing writs in certain cases.

15. And be it further enacted and ordained, That for the purpose of preventing any disputes as to the mode of executing the aforesaid writ or precept of the Commissioner, it be executed in the following manner, that is to say,—That the bailiff is directed in the first instance to levy on the goods and chattels of the defendant, and that in the event of such bailiff not being able to find any goods of the defendant, and the defendant failing to point out to his notice any goods whereon to levy the amount, it shall and may be lawful for the said bailiff to enforce the judgment of the Court by the personal imprisonment of the defendant as hereinafter is mentioned: Provided that if previous to the sale of the property so levied upon a disputed claim shall be made to it, and such claim shall be deposed to before a Magistrate by any party, the bailiff on payment to him of the costs of the levy by such party shall release it from the execution and proceed to enforce the judgment of the Court by levying upon other goods of the defendant if any can be found and pointed out to him, or by arresting the body of the defendant as hereinbefore is directed.

Mode of proceeding in the writ of execution.

Proviso as to disputed claim to goods &c.

16. Provided always and be it further enacted and ordained, That every such defendant who shall be arrested and taken in execution by process of the said Courts as aforesaid, shall and may be imprisoned in any one of Her Majesty's gaols and shall be there detained for a space of time not exceeding three calendar months, unless before the expiration thereof the judgment of the said Courts shall have been satisfied, and in case such judgment shall not then be satisfied, such defendant shall be discharged from such gaol; but it shall be lawful for the complainant at any time within three years after such judgment to take out execution against any estates or effects of such defendant until such judgment shall be fully satisfied.

Imprisonment by process of Court, not to exceed three months.

Liability of future effects.

17. And be it further enacted and ordained, That it shall be lawful for the said Commissioner of the Courts of Requests, whenever it shall appear to him that the levy of the full amount of any judgment in the said Courts at one time may be attended with great distress to the defendant, and that such distress may be avoided or lessened by enlarging the time for satisfying such judgment, to order and direct the amount thereof together with the costs and charges to be levied by instalment at such stated times and in such proportional amounts as shall be expressed in such order and as shall be reasonable and just: Provided always that the time for satisfying any such judgment shall not exceed six months from the time of making such order as aforesaid, and in case any defendant shall fail to pay any such instalment agreeably to such order, in every such case the plaintiff may proceed to take out execution for the amount of such judgment and the costs and

Commissioner may in certain cases order judgments to be paid by instalments.

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charges thereof then remaining due and unsatisfied in like manner as if no such order as aforesaid had been made.

Levy on defendant's goods to be made between sunrise and sunset.

18. Provided however that no judgment of any of the said Courts against the goods and chattels of the defendant in any suit or action brought therein shall be executed at any time after sunset nor before sunrise, and if any officer or person shall execute any such judgment after sunset or before sunrise, such officer or other person shall be subject and liable to a fine of not exceeding ten pounds, which shall be set by the Commissioner of the said Court and enforced by distress and sale of the offender's goods.

Execution not to prejudice landlords.

19. And be it further enacted and ordained, That no execution awarded against the goods of any party or parties shall extend to or be construed to extend to deprive any landlord or landlords of the power vested in such landlord or landlords by an Act passed in the eighth year of the reign of Her late Majesty Queen Anne, intituled "*An Act for the better security of Rents, and to prevent Frauds committed by Tenants,*" of recovering one year's rent by virtue of and in pursuance of the said Act.

8 Anne, cap. 14.

No plaints action or proceedings to be removed.

20. And be it further enacted and ordained, That from and after the passing of this Ordinance no plaint action or other proceeding entered in the said Courts or commenced therein as aforesaid, nor any order or orders decree or decrees or other process or decision to be had thereon by virtue of this Ordinance, shall be removed out of the said Courts by a writ of *recordari facias*, *loquellam*, *certiorari*, or false judgment, or otherwise howsoever, but such order or orders decree or decrees or other decision so to be made by the Commissioner shall be final and conclusive to all intents and purposes whatsoever.

General issue.

21. And be it further enacted and ordained by the authority aforesaid, That in case any action or suit shall at any time hereafter be commenced or brought against any member officer or minister of the said Court of Requests or against any other person or persons for or in pursuance or under the authority of this Ordinance, it shall and may be lawful for such person in every suit or action to plead the general issue and give this Ordinance and the special matter in evidence, and the plaint warrant precept or other necessary proceeding signed by the Commissioner being duly approved in any such suit or action shall be deemed a sufficient proof of the authority of the said Courts of Requests and of all other proceedings in the said Courts previous to the issuing of such warrant precept or proceeding, and in case the plaintiff or plaintiffs in such action or suit shall have a verdict pass against him or them or be nonsuit or discontinue his her or their action or suit, the defendant or defendants shall in any of the said cases be allowed double costs.

Defendants to be summoned in Courts for the districts where they reside, plaintiff may commence and prosecute his suit in district where he resides.

22. And be it further enacted and ordained, That defendants shall in general be summoned only to the Courts which shall be held for the districts where they or some of them reside, excepting in cases where the cause of action has occurred in another district wherein plaintiff resides, in any of which last-mentioned cases it shall be lawful for the plaintiff, if he shall think proper so to do, to commence and prosecute his suit in the Court which shall be held for the district where he himself resides.

Verbal or technical errors not to be material, but may be amended or altered.

23. And be it further enacted and ordained, That no action or proceeding under this Ordinance shall be treated or considered as invalid on account of any verbal or technical error, but all errors or mistakes which have not a tendency to mislead the opposite party shall in all cases be deemed merely verbal or technical and may be amended or altered by the Commissioner for the time being.

Fees to be taken.

24. And be it further enacted and ordained, That in all actions and

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and proceedings under this Ordinance the fees specified in Schedule C to this Ordinance annexed shall be established and be deemed and taken as the lawful fees and emoluments for the discharge of the several duties therein specified, and the Commissioners shall have full power to compel the payment thereof in a summary way by order, and on non-payment by warrant of distress and sale under his hand and seal, and the said fees shall be received and accounted for by the Registrars of the said Courts respectively, and be paid over by them monthly to the Colonial Treasurer for the public uses of the said Colony.

Recovered in summary way.

Registrars to receive and account for fees.

SCHEDULES.

SCHEDULE A.

I, E.F., of _____, in the Colony of New Zealand, Esquire, duly appointed a Commissioner of the Courts of Requests within and for the said Colony, do swear that I will truly faithfully and impartially perform the said office of Commissioner of the Court of Requests, and that I will without favour affection hatred malice or ill-will diligently hear and honestly judge and determine, according to evidence, and to the best of my judgment and ability, upon the several actions complaints applications proceedings and other matters and things brought before me under and by virtue of an Ordinance of the Governor and Legislative Council of the said Colony of New Zealand, passed in the fourth and fifth years of the reign of Her present Majesty Queen Victoria, intituled, "*An Ordinance for instituting Courts of Civil Jurisdiction, to be called Courts of Requests, in different parts of the Colony of New Zealand and its Dependencies.*"

SCHEDULE B.

New Zealand } A.B., of _____, in the Colony of New Zealand, hereby requires entry to
to wit. } be made in the Court of Requests for the township and district of _____,
within the said Colony, of his plaint against C.D., of _____, in the said Colony, for a
sum of _____ pounds _____ shillings and _____ pence, being for [*Here state generally
the cause of action*] in the particulars hereunto annexed fully set forth. And the said
A.B. hereby declares that the said particulars contains a correct full and true statement
of his demand against the said C.D., and that the said C.D. is justly and truly indebted
to him the said A.B. in the sum of _____, and thereupon the said A.B. prayeth that
the said C.D. may be summoned to attend at the next Court of Requests to be holden in
the said township and district to answer such his demand.

Dated this _____ day of _____, one thousand eight hundred and forty _____.

Witness _____ A.B., Plaintiff.

G.H., Registrar.

ORIGINAL SUMMONS.

New Zealand } You are hereby summoned and required to attend the Court of Requests
to wit. } to be holden at the Court House, _____, at nine o'clock in the forenoon
of _____ day of _____ next, then and there to answer the demand of _____ entered
against you in the said Court for the sum of _____ pounds _____ shillings
and _____ pence, being for _____. And herein fail not, or judgment
will be passed and execution issued against you for the said sum and costs. And
you will take notice that if you have any debt or demand to set off against the said
plaintiff's claim, you are hereby required to file or deliver the same at my office at
on or before the _____ day of _____, or you will be precluded from giving evidence
thereof on the trial. And you will further take notice that a plaint containing the par-
ticulars of the plaintiff's demand against you has been filed in my office at _____, and
that you are at liberty to obtain a copy of the same if you shall think proper.

Given under my hand, this _____ day of _____, one thousand eight hundred and _____.

Witness

G.H., Registrar.

E.F., Commissioner.

COPY

Courts of Requests.

COPY SUMMONS.

New Zealand } You are hereby summoned and required to attend the Court of Requests
to wit. } to be holden at the Court House, , at nine o'clock in the forenoon
of , the day of next, then and there to answer the demand of ,
of , entered against you in the said Court for the sum of pounds
shillings and pence, being for . And herein fail not, or judgment will be passed
and execution issued against you for the said sum and costs. And you will take notice
that if you have any debt or demand to set off against the said plaintiff's claim, you
are hereby required to file or deliver the same at my office, at , on or before the
day of , or you will be precluded from giving evidence thereof on the
trial. And you will further take notice that a plaint containing the particulars of the
plaintiff's demand against you has been filed in my office at , and that you are at
liberty to obtain a copy of the same if you shall think proper.

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

Witness

G.H., Registrar.

E.F., Commissioner.

Court of Requests Office.

Between A.B., Plaintiff, and C.D., Defendant.

New Zealand } THE Commissioner having appointed the day of next to
to wit. } the above case, I have received his instructions to require your
attendance on that day, at o'clock in the , and to bring with you any wit-
nesses you may deem necessary to support your evidence.

By order of the Commissioner,

G.H., Registrar.

To , in the above case.

SUBPENA.

To
New Zealand } You and each of you are hereby commanded that, all excuses being laid
to wit. } aside, you and each of you be and appear in your own proper person
before the Court of Requests at , on , the day of , at o'clock
, to testify all and singular what you or either of you know in a certain cause
now depending and undetermined, between , plaintiff, and , defendant, then
and there to be tried. And herein fail not at your peril.

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

E.F., Commissioner.

DECREE IN FAVOUR OF PLAINTIFF.

A.B., Plaintiff; C.D., Defendant.

New Zealand } It appearing to the Court that the plaintiff hath proved his demand
to wit. } [wholly or in part.] it is therefore hereby ordered and decreed that the said
Court of Re- } plaintiff do recover from the said defendant the sum of , together
quests, Town- } with costs, and the said C.D., the defendant, is hereby ordered to
ship and Dis- } pay to the said A.B., the plaintiff, the said sum of in full satisfac-
trict of } tion of the said debt and costs [forthwith on demand thereof, or by the
following instalments, namely, as the case may be].

Given under my hand and seal, this day of , in the year of our Lord one thousand eight hundred and forty .

Debt.....

Costs.....

£

E.F., Commissioner.

Entered:

G.H., Registrar.

FORM OF DISMISS.

A.B., Plaintiff; C.D., Defendant.

New Zealand } It appearing to this Court that the plaintiff entered his plaint and
to wit. } caused the above defendant to be summoned to attend this Court for
Court of Re- } [Here state cause of action]. And the said plaintiff having failed to prove
quests, Town- } his said plaint, it is hereby ordered and decreed by the Court that
ship and Dis- } the plaint of the said A.B. be and the same is hereby dismissed, and
trict of } that the said defendant do recover against the said plaintiff the sum of
for costs. And the said A.B., the plaintiff, is hereby ordered and directed forth-
with, on demand, to pay to the said C.D., the defendant, the said sum of so
awarded

Courts of Requests.

awarded for his costs herein, as aforesaid, otherwise let execution issue to take in execution the goods and chattels of the said A.B. or his body to satisfy the said costs.

Given under my hand and seal, this _____ day of _____, in the year of our Lord one thousand eight hundred and _____

Defendant's Costs, £ _____

Entered :

G.H., Registrar.

E.F., Commissioner.

FORM OF WARRANT ON DECREE OF DISMISS FOR NON-PAYMENT OF COSTS.

I AUTHORIZE and empower _____, one of the Bailiffs of this Court, and his assistants, to execute the above decree.

Given under my hand and seal, this _____ day of _____, in the year of our Lord one thousand eight hundred and _____

Costs.....

Warrant.....

£ _____

E.F., Commissioner.

COURT OF REQUESTS.

Between A.B., Plaintiff, and C.D., Defendant.

To Mr. _____, Bailiff, and his assistants.

New Zealand } You are hereby commanded to levy of the goods and effects of _____, to wit. } of _____, in the Colony of New Zealand, the sum of _____ pounds

shillings and _____ pence sterling, which _____, of _____, lately recovered against _____, for _____ damages and costs; and if you shall not find any goods or effects belonging to the said defendant whereof to levy, then you are hereby commanded to take the said defendant and _____ safely lodge in the custody of one of Her Majesty's gaols within one calendar month from the date hereof, to satisfy the said _____, plaintiff, damages and costs, as aforesaid, and have you there this writ.

Given under my hand and seal, this _____ day of _____, one thousand eight hundred and _____

Entered :

G.H., Registrar.

E.F., Commissioner.

£ s. d.

Judgment.....

Costs.....

Subpœna.....

Execution.....

Alias

Pluries.....

£ _____ Sterling.

The Pluries.

You are hereby commanded, as before you were commanded [*and so follow the above form*].

day of _____

184 .

A.B., Plaintiff; C.D., Defendant.

Court of Requests, } You are hereby authorized to discharge out of your custody the above-named defendant, as far as regards the execution, in the above case.

New Zealand } to wit.

G.H., Registrar.

To the Sheriff of New Zealand, or any Deputy Sheriff thereof.

SCHEDULE C.

	s.	d.
For entering every plaint, action, &c., and particulars of demand	2	6
Entering every appearance and defence...	1	0
Summons for defendant and copy	2	0
Copy for plaintiff, per folio	0	6
Entering notice of hearing	1	0
Copy and service on plaintiff and defendant, each	1	6
Any notice required during the course of proceedings	1	0
Fee on hearing and adjudication where the sum to be recovered shall not exceed £10	2	6
Exceeding £10 and not £20	3	6
Above £20 to £50	5	0
		Each

Courts of Requests.

	s.	d.
Each summons of witness and copy	1	6
Drawing and signing order for costs, decree, or dismiss, each	2	6
Every oath of party or witness examined	1	0
Commissioner's warrant to bailiff for executing decree	5	0
Bailiff executing any decree or order where the sum shall not exceed £10	2	6
Exceeding £10 and not £20	5	0
Above £20 to £50	10	0
Copies of any other proceedings, per folio	0	6

And 3d. in the pound on the amount recovered under execution, to include all charges.
 Allowance by way of costs to party in whose favour decree or order is made for the attendance and loss of time of himself and witnesses, not exceeding ten shillings per diem, as ordered by Commissioner.

Supreme Court.

ANNO QUINTO

VICTORIÆ REGINÆ.

SESSION II. No. I.

AN ORDINANCE for establishing a Supreme Court.

SUPREME COURT.

[22nd December, 1841.]

BE IT ENACTED by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:— Preamble.

I.—CREATION OF COURT.

1. There shall be within the Colony of New Zealand a Court of record for the administration of justice throughout the Colony, which Court shall be called the Supreme Court of New Zealand. Creation and style of Court.

II.—JURISDICTION OF COURT.

2. The Court shall have jurisdiction in all cases as fully as Her Majesty's Courts of Queen's Bench Common Pleas and Exchequer at Westminster have in England, and shall be a Court of oyer and terminer and gaol delivery and assize and nisi prius. Legal.

3. The Court shall also have all such equitable jurisdiction as the Lord High Chancellor of Great Britain hath in England. Equitable.

4. The Court shall also have exclusive jurisdiction in all questions respecting the validity of wills of personal property. Ecclesiastical.

5. The Court shall also have power to appoint and control guardians of infants and their estates, and also keepers of the persons and estates of idiots, lunatics, and such as being of unsound mind are unable to govern themselves and their estates. Lunacy.

6. The Court shall not take cognizance of any criminal case where the offence shall have been committed previous to the fourteenth day of January, one thousand eight hundred and forty. Jurisdiction.

7. There shall be made a Seal of the Court, and all writs and other process issuing out of the Court shall be sealed therewith: Provided that until such Seal can be procured such writs and process shall be valid if signed by the Registrar. Seal.

III.—CONSTITUTION OF COURT.

8. The Court shall be holden before one Judge, who shall be called the Chief Justice of New Zealand, and such other Judges as Her Majesty or the Governor shall from time to time be pleased to appoint. Judges.

9. Every Judge before entering on his office shall take an oath in the form in the Schedule hereunto annexed faithfully to execute the duties thereof. Oath of office.

10. There shall belong to the Court a Registrar and such inferior officers as to the Chief Justice shall appear necessary. Officers of the Court.

11. The

Supreme Court.

Registrar.

11. The Registrar shall be appointed by his Excellency the Governor and shall be removable by him upon reasonable cause.

Inferior officers.

12. The inferior officers shall be appointed and discharged by and at the discretion of the Chief Justice.

Barristers and solicitors.

13. The Court shall enrol to practice therein as barristers such persons only as shall have been admitted barristers or advocates in Great Britain or Ireland, and to practice therein as solicitors such persons only as shall have been admitted as solicitors, attorneys, or writers in one of the Courts at Westminster Dublin or Edinburgh, or proctors in any Ecclesiastical Court in England, or shall have served such term of clerkship with a solicitor of the Court as shall be required by the general rule thereof. All persons so enrolled shall be removable from the rolls of the Court upon reasonable cause.

Their practice.

14. The barristers of the Court shall be allowed to act as solicitors and the solicitors of the Court to act also as barristers for the period of five years after the passing of this Ordinance, unless the Court shall in the meantime make order to the contrary.

Sheriff.

15. His Excellency the Governor shall, by warrant under his hands, appoint fit persons to be Sheriffs of the several counties or districts as the case may be of the Colony, who shall be removable by the Governor on reasonable cause: Provided that no Sheriff shall be in any way concerned in the conduct of any suit in any Court either as barrister, solicitor, or agent.

Oath.

16. The Sheriffs shall upon appointment take an oath in the form in the Schedule hereunto annexed faithfully to execute the duties of their office, and shall thereupon have all such powers and privileges and be liable to all such duties and responsibilities as any Sheriff by law hath or is liable to in England.

Process when Sheriff disqualified.

17. Whenever the Court shall direct any process which the Sheriff ought not by law to execute, the Court shall appoint some other fit person to execute the same, and in every such case the cause of such special proceeding shall be entered upon the records of the Court.

Vacancy.

18. In case of any vacancy in the office of Sheriff by death or otherwise, it shall be lawful for the District or County Judge to nominate and appoint a fit person to discharge the duties of the office so long as such vacancy shall continue.

IV.—PRACTICE OF THE COURT.

Trial by jury.

19. All questions of fact upon which issue shall be taken in the course of any proceeding before the Court, and all questions of idiotcy lunacy or unsoundness of mind, shall be decided by the verdict of a jury of twelve men.

Indictments.

20. For the purpose of bringing a criminal case under the cognizance of the Court, an indictment duly signed by the Attorney-General or Crown Prosecutor of the county or district wherein the Court shall be holden shall be as valid and effectual in all respects as if the same had been presented by a grand jury.

Circuits.

21. There shall be holden Circuit Courts for the despatch of civil and criminal business of the Court before one of the Judges thereof at such places and at such times as His Excellency the Governor shall, with the advice of the Executive Council, by Proclamation from time to time appoint: Provided that such Courts shall be holden twice in every year at each of the places so to be appointed.

Powers of Judge on circuits.

22. It shall be lawful for a single Judge of the Court on circuit or otherwise to hear and determine all cases of crimes and misdemeanours committed within the district, and to try and determine any issues of fact joined in any action or proceeding in the Supreme Court, and to exercise all such powers in respect of the persons and estates of infants, idiots,

County Courts.

idiots, lunatics, and persons of unsound mind, as are hereinbefore given to the Supreme Court.

23. It shall be lawful for the Judges of the Court from time to time to make rules for regulating the time and place of holding the Court, and the practice and pleadings upon all indictments informations suits and other proceedings therein, the proceedings of the Sheriff and other ministerial officers, the admission of barristers and solicitors, the fees and poundage to be paid to any officer, costs of suit and the taxing thereof, and all matters relating to the business of the Court, and such rules from time to time to alter or revoke: Provided that the same shall not be repugnant to any of the provisions hereinbefore contained. Rules for practice.

24. The rules to be made under the authority aforesaid shall have the same force and effect as if they had been inserted herein. Their force and effect.

25. All fees received by the Registrar as well as those received by the inferior officers of the Court shall be accounted for quarterly to the Colonial Treasurer, and shall form a fund, to be called the "Fee Fund," to be chargeable with the salaries of all the officers of the Court. Fee fund.

SCHEDULE.

FORM OF OATH.

I, A.B., do swear that I will truly and faithfully and to the best and utmost of my skill and knowledge discharge the duties of [Judge of the Supreme Court or Sheriff, *as the case may be*] without fear favour or malice. So help me God.

No. II.

AN ORDINANCE for establishing County Courts of Civil and Criminal Jurisdiction, and for repealing "*An Ordinance for instituting Courts of Requests*" (Session I., No. 6), and for repealing part of "*An Ordinance for establishing Courts of Quarter Sessions*" (Session I., No. 4). [28th December, 1841.] COUNTY COURTS.

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

I.—CREATION OF COURT.

1. There shall be within the Colony of New Zealand County Courts of record possessing civil and criminal jurisdiction in manner hereinafter provided. Civil and criminal.

2. His Excellency the Governor, with the advice of the Executive Council, shall from time to time appoint a place or places within each county or district as the case may be whereat such Courts shall be holden. Places whereat the Court shall sit.

3. In every county or district a Court shall be holden monthly, on the third Tuesday in every month. Time.

County Courts.

II.—CONSTITUTION OF COURT.

Judges.

4. His Excellency the Governor, with the like advice, shall from time to time appoint for every such county or district a fit person being a barrister or solicitor of the Supreme Court, who shall be and be called the Judge of the County Court, and who shall hold his office during the pleasure of His Excellency the Governor.

Oath.

5. Every Judge before entering on his office shall take the following oath before one of the Judges of the Supreme Court, who is hereby authorized to administer the same:—

I, A.B., do swear that I will truly and faithfully, to the best and utmost of my skill and knowledge, discharge the duties of a Judge of the County or District Court of without fear favour or malice. So help me God.

Clerks &c.

6. For every Court there shall be a Clerk and other ministerial officers.

How appointed.

7. The Clerk shall be appointed by His Excellency the Governor, and shall be removable by him on reasonable cause.

Inferior officers how appointed.

8. The inferior officers of the Court shall be appointed by the Judge and shall be removable at his discretion.

Seal.

9. There shall be made a Seal for every Court, and all writs and other process issuing out of Court shall be sealed therewith: Provided that until such Seal can be procured such writs and process shall be valid if signed by the Clerk of the Court.

III.—JURISDICTION.

Civil.

10. The Court shall have exclusive cognizance of all civil cases where the debt or damages sought to be recovered shall not exceed the sum of twenty pounds sterling, and when the party sought to be charged shall reside within the county or district: Provided that such Court shall not have cognizance of any debt being the disputed balance of an account originally exceeding twenty pounds, nor of any question relating to the title to real property, or to any annual rent, or to any question where rights in future would be bound.

Criminal.

11. Every Court shall have cognizance of all crimes and offences except perjury (committed within the county or district), and punishable by fine or imprisonment or both or by transportation for any period not exceeding seven years.

Ecclesiastical.

12. The Court shall have exclusive power to grant probates of wills and letters of administration of the estates and effects of deceased persons who shall have been at the time of their decease resident within the county or district, and to take order for the due passing of the accounts of the executors and administrators of such persons.

Equitable.

13. The Judge of the Court shall in the absence of any Judge of the Supreme Court have power to grant and dissolve any injunctions to prevent irreparable injury to property within the county or district in the interval before some question of right relating to such property can in due course of law be determined.

Arrest.

14. If any person shall have any claim, legal or equitable, to the amount of not less than twenty pounds against any other person, and the Judge of any such Court shall be satisfied of the existence of such claim and of the intention of such other party to leave the Colony, it shall be lawful for such Judge to issue a warrant under his hand for the apprehension of the party so intending to leave the Colony, who shall thereupon give good security to abide the result of legal proceedings to be founded upon such claim, or in default thereof shall be kept in custody until such claim shall be decided.

IV. PRACTICE

County Courts.

IV.—PRACTICE OF THE COURTS.

15. The course of procedure in every suit shall be in conformity with the rules which shall be prescribed regulating the conduct of suits in the Supreme Court, so far as the same shall not be inconsistent with the provisions of this Ordinance. Procedure.

16. All cases of a civil nature shall be heard and determined in a summary way. Summary.

17. The judgment of the Court shall be enforced in the first instance by sale of the goods and effects of the defendant; when the goods and effects of the defendant shall not suffice for payment of the sum recovered, including costs, the defendant may be imprisoned for a period of one calendar month for every five pounds or fractional part of five pounds remaining unpaid: Provided that the time of imprisonment shall in no case exceed four calendar months and shall cease so soon as the judgment of the Court shall have been satisfied. Execution.

18. It shall be lawful for any person under the age of twenty-one years to prosecute a suit for wages in the same manner as if he were of full age. Infants may sue for wages.

19. Where two or more persons are jointly answerable it shall be sufficient if one of such persons be served with the process of the Court, and judgment may be obtained and execution issued against such person alone, reserving always any right which he may have to demand contribution from any other person jointly liable. Joint liability.

20. It shall not be lawful for any plaintiff to divide any cause of action into two or more suits for the purpose of bringing the same within the jurisdiction of the Court, but any plaintiff having cause of action above the value of twenty pounds may abandon the excess, and the judgment of the Court if given in favour of such plaintiff shall operate as a full discharge of the defendant from all demand in respect of such cause of action. Cause of action not to be divided.

21. No person shall appear as an advocate or solicitor in the Court unless he be duly authorized to practice as such in the Supreme Court. Advocates.

22. In all civil cases the decision of the Judge shall be final on all questions both of fact and of law, nor shall any case be removed on behalf of either party into any superior Court, by *certiorari* or otherwise, in any stage of the proceedings. Nevertheless it shall be lawful for the Judge, upon the application of any of the parties to the suit made immediately upon the delivery of the judgment, to reserve for the opinion of the Supreme Court any point of law upon which such judgment may directly depend, in which case execution shall not issue until the opinion of the Supreme Court shall have been pronounced. Judgment to be final.

23. For the purpose of bringing a criminal case under the cognizance of the Court, an indictment duly signed by the Attorney-General or Crown Prosecutor of the county or district shall be as valid and effectual in all respects as if the same had been presented by a grand jury; in other respects the procedure of the Courts of Quarter Sessions of the Peace in England shall be adopted as nearly as the laws and circumstances of the Colony shall admit. Indictments how originated.

24. It shall be lawful for the Judge to reserve any point of law arising in any criminal case for the opinion of the Supreme Court. Points of law.

25. It shall be lawful for the Judges of the Supreme Court from time to time to make rules for regulating the practice of the Court, the scale of fees, the costs of suits and the taxing thereof, and all other matters relating to the business of the Court. Rules of practice.

26. All fees received by the Clerk as well as those received by the inferior officers of the Courts shall be accounted for quarterly to the Fee fund.

the

Juries.

the Colonial Treasurer or Treasurer of the county or district, and shall form a fund to be called the "Fee Fund," and shall be chargeable with the salaries of all the officers of the Court.

Ordinance, repeal of.

27. And whereas an Ordinance (Session I., No. 6,) was passed, intituled "*An Ordinance for instituting Courts of Civil Jurisdiction, to be called 'Courts of Requests,' in different parts of the Colony of New Zealand and its Dependencies:*" Be it enacted, that from and after the last day of February, one thousand eight hundred and forty-two, the said recited Ordinance shall be repealed.

Part of Ordinance No. 4 repealed.

28. And whereas an Ordinance (Session I., No. 4,) was passed, intituled "*An Ordinance for instituting and regulating Courts of General and Quarter Sessions in the Colony of New Zealand, and to authorize the holding of Petty Sessions within the same, and for defining their respective powers and determining the places at which the same shall be holden, and for repealing within the Colony of New Zealand certain Acts of the Governor and Council of New South Wales, adopted and now in force within the said Colony of New Zealand:*" Now be it enacted, That from and after the last day of February, one thousand eight hundred and forty-two, so much of the said recited Ordinance as relates to the instituting and regulating of Courts of General and Quarter Sessions in the Colony, and to the defining of the powers thereof, and the determining of the places at which the same shall be holden, except so much thereof as relates to the constitution of juries and the formation of the Jury List, shall be repealed.

Commencement of Ordinance.

29. And be it lastly enacted, That this Ordinance shall come into operation on the first day of March, one thousand eight hundred and forty-two.

No. III.

JURIES.

AN ORDINANCE to regulate the Constitution of Juries.

[23rd December, 1841.]

BE IT ENACTED by the Governor of New Zealand, with the advice and consent of the Legislative Council, as follows:—

I.—CONSTITUTION OF JURIES.

Who liable.

1. Every man, except as hereinafter excepted, between the ages of twenty-one years and sixty years, who shall have to his own use a freehold estate in lands and tenements within the Colony and who shall reside within the same, shall be qualified and liable to serve as a juror therein: Provided always that all Members of the Legislative Council, all persons holding office by appointment of His Excellency the Governor, all Judges of any Court and all ministerial officers thereof, all coroners gaolers and constables, all officers in Her Majesty's Army or Navy on full pay, all clergymen priests and ministers of religion, all barristers and solicitors actually practising, all physicians surgeons and apothecaries in actual practice, all revenue officers, all licensed pilots, and all masters of vessels actually employed in the service of the Government, shall be exempt from serving on any jury: Provided always that no man who hath been convicted of treason felony or perjury shall (unless he shall have received a free pardon) be qualified to serve on any jury.

Who exempt.

Who disqualified

II.—FORMATION

Juries.

II.—FORMATION OF JURY LIST.

2. The Registrar of Deeds in every district or county as the case may be shall, on or before the first day of January in every year, transmit to the nearest Police Magistrate a true list in alphabetical order of all men who shall be qualified and liable to serve on juries in respect of lands or tenements within the same, setting forth the Christian and surname of each at full length together with his place of abode and calling or business. The Police Magistrate shall forthwith cause a copy thereof to be published in one or more of the newspapers of the district or county, and shall also cause a copy thereof to be affixed upon the principal door of the Police Office, and to such lists and copy thereof shall subjoin a notice that all objections thereto will be heard and determined by him at any time before the first day of February then next.

Registrar of Deeds to make out Jury List.

3. The Police Magistrate shall have power after hearing such objections to strike out of the said lists the names of all persons who shall not be liable to serve as jurors, and also of such as are disabled by lunacy or unsoundness of mind or deafness blindness or other infirmity, and shall correct all errors therein.

Hear and determine objections to it.

4. A copy of the list so corrected, signed by the Police Magistrate, shall be transmitted by him before the tenth day of February to the Sheriff of the district.

And transmit it to the Sheriff.

5. The list so transmitted shall be called the "Jury List," and shall be brought into use the first day of March following, and shall continue to be used for one year then next ensuing.

And be in use for one year.

III.—MODE OF SUMMONING JURIES.

6. When it shall be requisite to summon a jury, the Sheriff shall summon the persons whose names shall appear on the Jury List in the order in which they shall be placed, and at the commencement of every year he shall begin with the names in the new list next after the names of the persons who were last summoned in the preceding year.

Order of summoning jurors.

7. The Sheriff shall, before the sitting of any Court within the district or county whereat a jury shall be necessary, issue summonses according to the form hereunto subjoined, requiring the attendance thereat of thirty-six good and lawful men qualified and liable to serve as aforesaid. Every summons shall be personally served upon or left at the usual place of abode of the person summoned ten clear days before the day appointed for the sitting of the Court: Provided that no man shall be summoned whose place of abode shall be distant more than twenty miles from the place at which the Court shall be holden.

Summons.

8. The Sheriff shall also at the same time cause to be delivered to the Registrar or Clerk (as the case may be) of the Court a panel containing the names places of abode and additions of the persons so summoned.

Panel.

9. If any man having been duly served with such summons shall fail to attend, or being present shall not appear when called, or after appearance shall withdraw himself without the permission of the Court, the Court shall (unless some reasonable excuse shall be proved by oath or affidavit) set upon the person so making default such fine not exceeding the sum of ten pounds as to the Court shall seem meet.

Penalty for non-attendance.

IV.—FORMING OF JURY.

10. At the sitting of the Court the names of all the jurors summoned shall be written on separate pieces of card or paper of equal size and put into a box, and the Registrar or Clerk of the Court shall in open Court draw therefrom until twelve men appear who, after all just causes of challenge allowed, shall remain as fair and indifferent;

Jury to be ballotted for.

Juries.

and the same shall be done whenever it shall be requisite to form a new jury.

Number of challenges.

11. Every person who shall be put upon his trial either for felony or misdemeanour shall be allowed six peremptory challenges and no more.

Talesmen.

12. Whenever there shall be a deficiency of jurors it shall be lawful for the Court to put upon the jury so many good and lawful men of the bystanders (qualified and liable as aforesaid) as shall be sufficient to make up the full number thereof.

V.—PROVISIONAL JURY LIST.

Quarter Sessions Act.

13. And whereas by an Ordinance enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, in the fourth and fifth years of the reign of Her Majesty Queen Victoria, No. 4, intituled "*An Ordinance for instituting and regulating Courts of General and Quarter Sessions in the Colony of New Zealand, and to authorize the holding of Petty Sessions within the same, and for defining their respective powers and determining the places at which the same shall be holden, and for repealing within the Colony of New Zealand certain Acts of the Governor and Council of New South Wales adopted and now in force within the said Colony of New Zealand,*" provision is made for the constitution and regulation of juries for the Courts of General and Quarter Sessions: And whereas some time may elapse before the registration of titles to land within the Colony shall be sufficiently advanced for the purpose of this Ordinance: Be it enacted, That in the meantime and until the first day of March, one thousand eight hundred and forty-three, so much of the said recited Ordinance as relates to the constitution of juries and the formation of the Jury List shall be deemed to extend to all juries in all Courts of Justice within this Colony.

Commencement.

14. So much of this Ordinance as relates to the mode of summoning juries and the forming of a jury shall come into operation on the passing thereof, and the residue thereof on the first day of March, one thousand eight hundred and forty-three.

Repealing.

15. So much of the aforesaid Ordinance as relates to the mode of summoning juries and the forming of a Jury List shall be repealed from the passing of this Ordinance, and that so much as relates to the constitution of juries and the formation of a Jury List shall be repealed from and after the last day of February, one thousand eight hundred and forty-three.

FORM OF SUMMONS.

Mr. A.B.

You are hereby summoned to appear as a juror at the Supreme [*or Circuit or County Court, as the case may be*] to be holden at _____, in the County of _____, on the day of _____ next, and there to attend from day to day until you shall be discharged by the said Court.

C.D., Sheriff.

N.B.—The penalty for disobedience hereto is any sum not exceeding ten pounds.

Police Magistrates.

No. IV.

AN ORDINANCE for extending the Powers of Police Magistrates. [21st January, 1842.]

POLICE
MAGISTRATES.

WHEREAS great evils have been found to arise from the imprisonment of persons before trial, and it is desirable to diminish as far as may be safely done the number of cases in which such imprisonment is by law required : Preamble.

BE IT ENACTED by His Excellency the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows :—

1. All charges of larceny, where the value of the property stolen shall not exceed twenty shillings and where the age of the party charged shall not exceed fifteen years, shall be brought before the Police Magistrate of the district within which the offence shall be alleged to have been committed, who, upon being satisfied of the value of the property and the age of the party charged, shall hear the evidence for the prosecution and defence, and in case of conviction shall sentence the offender to be imprisoned for any period not exceeding six calendar months. Such adjudication shall be final, although it should subsequently be proved that the value of the property and the age of the party charged shall in fact exceed the aforesaid limits. Certain charges of larceny to be dealt with summarily.

2. When upon such charge as aforesaid the circumstances of the case shall appear to the Police Magistrate to be of so trivial a nature as to be unfit for prosecution, he shall have power to dismiss the case although a felony may have been proved. Trivial cases may be dismissed.

3. On any charge of larceny before such Police Magistrate as aforesaid, where the value of the property stolen shall not exceed five pounds, whatever may be the age of the party charged, if such party shall after hearing the information and evidence against him voluntarily confess the offence, the Police Magistrate shall take such confession, and shall sentence the offender to imprisonment for any period not exceeding twelve calendar months. If party make confession, he may be dealt with summarily.

4. Before any person shall be committed for trial or held to bail to take his trial on any charge of felony or misdemeanour, he shall be brought before the Police Magistrate of the district within which the offence shall be alleged to have been committed, who shall inquire into the case, and commit the party so charged, or hold him to bail, or suffer him to go at large on his own recognizance, or dismiss the case, as circumstances may require. Offenders to be committed or held to bail by Police Magistrate only.

5. Every Police Magistrate shall have all such powers of dealing summarily with cases of assault and of admitting to bail persons charged with felony as may by law be exercised by any two Justices of the Peace. A Police Magistrate to have the power of two Justices.

6. In every case where any person shall be so committed or held to bail, the depositions taken in the case shall, as soon as conveniently may be, be transmitted by the Police Magistrate to the Crown Prosecutor of the district, or where there shall be no Crown Prosecutor, to the Clerk of the Peace or Clerk of the Crown as the case may require. Depositions.

7. Every person so committed or held to bail shall be brought to trial upon an indictment signed by the Crown Prosecutor, or where there shall be no Crown Prosecutor, by the Attorney-General. All persons committed or held to bail, to be brought to trial.

8. All

Summary Proceedings.

Fees.

8. All fees received by any Police Magistrate shall be accounted for monthly to the Colonial Treasurer or Treasurer of the county or district (as the case may be), and shall be chargeable with the salary of the Police Magistrate and the current expenses of the Police Office.

Commencement of Ordinance.

9. This Ordinance shall come into operation on the first day of March, one thousand eight hundred and forty-two.

No. V.

SUMMARY
PROCEEDINGS.

AN ORDINANCE to regulate Summary Proceedings before Justices of the Peace. [21st January, 1842.]

Preamble.

WHEREAS it is expedient to prescribe by law one uniform course of practice for the regulation of Summary Proceedings in all cases before Justices of the Peace :

BE IT ENACTED by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows :—

Form of information.

1. Every information or complaint laid before any Justice of the Peace of any matter which may be heard and determined in a summary way shall be in the form in Schedule A hereunto annexed, or to the effect thereof.

Summons.

2. Such Justice may summon the party charged to appear before him or before any Justice or Justices as the case may require, and if such party shall not appear according to the tenor of the summons, the Justice shall on being satisfied of the service of such summons issue his warrant for apprehending and bringing such party before him or before such Justice or Justices, in order that such information or complaint may be heard and determined.

Service of summons.

3. Every summons may be served by delivering a copy thereof to the party summoned, or by delivering a copy thereof to the wife or servant or to some adult inmate of the family of such party, at his usual place of abode, and explaining the purport thereof to such wife, servant, or inmate.

Warrant.

4. Every Justice of the Peace may issue his warrant in the first instance without any summons, whenever good grounds for so doing shall be stated on oath before him.

Attendance of witnesses.

5. Every Justice of the Peace may issue a summons to be served in manner aforesaid on any witness to appear and give evidence before him upon the matter of any offence cognizable in a summary way at the time and place appointed for hearing the information or complaint, and may by warrant, upon proof of the service of such summons, require any person to be brought before him who shall neglect or refuse to appear to give evidence, and may imprison any person so brought before him who shall refuse to give evidence for any term not exceeding fourteen days, or until such person shall sooner submit himself to be examined.

Form of conviction.

6. Every conviction upon such information or complaint as aforesaid shall be in the form set forth in Schedule B hereunto annexed, or to the effect thereof.

Costs.

7. It shall be lawful for any Justice of the Peace who shall hear and determine any charge or complaint to award such costs as to him shall seem meet, to be paid to or by either of the parties to the said charge or complaint.

8. All

Summary Proceedings.

8. All penalties informations and sums of money which shall be ordered to be paid by any Justice or Justices of the Peace in cases of summary conviction, and all sums of money which any person shall be bound to pay under any recognizances taken before any Justice or Justices, in case of non-payment thereof either immediately or within such period as the said Justice or Justices may appoint, may be levied (with the costs of all proceedings rendered necessary by such non-payment) by distress and sale of the goods and chattels of the person liable to pay the same, by warrant under the hand of any Justice of the Peace, and the overplus (if any) of the money so raised shall be returned on demand to the party whose goods and chattels shall have been distrained. Penalties how levied.

9. No distress to be made under the authority of this Ordinance shall be deemed unlawful nor shall any party making the same be deemed a trespasser on account of any defect or want of form in the information summons warrant of apprehension conviction warrant of distress or other proceeding relating thereto, nor shall such party be deemed a trespasser from the beginning by reason of any irregularity which shall be afterwards committed by him, but all persons aggrieved by such defect or irregularity may recover satisfaction for the special damage by action at law. Distress not to be unlawful for want of form.

10. If upon return of such warrant it shall appear that no sufficient distress can be had, or in case it shall appear to the satisfaction of the Justice or Justices that the party has not sufficient goods and chattels to satisfy such levy as aforesaid if a warrant were to be issued, it shall be lawful for the Justice or Justices by warrant to commit such party to some common gaol or house of correction, there to remain for any time not exceeding one calendar month for every five pounds or fractional part of five pounds so to be paid: Provided that the time of imprisonment shall in no case exceed four calendar months, and shall cease at any time upon payment of the penalty forfeiture or sum of money ordered to be paid, together with costs. Insufficient distress.

11. All fines forfeitures and penalties shall, unless provision be made to the contrary by the Ordinance imposing or authorizing the same, be recovered in a summary way in manner hereinbefore prescribed, and be paid to the use of Her Majesty, her heirs and successors, for the public uses of the Colony and the support of the Government thereof. All fines &c. to be recovered in a summary way to be for the use of Her Majesty.

12. It shall be lawful for all Clerks of Petty Sessions or Clerks of Justices of the Peace to demand and take such fees as are set forth in Schedule D hereunto annexed. Fees of Clerks.

13. A table of such fees shall be hung up in some conspicuous place within every Police Office and in every place where any Justice of the Peace shall usually transact the business of his office. Table to be hung up.

14. It shall be lawful for any Justice of the Peace to refuse to do any act for which a fee shall be demandable unless such fee be first paid. Fees to be pre-paid.

15. All fees received by any Clerk of Petty Sessions shall be accounted for monthly to the Colonial Treasurer or Treasurer of the county or district as the case may be, and shall be chargeable with the salary of such Clerk of Petty Sessions. Fee fund.

16. Every information or complaint in respect of any offence cognizable in a summary way shall be preferred within three calendar months next after the commission of the offence. Period of limitation.

17. No information conviction or other proceeding before any Justice of the Peace shall be quashed or set aside or adjudged void or insufficient for want of form, or be removed on behalf either of the complainant or defendant into any superior Court by *certiorari* or otherwise. No conviction &c. to be quashed for want of form.

18. In

Summary Proceedings.

Appeal.

18. In cases of summary conviction where the sum adjudged to be paid shall exceed five pounds or the imprisonment adjudged shall exceed one calendar month, but in no other case, it shall be lawful for the parties convicted to appeal to the next sitting of the County or District Court, which shall be holden not less than twelve days after the date of such conviction, for the county or district in which the cause of complaint shall have arisen.

Notice of appeal.

19. The appellant shall give to the complainant a notice in writing of such appeal and of the matter and grounds thereof within three days after the day of the conviction, and shall enter into a recognizance with two sufficient sureties conditioned personally to appear and try such appeal and abide the judgment of the Court thereon, and to pay such costs as shall be awarded. Upon such notice being given and such recognizance being entered into, the Justice or Justices before whom the same shall be entered into shall liberate the appellant if in custody.

At County Court.

20. The Judge of the County or District Court shall hear and determine the matter and shall make such order therein, with or without costs to either party, as shall be just. The proceedings on such appeal shall not be removable at any stage thereof on behalf either of the appellant or the respondent into any superior Court by *certiorari* or otherwise.

Witnesses to be bound to attend.

21. The convicting Justice or Justices shall bind over the witnesses who shall have been examined in sufficient recognizances to attend at the hearing of the appeal. Every such witness shall, upon producing a certificate under the hand of the Justice or Justices of his being so bound, be allowed compensation for his time trouble and expenses in attending the appeal, which compensation shall be paid by the Treasurer of the county or district upon order made by the Court for that purpose.

And paid by appellant if conviction be affirmed. Recognizance not to bind real property.

22. In case the conviction shall be affirmed, the Court shall order the compensation so allowed to be paid by the appellant.

23. No recognizance to be entered into before any Justice of the Peace shall bind or affect any real property of the person entering into the same.

Notice of recognizance.

24. Every Justice of the Peace before whom any recognizance shall be entered into shall give to each of the persons entering into the same a notice in the form in Schedule C hereto annexed or to the effect thereof.

Imprisonment may be with or without hard labour.

25. In all cases of summary conviction where the party convicted shall be sentenced to imprisonment, such imprisonment shall be with or without hard labour, at the discretion of the Court.

Commencement.

26. This Ordinance shall come into operation on the first day of March, one thousand eight hundred and forty-two.

SCHEDULES.

SCHEDULE A.

County [or District] } BE it remembered, That A.B., of _____, in the County [or Dis-
of _____ } trict] of _____, cometh on the _____ day of _____, one thousand
eight hundred and _____, before me, J.S., one of the Justices of the Peace of the
sitting at _____, and giveth me to understand that C.D., of _____, hath been guilty of
[Here describe the offence]. [Signature of Justice.]

SCHEDULE B.**FORM OF CONVICTION.**

County [or District] } BE it remembered, That on the _____ day of _____, one
of _____ } thousand eight hundred and _____, C.D. is brought before
me,

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me, J.S., one of the Justices of the Peace sitting at _____, and is charged with having
 [Here describe the offence]; and it appearing to me upon the oath of a credible witness
 [or upon the confession of the said C.D.], that the said C.D. is guilty of the said offence,
 I do therefore adjudge the said C.D. to [Here insert the adjudication].

Given under my hand, the day and year first above written.

[Signature of Justice.]

SCHEDULE C.

FORM OF NOTICE.

To C.D. (Prisoner), and E.F. and G.H. (Sureties).

TAKE notice, that you C.D. are bound in the sum of _____, and you E.F. and G.H. in
 the sum of _____ each, by way of recognizance for the personal appearance of the said
 C.D. at the next assizes, to be holden at _____, in and for the _____, then and there
 to answer any bill of indictment which may be preferred against him for felony.

Dated this _____ day of _____

[Signature of Justice.]

TABLE OF FEES.

TO BE TAKEN BY CLERKS OF PETTY SESSIONS, AND CLERKS OF POLICE MAGISTRATES
 AND OTHER JUSTICES ACTING SINGLY IN NEW ZEALAND.

	s.	d.
1. For every information (in cases not felonious), each	1	6
2. Swearing the same	1	0
3. Summons (to include only one name), for each	0	6
4. Copy and service of each, where the service is within two miles	2	0
5. Above that distance, for every mile in addition	0	8
6. For every deposition in evidence, and swearing the same	2	6
7. For every other oath administered in cases within the jurisdiction of a Justice of the Peace (except naval and military pension), each	1	0
8. Where the proceedings exceed a folio of ninety words, for each additional folio	0	8
9. For any document required in the discharge of the duties of Justice of the Peace not enumerated in this Schedule, for each and every folio of ninety words	0	8
10. Copy of those proceedings, per same folio	0	4
11. Warrant to apprehend (in cases not felonious)	2	6
12. Recognizance with two sureties	5	0
13. Notice to principal and the two sureties	2	0
14. Warrant for distress under penal acts	2	6
15. Order of a Justice or Justices	1	6

No. VI.

AN ORDINANCE to provide for the Establishment and
 Regulation of Municipal Corporations.

MUNICIPAL CORPO-
 RATIONS.

[18th January, 1842.]

WHEREAS it is necessary that provision should be made for the
 good order health and convenience of the inhabitants of towns
 and their neighbourhoods: And whereas the inhabitants themselves
 are best qualified, as well by their more intimate knowledge of local
 affairs as by their more direct interest therein, effectually to provide
 for the same: And whereas the habit of self-government in such cases
 hath been found to keep alive a spirit of self-reliance and a respect for
 the laws, and to prepare men for the due exercise of other political
 privileges:

Preamble.

BE IT

Municipal Corporations.

BE IT THEREFORE ENACTED by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows :—

I.—CREATION AND CONSTITUTION.

- Creation.** 1. Every settlement within the Colony having a population of two thousand souls shall be a Borough within the meaning of this Ordinance, and shall be governed by a Council to be elected by the burgesses thereof.
- Incorporation.** 2. In every borough there shall be a body corporate which shall take and bear the name of "The Mayor, Aldermen, and Burgesses" of such borough, and by that name shall have perpetual succession, and shall have a Common Seal, and shall by the Council thereof do all acts and have and enjoy all rights and privileges which bodies corporate as such may do have or enjoy.
- The Council.** 3. The Council of every such body corporate shall consist of a Mayor and eleven Aldermen, to be elected as hereinafter provided.
- Proclamation of borough.** 4. Whenever the population of any settlement shall amount to two thousand souls as aforesaid, His Excellency the Governor shall by Proclamation declare the same to be a borough within the meaning of this Ordinance, and shall at the same time, with the advice of the Executive Council, define the boundaries thereof: Provided always that such boundaries shall not in any case extend to a distance greater than seven miles in a straight line from the principal market-place of the settlement.
- Boundaries.**

II.—POWERS OF THE COUNCIL.

- To improve the borough.** 5. The Council shall have power to make and keep in repair all roads streets squares causeways and bridges within the limits of the borough; to excavate construct and maintain wells waterworks conduits sewers and other like works; and to take order for the prevention of fires, the prevention and abatement of nuisances, the establishment of markets, the construction of market-places, the watching paving lighting and cleansing of the said borough, and for all such purposes as they may deem necessary for the good order health and convenience of the inhabitants thereof.
- To improve harbours.** 6. Whenever the limits of any borough shall extend to or comprise any harbour on the sea-shore or any navigable river, the Council shall also have power to construct and maintain all such docks basins locks wharfs quays piers and landing-places, and to set and erect all such buoys beacons landmarks and lighthouses, and to execute all such other works and do all such acts as may be deemed necessary for the purpose of rendering the navigation thereof safe easy and commodious.
- Vesting of land in Corporation.** 7. For the purpose of enabling the Council to carry into effect the objects aforesaid, all lands within the limits of the borough,—excepting such lands as have been appropriated for Crown reserves Native reserves and allotments sold or intended to be sold to private persons, and which have been marked accordingly in the plan of the town, signed by the Surveyor-General of the Colony and deposited in his office,—shall vest in and become the property of the Corporation and their successors immediately on the completion of the first election.
- By-laws.** 8. It shall be lawful for the Council (two-thirds thereof being present at any meeting for the purpose), for the more effectual exercise of the powers hereby given and for the good rule and government of the borough, to make from time to time such by-laws as may seem meet, and by such by-laws to impose any fine not exceeding five pounds upon any person offending against the same: Provided that no such by-laws shall be of any force until the expiration of three calendar months

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months after a copy thereof sealed with the Seal of the borough shall have been sent to the Colonial Secretary to be submitted by him to His Excellency the Governor, and until a copy thereof shall have been affixed for the like period upon the outside of the Town Hall or place wherein the Council shall meet, unless such by-laws shall previously have received the sanction of His Excellency the Governor and shall have been affixed for one calendar month upon the outside of the Borough Hall. If at any time within such period His Excellency the Governor shall disallow such by-laws or any part thereof, the same or the part disallowed shall not come into operation.

III.—QUALIFICATION OF ELECTORS AND MODE OF ELECTION.

9. Every male inhabitant of a borough of full age shall, being duly enrolled in manner hereinafter mentioned, be qualified to vote at the election of the Council. Burgesses.

10. His Excellency the Governor shall by such Proclamation as aforesaid prescribe a period within which all claims to the right of voting at the election of the first Council of such borough shall be made, and shall appoint a fit person to receive such claims and to act as Returning Officer at such election. Time for claiming to vote.

11. Every claim shall be in writing according to the form to this Ordinance annexed. Form of claim.

12. And whereas there may be persons interested in the good government of a borough and qualified to have a voice therein but who may not have property rateable under this Ordinance, and it is not fitting that any man should have (directly or indirectly) any power of taxing the inhabitants of any borough or any share in the management of the funds thereof who shall not himself contribute thereto: Be it enacted that every person claiming the right of voting as aforesaid shall at the time of preferring such claim pay to the Returning Officer the sum of twenty shillings, which sum shall be accounted for and deducted or returned as the case may be from any rate which may afterwards be assessed upon such claimant. Payment before enrolment.

13. The names of all persons who shall have made such claim and payment as aforesaid shall be entered forthwith by the Returning Officer as aforesaid upon a roll, which shall be called "The Burgess Roll" of the borough. The names which shall appear upon the Burgess Roll shall be forthwith arranged by the Returning Officer in alphabetical order in a written or printed list, which shall be affixed upon the outer door of the Town Hall. A copy of the list shall be delivered by him to any person applying for the same on payment of the sum of one shilling. Burgess Roll.

14. On the first Monday of the month next but one succeeding the time appointed for the making out of the first Burgess Roll, the burgesses of the borough shall proceed to elect eighteen persons being burgesses. First election.

15. The Returning Officer shall arrange the names of the eighteen persons so elected on a list according to the number of votes given for each, so that the name of every person who shall have received a higher number of votes shall be placed before the name of every person who shall have received a lower number of votes. List of persons elected

16. The twelve burgesses whose names shall stand highest upon the list shall be declared by the Returning Officer to be the Aldermen of the borough. Aldermen.

17. The Mayor of the borough shall be one of the Aldermen thereof, to be determined in manner hereinafter provided. Mayor.

18. The names of the six remaining burgesses shall form a "reserved list," Reserved list.

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list," out of which all extraordinary vacancies in the Council until the next general election thereof shall be supplied.

Mode of voting.

19. The election of the eighteen persons before mentioned shall be conducted in the manner following:—Every burgess may vote for any number of persons not exceeding the number then to be chosen by delivering to the Returning Officer a voting paper containing the Christian names and surnames of the persons for whom he votes, with their respective places of abode and description, such paper being signed with the name of the burgess so voting, and setting forth his place of abode and description.

Duration of election.

20. The voting shall commence at nine of the clock in the forenoon, and shall finally close at four of the clock in the afternoon of the same day.

Questions to be put.

21. No inquiry shall be permitted at any election as to the right of any person to vote except only as follows, that is to say, That the Returning Officer shall, if required by any two burgesses, put to any voter at the time of his delivering in of his voting paper and not afterwards the following questions or either of them and no other:—

(1.) Are you the person whose name is signed as "A.B." to the voting paper now delivered in by you?

(2.) Are you the person whose name appears as "A.B." on the Burgess Roll now in force for this borough?

And no person required to answer either of the said questions shall be permitted to vote until he shall have answered the same.

False answer.

22. If any person shall wilfully make a false answer to either of the questions aforesaid he shall be deemed guilty of a misdemeanour.

Result of election.

23. At the close of the election the Returning Officer shall ascertain the number of votes given for every person whose name shall appear upon the voting papers, and so many of such persons being equal to the number of persons then to be chosen as shall have the greatest number of votes shall be deemed to be elected.

Publication thereof.

24. The Returning Officer shall then make out a list of the names of the persons so elected, arranging them as hereinbefore required, and shall forthwith publish the same.

Voting papers to be kept for inspection.

25. A copy of the said list shall be kept by the Town Clerk of the borough, who shall also for the space of six calendar months after the election keep the said voting papers, and shall permit any burgess to inspect the same upon payment of one shilling.

Notice to persons elected.

26. The Returning Officer shall also forthwith give notice in writing to the several persons elected of such their election, and shall require them severally within one week to declare whether they accept or decline the offices to which they have been respectively elected.

Refusal to vote.

27. If any person so elected shall after receipt of such notice fail to comply with such requirement, he shall be held to have declined such office.

Vacancy supplied.

28. In case any persons shall decline the offices to which they have been elected, so many of the persons whose names shall stand first on the reserved list as shall be equal to the number of persons so declining shall be deemed to have been elected members of the Council and shall receive notice thereof accordingly, and so on until the number of the Council shall be completed. In case any vacancy shall exist or any extraordinary vacancy shall occur in the Council when the reserved list shall have been exhausted, such vacancy shall be filled up by an election to be conducted in manner hereinbefore provided.

Burgess Roll for future elections.

29. In the month of May in every year after the first election of a Council of any borough, the Town Clerk shall make out and publish
a new

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a new "Burgess Roll," in the manner and subject to the conditions hereinbefore provided for the formation of the first Burgess Roll: Provided that the sum to be paid before enrolment of any burgess may be from time to time increased or diminished as to the Council of the borough shall seem meet, but so that such sum shall in no case exceed the amount of the borough rate for the preceding year divided by the number of ratepayers.

30. The first and every succeeding Burgess Roll shall be in force until the completion of the one next succeeding and no longer. Duration of Burgess Rolls.

31. On the first Monday in the month of December in every year after the first election of the Council, the Mayor shall hold a meeting for the election of twelve burgesses in manner and subject to the requirements hereinbefore prescribed for the election of the first Council, of whom the six who shall have received the highest number of votes shall be declared Aldermen of the borough, and the names of the remaining six shall form the reserved list for the year next ensuing. Future election of Aldermen.

32. At the completion of every such election six of the existing Aldermen (the Mayor being considered an Alderman) shall go out of office: Provided always that any Alderman shall be capable of being re-elected immediately upon the expiration of his term of office. Retiring Aldermen.
May be re-elected.

33. The six Aldermen who shall go out of office at the second election shall be those who received the smallest number of votes at the first election, and at every subsequent election shall always be those who have been Aldermen for the longest time without re-election. Order of retirement.

34. On the first Monday in the month of January in every year the burgesses shall elect from amongst themselves, by a majority of votes, two persons who shall be and be called Auditors of such borough, and every such Auditor shall continue in office until the same day in the year following. Auditors.

35. No Burgess shall vote for more than one person to be an Auditor, but in all other respects the election shall be in form and manner hereinbefore provided for the election of Aldermen: Provided always that no burgess shall be eligible to be an Auditor or shall be capable of acting as Auditor who shall be an Alderman or Town Clerk or Treasurer of the borough. Mode of election.

36. If any Auditor shall die or be incapable of discharging the duties of his office, the burgesses shall on a day to be fixed by the Mayor in like manner elect a fit person in the stead of such Auditor. Vacancy.

37. In case of an equality of votes at any election to be holden under the authority of this Ordinance, the Returning Officer shall determine by lot the priority between the persons for whom an equal number of votes shall have been given. Equality of votes.

IV.—CORPORATE OFFICERS.

38. No Mayor, Alderman, or Auditor shall act as such (except in administering the oath hereinafter contained) until he shall have taken before any two or more of such Aldermen (who are hereby authorized to administer the same) an oath in the words or to the effect following, that is to say:— Oath.

I, A.B., having been elected Alderman [*or as the case may be*] for the borough of _____, do swear that I will duly and faithfully fulfil the duties of my office to the best of my judgment and ability. So help me God.

39. The Mayor shall hold his office until the last Monday of December in the year following his election, on which day the Council shall meet for the purpose of electing his successor. Mayor—duration of office.

40. The

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- Who to be.** 40. The office of Mayor shall at the first election be filled by such member of the Council (being willing to hold the same) as shall have received the highest number of votes, and at all subsequent elections the Mayor shall be elected from amongst the Council by themselves by a majority of votes, the late Mayor having a casting vote.
- Vacancy.** 41. In case of any extraordinary vacancy in the office of Mayor, the Council shall meet for the purpose of electing a successor for the remainder of the year in the manner hereinbefore provided.
- Temporary incapacity** 42. If the Mayor shall by reason of absence or illness be incapable of discharging the duties of his office, it shall be lawful for the first Alderman upon the list who shall be willing so to do to perform the same.
- Mayor to be Returning Officer.** 43. The Mayor for the time being shall be Returning Officer for the borough.
- Penalty.** 44. Every person who shall be liable to serve the office of Mayor or Alderman and who shall refuse to accept the same shall forfeit the sum of fifty pounds, upon payment whereof he shall be discharged from such liability.
- Resignation.** 45. It shall be lawful for any Mayor or Alderman to resign his office at any time with the consent of the Council: Provided that the Mayor or Alderman desiring to resign shall give to the Council not less than three weeks' notice of such his intention.
- Who exempt.** 46. No Member of the Legislative Council, no person holding office by appointment of His Excellency the Governor, no officer in Her Majesty's Army or Navy or Marine forces on full pay, nor any revenue officer, shall be liable to serve as Mayor or Alderman without his own consent.
- Who disqualified.** 47. Provided also that no Judge Sheriff or Coroner, no Clergyman Priest or Minister of Religion, shall be qualified to hold the offices aforesaid.
- Convicted felons &c.** 48. It shall not be lawful for any man who shall have been convicted of felony bribery or perjury (although he shall have suffered the full punishment for his offence) to vote at the election of Aldermen and Auditors or to hold any office to be created under the authority of this Ordinance: Provided that no man who shall have been convicted of any such offence shall be thereby disqualified in case he shall have received a free pardon.
- Bankruptcy &c. of Mayor or Alderman.** 49. If any Mayor or Alderman shall be declared bankrupt, or shall apply to take the benefit of any act for the relief of insolvent debtors, or shall compound by deed with his creditors, or shall be absent from the borough for three calendar months at one and the same time, such Mayor or Alderman shall thereupon cease to be a member of the Council.
- Members of the Council not to contract.** 50. If any member of the Council or person holding any office in the gift or disposal thereof shall directly or indirectly have any share or interest in any contract or employment with or by the Council (other than as a shareholder in any public Company, who shall contract with the Council for the lighting or supplying with water or insuring against fire any part of such borough), he shall thenceforward cease to be a member of the Council or to hold such office as aforesaid.

V.—MEETINGS OF COUNCIL.

- Majority.** 51. All acts whatsoever hereby authorized or required to be done by the Council of any borough, and all questions that may come before such Council, shall be done and decided by the majority of the members of the Council who shall be present at any meeting thereof, the whole number present at any meeting not being less than one-half of the whole
- Quorum.** whole

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whole Council: Provided that no by-laws shall be made unless there shall be present not less than two-thirds of the whole Council.

52. The Mayor shall have power to call a meeting of the Council as often as he shall think proper. To be called by Mayor.

53. The Mayor shall cause a notice of the time and place of every such intended meeting, specifying the business proposed to be transacted thereat and signed by him, to be left at the usual place of abode of every member of the Council three clear days at least before such meeting. Notice of meeting.

54. Every meeting of the Council shall be open to the public. Proceedings to be public.

55. At every meeting the Mayor if present shall preside; in case of his absence the Council shall elect a Chairman. Chairman.

56. The Mayor or Chairman shall have a second or casting vote in cases of equality of votes. Casting vote.

57. Minutes of the proceedings of every meeting shall be entered in a book to be kept for that purpose, and shall be signed by the person presiding at such meeting. Minutes.

58. Every burgess shall be at liberty to inspect and to make extracts from the books so to be kept, at all reasonable times, upon payment of a fee of one shilling for each inspection. Open to inspection.

VI.—APPOINTMENT OF COMMITTEES AND OFFICERS.

59. It shall be lawful for the Council of any borough to appoint out of their own body such and so many Committees, either of a general or special nature, and consisting of such number of persons as may seem fit, for any purposes which in the judgment of such Council would be better managed by means of a Committee: Provided always that the proceedings of every such Committee shall be submitted to the Council for its approval. Committee.

60. It shall also be lawful for the Council from time to time to appoint fit persons (not being members of the Council) to be Town Clerk and Treasurer, who shall hold office during pleasure, and also to appoint such other officers as they shall think necessary for enabling them to carry into execution the provisions of this Ordinance, and to pay all the officers so to be appointed such salaries as the Council shall deem reasonable. Town Clerk and Treasurer.

61. It shall be lawful for the Watch Committee, or if there shall be no such Committee then for the Council, to appoint a sufficient number of fit men (removable at the pleasure of such Committee or Council) to act as constables for keeping the peace by day and by night, who shall within the limits of the borough have all such powers and privileges and be liable to all such duties and responsibilities as any constable may by law have or be liable to, and shall obey all lawful directions touching the execution of their office which they may from time to time receive from any Police Magistrate having jurisdiction within the borough. Constables.

62. Every constable so to be appointed shall be sworn in by the Mayor of the borough. Oath.

63. The Watch Committee or the Council of the borough as the case may be shall in the month of November in every year transmit to the Colonial Secretary a report of the number and situation of all Station Houses in such borough, and of the number of constables, and of the description of arms accoutrements and clothing and other necessaries furnished to each, and of the salaries wages and allowances payable to them, and also a copy of all Rules and Orders made for their regulation and guidance, which shall have received the sanction of such Police Magistrate. Numbers to be reported.

Municipal Corporations.

Police Office.

64. The Council of every borough shall within six calendar months after the first election provide a suitable office, to be called the "Police Office" of the borough, for the purpose of transacting the business of the Magistrates having jurisdiction therein, and shall at all times uphold and maintain the same and defray all the necessary expenses thereof: Provided that no room in any victualling house, or house in which ale wine or spirits shall be sold, shall be used for such purpose.

Borough Gaol.

65. The Council of every borough shall also within the period last aforesaid provide and afterwards maintain at the expense of the borough a suitable building, to be called the "Borough Gaol," for the safe custody of persons awaiting their trial for offences committed within the borough, and all such officers as for such purpose shall be necessary.

Costs of criminal prosecutions.

66. After the expiration of twelve calendar months from the first election in any borough, the costs of all prosecutions for offences committed or supposed to be committed within the same shall be paid out of the borough fund hereinafter mentioned upon an order of Court directed to the Treasurer of such borough: Provided always that so soon as any borough shall have become liable to such payment, all rateable property within the same shall be exempt from contribution to any county rate for the defraying of the like costs in respect of offences committed or supposed to be committed beyond the limits of such borough.

VII.—BOROUGH RATE, TOLLS, AND DUES.

Borough rate.

67. For the purpose of raising the means for carrying into effect all or any of the powers hereby given to the Council of any borough, and for the payment of all salaries and the defraying of all expenses hereby required to be borne by any borough, the Council shall have power, so often as shall be deemed necessary, to make and levy in manner hereinafter provided an equitable rate or assessment, in the nature of a borough rate in England, upon all real property within the limits of the borough.

By whom to be paid.

68. The rate shall be paid by the occupier of such property, or in case there shall be no occupier then by the owner thereof.

Valuation.

69. For such purpose the Council shall as often as may be deemed necessary cause a valuation to be made of all the rateable property within the borough, and shall cause the same to be published in one of the newspapers of the borough.

Assessment.

70. The Council shall as often as need may be make an estimate of the amount of money required, and shall assess the borough rate accordingly, and shall give public notice thereof in like manner.

Appeal.

71. At any time within one calendar month from and exclusive of the day of the date of such notice, it shall be lawful for any person who shall think himself aggrieved by any such rate to appeal against the same to any two or more Justices of the Peace having jurisdiction within the borough, who are hereby authorized to hear and determine such appeal: Provided that two clear days' notice in writing of every such appeal shall be given to the Town Clerk of the borough specifying the time and place for the hearing thereof.

Collection of rates.

72. At the expiration of the period allowed for appeal the Council shall appoint fit persons to collect the rate due, which shall on non-payment thereof be recoverable at the suit of any such collector by summary proceeding before any Justice of the Peace having jurisdiction within the borough, and leviable by distress and sale.

Arrears.

73. In case it shall be impossible to levy the rate due by reason of the property rateable being unoccupied or otherwise, the arrears shall

Municipal Corporations.

shall at any subsequent time be leviable upon any goods which may be found upon such property.

74. The Council shall once in every year publish in one of the newspapers of the borough a statement of every sum so in arrear and of the property in respect of which the same is due. To be published.

75. All moneys raised by any borough rate, all fines and fees payable under the authority of this Ordinance, together with all sums which may be paid to the Treasurer of the borough on account of the corporate body thereof (other than the tolls and dues hereinafter mentioned), shall form a fund, to be called the "Borough Fund," out of which shall be paid all costs and expenses for the defraying whereof a borough rate is hereby authorized to be levied. Borough fund.

76. It shall be lawful for the Council to impose such tolls or dues as may be reasonable upon all persons making use of any road bridge market-place dock basin wharf lock quay pier or landing-place, which the Council is hereby empowered to make and maintain; and in case of the non-payment of such tolls and dues, to levy the same by distress and sale. To levy tolls &c.

77. For the purpose of executing any of the works last mentioned, it shall be lawful for the Council to borrow such sums of money as may be requisite upon the security of the tolls or dues to be taken in respect of such work. May borrow money.

78. The tolls or dues to be taken in respect of any one of the works aforesaid shall be applied exclusively in defraying the expenses thereof and in repayment of the moneys borrowed for the execution of the same. Application of tolls &c.

79. The Treasurer of every borough shall, in books to be kept by him for that purpose, enter true accounts of all sums of money by him received and paid and of the several matters in respect whereof such sums shall have been received and paid. All such accounts with all vouchers and papers relating thereto, together with a full abstract or balance sheet thereof, shall yearly, at such time as the Council shall appoint, be submitted by him to the Auditors and to such members of the Council as the Mayor shall name, for the purpose of being examined and audited. Such abstract or balance sheet, if found correct, shall be signed by the Auditors and shall be forthwith published by the Treasurer in one of the newspapers of the borough. Yearly audit.
Balance sheet to be published.

80. All penalties imposed by this Ordinance or by any by-laws to be made under the authority thereof shall be recoverable within three calendar months after the same shall have become payable, or after the commission of the offence, by summary proceedings before any Justice of the Peace having jurisdiction within the borough; to be levied by distress and sale. Penalties.

81. No person shall be deemed an incompetent witness upon any such summary proceeding by reason of his being liable to contribute to any borough rate. Witnesses.

82. Provided always that no dockyard victualling establishment arsenal or barracks belonging to Her Majesty, which shall be situated within the limits of any borough, shall be deemed to be part of such borough for any of the purposes of this Ordinance. Her Majesty's dock-yards &c. excepted.

SCHEDULE.

To Mr. A.B.

FORM OF CLAIM.

I HEREBY give you notice that I claim to have my name put upon the Burgess Roll for the borough of

Dated the day of , in the year .

C.D.,

Place of abode and business of Claimant.

No. VII.

Churches and Chapels.

No. VII.

**CHURCHES AND
CHAPELS.**

AN ORDINANCE to promote the building of Churches and Chapels, and to provide for the maintenance of Ministers of Religion. [31st January, 1842.]

Preamble.

WHEREAS for the promotion of good morals within the Colony it is desirable to encourage the building of churches and chapels, and to provide for the maintenance of ministers of the Christian religion :

BE IT ENACTED by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows :—

I.—BUILDING OF CHURCHES AND CHAPELS.

Amount to be
advanced from
Colonial Treasury.

1. Whenever a sum of not less than three hundred pounds shall have been raised by private contribution towards the building of a church or chapel for the exercise of the public worship of any denomination of Christians, it shall be lawful for His Excellency the Governor, with the advice of the Executive Council, subject to such regulations as he shall deem necessary, to authorize the future issue from the Colonial Treasury in aid of the undertaking of any sum or sums of money not exceeding in the whole the amount raised by such private contribution : Provided that no sum so authorized shall be issued unless upon proof of liabilities actually incurred in respect of such building as aforesaid to the amount of the sum so to be issued over and above the sum raised by private contribution : Provided also that the whole amount so to be issued in aid of the building of any church or chapel shall not exceed one thousand pounds.

Trustees to be
appointed.

2. Before any such issue as aforesaid shall be authorized, Trustees, not less than three nor more than five in number, shall be nominated for the approval of His Excellency the Governor, to whom when so approved the money so authorized to be issued shall be payable.

Site of church
&c. to be con-
veyed to them.

3. The site of the church or chapel and the real estate belonging thereto shall be conveyed to such Trustees, when approved, and their heirs, upon trust for the erection and maintenance of such church or chapel and to provide for the due celebration of divine worship therein.

Free seats to be set
apart.

4. Upon the completion of any such church or chapel the Trustees for the time being shall set apart sittings, to be marked with the words "Free Seats," amounting to not less than one-third part of the whole of the sittings in such church or chapel. For the sittings so set apart no rent shall be at any time charged.

II.—MINISTERS' STIPENDS.

Rate of stipends.

5. It shall be lawful for the Governor in Council to authorize from time to time the issue from the Colonial Treasury of stipends towards the support of ministers of religion officiating in such churches or chapels as aforesaid in which divine worship shall be regularly performed according to the rate following, that is to say,— In case one hundred adult persons resident within a reasonable distance of any such church or chapel shall subscribe a declaration setting forth their desire to attend the celebration of divine service thereat, it shall be lawful to issue to the minister thereof the sum of one hundred pounds a year ; in case two hundred such persons shall subscribe such declaration, then the sum of one hundred and fifty pounds a year ; in case five hundred persons shall subscribe such declaration,

Postage.

declaration, then the sum of two hundred pounds a year, which shall be the highest stipend to be issued under the authority of this Ordinance.

6. Whenever any sum not less than fifty pounds for any one year shall be raised by private contribution towards the maintenance of a minister of religion, where no such church or chapel as aforesaid shall have been erected but where there shall appear reasonable cause for the non-erection thereof, it shall be lawful for the Governor in Council to cause to be issued from the Colonial Treasury towards the maintenance of such minister any sum not exceeding one hundred pounds, nor exceeding the sum so raised.

Stipend may be granted when there is no church.

7. Provided always that the whole amount of the sums to be issued under the authority of this Ordinance in any one year shall not exceed one-seventh part of the estimated revenue for such year.

Whole amount to be issued limited.

No. VIII.

AN ORDINANCE for Regulating the Conveyance and Postage of Letters. [7th January, 1842.]

POSTAGE.

BE IT ENACTED by His Excellency the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

I.—POST OFFICE AND OFFICERS THEREOF.

1. It shall be lawful for His Excellency the Governor to establish for the receiving and transmitting of letters and newspapers one General Post Office at Auckland, and so many Post Offices in other parts of the Colony as may from time to time be necessary.

Post Offices &c.

2. It shall also be lawful for His Excellency the Governor to appoint one Postmaster-General and so many Postmasters as may be necessary, who shall hold their offices during his pleasure.

Postmasters.

3. The Postmaster-General and Postmasters may from time to time appoint so many inferior officers, removable at pleasure, for the efficient discharge of the business of their respective offices as to His Excellency the Governor may seem meet.

Clerks &c.

II.—CONVEYANCE OF LETTERS.

4. The Postmaster-General may with the approval of His Excellency the Governor enter into any contract in writing in his own name for the conveyance of mails within or from the Colony, and may sue and be sued thereon.

Contracts.

5. Every master or person in charge of any vessel trading between or sailing from any of the ports of the Colony, shall receive on board and if required give a written receipt for any mail which shall be tendered to him for that purpose by any officer of the Post Office, and shall keep the same so long as it shall be under his charge in some dry and secure place, and that the same be entered upon the Custom House manifest in the presence of the person delivering the mail.

Masters of vessels to carry mails.

6. Every master or person in charge of any vessel sailing from any of the ports of the Colony who shall receive on board any mail to be conveyed to parts beyond the seas, shall be entitled to demand and

Remuneration.

Postage.

receive from the Postmaster of such port one penny for every letter contained in such mail.

Mails to be delivered on arrival.

7. Every mail or loose letter which shall be on board of any vessel arriving at any port within the Colony shall be delivered by the master or person in charge thereof on demand to the Postmaster of such port or any person authorized by him to receive the same, who is hereby required to give a receipt for the same, and the master shall not be allowed to enter at the Custom House until he has produced such receipt from the Postmaster for the mail.

Remuneration for conveyance letters not in mails.

8. Every master or person in charge of any vessel arriving from parts beyond the seas shall, after the expiration of twenty-four hours from the delivery of any letters not included in any mail to the Postmaster of the port or to any person authorized by him, be entitled to receive one penny for every letter.

For carriage of mails.

9. Every master or person in charge of any vessel conveying a mail from any one port to any other port within the Colony shall, after the expiration of twenty-four hours from the delivery thereof to the Postmaster of the port of arrival or to any person authorized by him, be entitled to receive one penny for every letter chargeable with postage so received.

III.—POSTAGE.

Rates of postage.

10. For every letter (other than such as are hereinafter excepted) which shall be transmitted from any Post Office for delivery within the Colony or to any place beyond the seas, there shall be paid a postage according to the following rate, that is to say—

		s.	d.
For every letter not exceeding the weight of half an ounce	...	0	6
For every letter exceeding the weight of half an ounce, but not exceeding the weight of one ounce	...	1	0
For every letter exceeding the weight of one ounce, but not exceeding one ounce and a half	...	1	6
And so on after the rate of 6d. for every additional half ounce, or any fractional part thereof.			

Ship letters.

11. For every letter brought to this Colony from parts beyond the seas there shall be paid on the delivery thereof a postage according to the foregoing rate.

Rates may be altered.

12. It shall be lawful for His Excellency the Governor, with the advice of the Executive Council, from time to time to increase or diminish the aforesaid rate.

Governor may establish posts.

13. It shall be lawful for His Excellency the Governor, with the advice of the Executive Council, to establish posts for the conveyance of letters overland between any settlements within the Colony, and to fix any rate of postage to be charged for letters so conveyed overland and delivered within the Colony.

Soldiers' letters &c.

14. Every letter weighing not more than one half ounce sent or received by any non-commissioned officer or private soldier, seaman or marine, shall be conveyed by post free of postage: Provided that on every letter so sent there be written in the handwriting of and signed by the commanding officer for the time being of the regiment detachment or ship to which such officer soldier seaman or marine shall belong, the words "Soldier's" "Seaman's" or "Marine's Letter," or words to that effect as the case may be.

Newspapers.

15. All newspapers shall be conveyed and delivered free of postage: Provided only that if there shall be upon any newspaper or

Postage.

or any cover of any newspaper any writing other than the direction thereof, such newspaper shall be deemed to be a letter and charged accordingly.

IV.—FRANKING.

16. It shall be lawful for His Excellency the Governor to send and receive any letters by the post free of postage. Governor may frank.

17. It shall be lawful for the persons mentioned in the Schedule hereto annexed to send and receive any letters by the post free of postage: Provided that every letter so to be sent shall purport by writing on the face thereof to be on Her Majesty's service, and shall bear on the face thereof the name of the person sending the same in his own handwriting. Who may frank letters.

V.—MISCELLANEOUS PROVISIONS.

18. Every Postmaster shall on the first Monday of every month cause a list of the then remaining unclaimed or undelivered letters to be made out in writing and affixed on some conspicuous part of his Post Office, there to remain for the space of thirty days, after which period all such letters then remaining unclaimed or undelivered shall be transmitted by the Postmaster to the General Post Office at Auckland. The Postmaster-General shall have authority to open such letters and to return them to the writers thereof after the expiration of three calendar months from the publication of said list. List of unclaimed letters to be published.

19. Every master or person in charge of any vessel who shall refuse or delay to receive any mail or to deliver any mail or loose letter according to the provisions of this Ordinance, and every Postmaster who shall wilfully neglect or refuse to transmit or deliver any letter, shall for every such offence forfeit and pay a penalty of not less than five nor more than fifty pounds, to be recovered in a summary way. Penalties.

20. In the construction of this Ordinance the word "Mail" shall be deemed to extend to any one of the bags boxes or packages whereof any mail shall consist. Interpretation clause.

21. This Ordinance shall come into operation on the first day of March, one thousand eight hundred and forty-two. Commencement.

SCHEDULE.

His Excellency the Governor's Private Secretary.
 The Colonial Secretary.
 The Bishop.
 The Chief Justice of the Supreme Court.
 The Officer in Command of the Forces.
 The Attorney-General.
 The Colonial Treasurer.
 The Members of the Legislative Council.
 The Collector of Customs.
 The Clerk of the Council.
 The Postmaster-General.
 The Protector of Aborigines.
 The Brigade-Major.
 The Commissary-General.
 The Commissary of Accounts.
 The Military Secretary.

Land Registration.

No. IX.

LAND REGISTRATION. AN ORDINANCE to provide for the Registration of Deeds and Instruments affecting Real Property.

[28th December, 1841.]

Preamble.

FOR the purpose of rendering titles to real property more secure and facilitating the transfer of the same :

BE IT ENACTED by His Excellency the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows :—

I.—ESTABLISHMENT OF REGISTER OFFICES.

Register Office.

1. There shall be established in every county or district as the case may be within the Colony an office which shall be called “The Register Office,” for registering in manner hereinafter directed the deeds wills and memorials hereby authorized to be registered.

Registrar.

2. It shall be lawful for His Excellency the Governor from time to time to appoint for each Register Office a fit person to be Registrar thereof, who shall hold his office so long as he shall well behave himself therein.

Clerks &c.

3. It shall be lawful for the Registrar, with the approval of the Governor, from time to time to appoint so many clerks and subordinate officers as may be necessary for the performance of the business of the office, who shall be removable at the discretion of the Registrar.

Security.

4. Every Registrar shall before entering upon the duties of his office give security for the due execution thereof in such manner and to such amount as to His Excellency the Governor shall seem meet.

Seal.

5. There shall be kept in every Register Office a Seal, of the impression whereof judicial notice shall be taken in all Courts without any evidence of such Seal having been impressed or any other evidence relating thereto.

II.—WHAT MAY BE REGISTERED.

Crown Grants &c.

6. Every grant by the Crown of land within the Colony, and every deed or contract except as hereinafter mentioned, and every will whereby such land may be affected subsequently to the date of such grant, may be registered by causing a copy thereof to be recorded and entry thereof to be made in manner hereinafter provided in the Register Office of the county or district wherein such land shall be situated: Provided that no lease or agreement for a lease for any time not exceeding seven years from the date thereof nor any assignment thereof shall be registered: Provided also that no instrument shall be registered which shall relate to the transfer of any share in any Corporation or Joint Stock Company in any case where an entry of such transfer shall be made in the books of the Corporation or Company.

Judgments &c.

7. Every judgment of the Supreme Court, every suit pending therein, any acceptance of office whereby the person accepting the same shall become an accountant to the Crown, or inquisition by which any debt shall be found due to Her Majesty, every bankruptcy and insolvency and private Ordinance affecting any land within the Colony, may be registered by causing a memorial thereof to be deposited and entry thereof to be made in manner hereinafter provided in the Register Office of the county or district wherein such land shall be situated.

8. The

Land Registration.

8. The memorial of every judgment whereby the title to any land shall be affected shall express the date thereof, the title of the cause, and so much of the decree or judgment as shall relate to the land affected thereby, and shall be certified by the Registrar of the Supreme Court. Memorial of judgment.
9. The memorial of every Suit Pending shall express the date of the commencement thereof, the title of the cause, the nature and object of the proceeding, and shall be certified by the signature of the officer before whom such proceedings have been commenced. Of suit pending.
10. The memorial of every judgment for the recovery of any sum of money shall express the names of the plaintiff and defendant and the sum thereby recovered, and the time of signing the same, and shall be certified by the officer who shall have signed the judgment, his deputy or successor. Of judgment of debt.
11. The memorial of every acceptance of such office as aforesaid shall express the name of the officer, and of his office, and the time of his accepting the same, and shall be certified by the Colonial Secretary. Of acceptance of office.
12. The memorial of every such inquisition as aforesaid shall express the name of the defendant, and the sum thereby found to be due, and the date of the same, and shall be certified by the Colonial Secretary. Of inquisition.
13. The memorial of every bankruptcy shall express the name residence and condition or calling of the bankrupt and the date of the fiat, and shall be certified by the signature of the officer out of whose office such fiat shall issue. Of bankruptcy.
14. The memorial of every insolvency shall express the name residence and condition or calling of the insolvent, and the date of the order by which the insolvent shall have been divested of his property, and shall be certified by the signature of the officer in whose office such order shall be enrolled. Of insolvency.
15. The memorial of every private Ordinance shall express the title date and number thereof. Of private Ordinance.
16. Every memorial shall also describe the property to which the same shall relate, by reference to the marks and numbers by which such property shall be designated in any map or plan deposited in the Register Office as hereinafter provided. Description of property affected.

III.—EFFECT OF REGISTRATION.

17. Every deed or contract which is hereby authorized to be registered as aforesaid shall (so far as regards any land to be affected thereby) be void as against any person claiming for valuable consideration under any subsequent deed or contract duly registered, unless the prior deed or contract shall have been registered in the manner directed by this Ordinance before the registration of the subsequent deed or contract. Deeds &c. not registered, void as against subsequent deeds &c. registered.
18. Every lease or agreement for a lease hereinbefore forbidden to be registered shall be void as against any person so claiming, so long as actual possession shall not go along with such lease or agreement. Lease, &c.
19. Every will shall (so far as regards land to be affected thereby) be void as against any person claiming for valuable consideration under any deed or contract duly registered made after the death of the testator by his heir-at-law or by any person claiming as his devisee or executor under a former will, or as his administrator either with a former will annexed or otherwise, or by any other person by whom such subsequent deed or contract might have been made, if such will as first aforesaid had not been executed, unless such will as first aforesaid

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aforesaid shall have been registered in manner directed by this Ordinance before the registration of the subsequent deed or contract: Provided always that every will which shall be registered within the space of two years after the death of any testator shall be as valid and effectual as if the same had been registered immediately after the death of such testator.

Judgment &c.

20. Every judgment suit acceptance of office inquisition bankruptcy insolvency or private Ordinance shall (so far as regards any land to be affected thereby) be void and of no effect as against any person claiming for valuable consideration under any subsequent deed or contract duly registered, unless a memorial thereof shall have been registered in manner directed by this Ordinance before the registration of the subsequent deed or contract.

Notice.

21. The priority given by the provisions hereinbefore contained to any person claiming for valuable consideration shall not be taken away either at law or in equity in consequence of such person having been affected with notice either actual or constructive.

Voluntary conveyances.

22. Every person who shall claim without valuable consideration under any other person who shall have claimed for valuable consideration, shall be entitled to the same protection as the person who shall have claimed for valuable consideration.

Voluntary conveyance.

23. A voluntary conveyance being duly registered shall not be defeated by any subsequent conveyance for valuable consideration, whether such latter conveyance shall be registered or not.

Deed or contract when void.

24. Every deed or contract, although duly registered, whereby any title shall be derived or agreed to be derived from any person claiming under an unregistered deed, shall be void as against any person claiming for valuable consideration under any subsequent deed or contract duly registered, whereby title shall be derived or agreed to be derived from any person claiming under a deed or contract duly registered.

IV.—MODE OF REGISTRATION.

Maps to be kept.

25. There shall be deposited in the Register Office of every county or district maps of all the lands which shall from time to time be surveyed within the limits thereof, which maps shall be signed by the Surveyor-General of the Colony and by the Registrar.

And distinguished.

26. Every such map shall be distinguished by a letter or other mark, and the allotments in every map shall be numbered consecutively from No. 1 upwards.

Book

27. For every such map there shall be opened and kept a book or books to be called "The Index Book," and marked with the letter or mark of such map.

Instruments to contain delineation of land.

28. Every instrument presented for registration shall, for the purpose of more easily identifying the land to which it shall relate, contain or shall have indorsed thereon a delineation of the land to which the same shall relate, showing the extent boundaries and relative position thereof.

Memorandum on instruments by Registrar.

29. Immediately upon the presentation of any instrument for registration, the Registrar shall in the presence of the party presenting such instrument number the same and make a note thereon of the day and hour of the receipt thereof, and shall stamp the same at the end of such note with the Seal of the Register Office. He shall also forthwith in the same presence cause an entry under the proper head or title to be made specifying such day and hour and the nature of the instrument and referring to the book in which a copy thereof shall be made, which entry shall be according to the form of the Schedule A hereunto annexed,

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annexed, and shall be signed by the person presenting such instrument as aforesaid.

30. The Registrar shall thereupon cause such instrument to be copied at full length in one of the books to be kept for that purpose. Instrument to be copied.

31. Such entry as last mentioned shall be made in one of the books which shall be appropriated to the map within which the land to which such instrument shall relate shall be comprised. Book in which entry shall be made.

32. Every such entry shall be made under a head or title, which shall consist of letters and numbers indicating the allotment or allotments or part or parts thereof of which the land to which such entry shall refer shall consist. Entry how made.

33. All such entries shall be made in the order in which the instrument to which such entries refer shall have been presented for registration. Order of entries.

34. So long as the land in respect of which any entry was originally made shall remain undivided, all entries relating thereto shall be placed under the head or title originally appropriated thereto. Whenever any portion thereof shall be absolutely alienated, a new head or title shall be appropriated to such portion. Head of entry.

35. Whenever any such new head or title shall be formed, the first entry thereunder shall contain a reference to the original head or title. Under such original head or title there shall also be made a reference to such new head. New entry.

36. Where any mistake shall have been made in any entry, the Registrar shall rectify the same by a new entry in such form as may be convenient, specifying the day and hour of each correction. The erroneous entry shall not be erased or obliterated. Mistake in entries.

V.—MISCELLANEOUS REGULATIONS.

37. Every person by whom any instrument shall be brought or sent to the Register Office for the purpose of registration may require a receipt for the same, which receipt shall be stamped with the Seal of the office, and shall specify the nature and number of the instrument and the day and hour of the receipt thereof. Receipt for instruments.

38. Before any instrument which shall have been registered shall be returned to the person who presented the same for registration, such person shall compare the same with the copy thereof in the books of the office, and shall sign his name at the foot of such copy as an attestation of the correctness thereof. Instrument to be compared with copy.

39. The Registrar shall supply copies of or extracts from any index to be kept, or copies of any instruments which shall have been recorded, or any memorial which shall have been deposited under the provisions of this Ordinance, to any person entitled to the same, which person shall have liberty to examine such index or recorded copy or deposited memorial for the purpose of satisfying himself of the correctness of the copy or extract so supplied. Copies to be supplied.

40. Before the Registrar shall supply any such copy or extract, the person applying for the same shall sign a declaration that such a copy or extract is required in respect of land in which he has, or claims, or has contracted for, some estate or interest, or that he is a barrister or solicitor employed by some other person, to be named and described and so interested as aforesaid, or that he is the authorized clerk of a barrister or solicitor, to be named and described, employed as aforesaid. To whom.

41. If any person shall in any such declaration wilfully state anything that shall be untrue he shall forfeit and pay a penalty of not less than five pounds nor more than twenty pounds, to be recovered in a summary way before any Police Magistrate acting for the county or district within which such offence shall be committed. False declaration.

42. Every

Land Registration.

Copy to be certified.

42. Every copy or extract so supplied as aforesaid shall have written or endorsed thereon a certificate stating that such copy or extract is an examined copy of or extract from such index or recorded copy or deposited memorial as aforesaid, and specifying the book and page from which the same is taken, which certificate shall be verified by the Seal of the office. Every copy or extract so verified shall be admissible as secondary evidence of the contents of the instrument of which it purports to be a copy or extract.

Registration when compulsory.

43. Any person having an interest in land under any instrument hereby authorized to be registered may require any person in possession thereof to cause the same to be registered, and in case the person in whose possession the same shall be shall refuse so to do, it shall be lawful for any Judge of the Supreme Court, upon a summary application, to make such order respecting the registration of such instrument as shall seem meet.

Fees.

44. Every Registrar shall be entitled to receive the fees specified in Schedule B hereto annexed, or such fees as shall be from time to time payable in lieu thereof, by virtue of any order to be made by the Judges of the Supreme Court, who are hereby authorized to regulate the same. All fees shall be paid in advance.

Scale.

45. A table of such fees shall be hung up in some conspicuous place in every Register Office.

Fee fund.

46. All fees received under the authority hereof shall be accounted for quarterly to the Colonial Treasurer or to the Treasurer of the county or district in which the Register Office shall be situated. The fees so received shall form a fund which shall be chargeable with the salaries of the Registrar and other officers and with the current or incidental expenses of the office.

Rules.

47. It shall be lawful for every Registrar from time to time to make rules for regulating the practice of his office: Provided that the rules so to be made shall be approved by the Chief Justice of the Supreme Court and shall not be repugnant to any of the provisions hereinbefore contained.

Interpretation.

48. In the construction of this Ordinance the word "Land" shall extend to any estate or interest whatever in real property, and the word "Will" shall extend to a codicil, and the word "Instrument" shall extend to any Crown Grant, deed, contract, will, codicil, or any memorial hereby authorized to be registered.

Commencement.

49. This Ordinance shall come into operation within any county or district at such time as His Excellency the Governor, with the advice of the Executive Council, shall by Proclamation appoint.

SCHEDULES.

SCHEDULE A.

GENERAL INDEX, VOL. I., A., p. 100.

Map A, Section 5, Number 15.

Receipt of Instrument.	Nature of Instrument.	Date of Instrument.	Where Recorded.	Reference.	Signature.
11 a.m., June 1, 1842.	Conveyance.	May 31, 1842.	4 D. 71.	2 A. 19.	James Brandreth. Edward Willan. Peter Thomson. Thomas Jones. John Brown.
3 p.m., June 10, 1842.	Conveyance.	June 9, 1842.	4 D. 100.		
2 p.m., July 3, 1842.	Mortgage.	July 2, 1842.	4 D. 150.		
10 a.m., January 1, 1845.	Memorial.	December 29, 1844.	2 M. 30.		
10 a.m., August 25, 1846.	Will.	August 1, 1846.	1 W. 350.		

GENERAL

Conveyancing.

GENERAL INDEX, VOL. II., A., p. 19.

Map A, Section 5, Number 15A.

Receipt of Instrument.	Nature of Instrument.	Date of Instrument.	Where Recorded.	Reference.	Signature.
3 p.m., June 10, 1842.	Conveyance.	June 9, 1842.	4 D. 100.	1 A. 100.	Edward Willan.

SCHEDULE B.

SCALE OF FEES.

	s.	d.
For the registration of any instrument	10	0
For the recording thereof, for every folio of seventy-two words	0	4
For a copy of or extract from any recorded instrument or deposited memorial, for every folio of seventy-two words	0	3
For every copy of or extract from the general index, for every line	0	6
For every search or inspection of indices or recorded instruments or deposited memorials	1	0
For comparing if required any instrument with the record thereof by reading over the same with the party registering, for every folio of seventy-two words	0	1
For comparing if required any copy or extract supplied by the Register Office by reading over the same with the party requiring such copy or extract, for every folio of seventy-two words	0	1

No. X.

AN ORDINANCE to facilitate the Transfer of Real Property
and to simplify the Law relating thereto.

CONVEYANCING.

[18th January, 1842.]

WHEREAS by the law of England there are various forms of assurance for the transfer of property and divers rules relating thereto which by lapse of time have become inconvenient and are altogether unsuitable to the circumstances of this Colony; for the simplifying and amending thereof—

Preamble.

BE IT ENACTED by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

I.—WHAT ESSENTIAL TO A DEED.

1. Every deed shall be signed by the conveying parties and shall also be attested by two witnesses; the place of abode of the witnesses, their calling or business, shall be stated, but no particular form of words shall be requisite for the attestation.

Signature and attestation.

2. Sealing shall not be necessary except when a deed is made by a Corporation.

Sealing.

3. Delivery and indenting shall not be necessary in any case.

Delivery &c.

4. An acknowledgment of the receipt of the consideration money contained in the body of a deed shall be as valid and effectual in all respects as if the same had also been indorsed thereon.

Receipt.

5. Every deed executed as by this Ordinance is required shall be a valid execution of a power of appointment by deed or writing

Execution of powers.

Conveyancing.

(otherwise than by will), notwithstanding it may have been expressly required that such power should be executed with some additional or other form of execution or solemnity.

II.—CERTAIN CASES IN WHICH DEEDS SHALL BE NECESSARY.

Partition &c.

6. No partition or exchange lease assignment or surrender of any land shall be valid unless the same shall be made by deed.

Appointment.

7. No appointment to be made by deed or writing otherwise than by will in exercise of a power shall be valid unless the same shall be executed as a deed is hereby required to be executed: Provided that no order or direction by a married woman to pay any money to which she may be entitled for her separate use shall be deemed an appointment within the meaning of this Ordinance.

Exception.

8. No disclaimer of any land shall be valid unless the same be made by deed or by matter of record.

Disclaimer.

III.—WHAT MAY PASS BY DEED.

Contingent interests &c.

9. Every chose in action right of entry for condition broken contingent remainder and every contingent or executory or future estate right or interest in real or personal property may be conveyed or assigned by deed: Provided that no person shall be empowered by this Ordinance to dispose of any expectancy which he may have as heir or heir of the body or as next of kin.

IV.—OPERATION OF DEED.

Form of deed.

10. A deed according to the form hereunto annexed or to the effect thereof without livery of seizin enrolment or a prior lease shall be valid and effectual to pass any land which before the passing of this Ordinance might have been conveyed by lease and release.

Absolute conveyance.

11. When any land shall be conveyed directly and immediately to any person or body corporate, the whole legal and equitable ownership of such land shall vest in such person or body corporate.

Conveyance subject to trust.

12. When any land shall be so conveyed to any person or body corporate to the use of or in trust for any other person, the whole legal ownership of such estate or interest shall vest in the person or body corporate to whom the same shall be so immediately and directly conveyed, subject however to a trust for the benefit of such other person. Every limitation which before the passing of this Ordinance might have been made by way of shifting springing or executory use, may hereafter be made by direct conveyance without the intervention of uses.

Forms abolished.

13. No land shall pass by a covenant to stand seized or by any contract for the purchase of land or by livery of seizin.

Estates by wrong.

14. No conveyance shall create any estate by wrong or work or forfeiture or have any other effect than a conveyance by lease and release would have had before the passing of this Ordinance.

Party not named.

15. Any person not being named as a party to any deed may take an immediate benefit thereby in the same manner as he might under a deed poll.

V.—INCIDENTS OF DEEDS.

Covenants implied in deed for valuable consideration.

16. In every conveyance of land by way of sale mortgage marriage settlement lease and every other conveyance for valuable consideration, there shall be implied the following covenants by each conveying party severally for himself, his heirs executors and administrators, to the extent of the interest departed with by him, that is to say,—

That such conveying party hath good right and full power to

Conveyancing.

to convey and assure the estate and interest purported to be conveyed, and that free and clear from all incumbrances other than such as are therein mentioned. That it shall be lawful for the party to whom such estate or interest is conveyed quietly to enjoy the same without any disturbance by any act whatsoever of such conveying party or any person claiming under him or by any rightful act of any other person.

That such conveying party, his heirs executors or administrators, will, at the cost of the party requiring the same, do and execute all such acts and conveyances for the better assuring of the estate or interest thereby conveyed as by the party to whom the same is conveyed or any person claiming under him may from time to time be reasonably required. The aforesaid covenant for quiet enjoyment shall not be implied against any mortgagor, his heirs executors or administrators, until default in payment of the principal moneys secured by the mortgage, before which default it shall not be lawful for a mortgagee, his heirs executors administrators or assigns, to enter into possession of the mortgaged property.

17. In every conveyance of land by way of mortgage there shall be implied a covenant by the mortgagor, his heirs executors administrators and assigns,— In mortgage by mortgagor.

That he or they will pay the principal money and interest thereby secured after the rate and at the times therein mentioned without any deduction whatever.

18. In every such conveyance as last mentioned there shall be implied an obligation on the part of the mortgagee, his heirs executors administrators and assigns, upon payment of the principal and interest at the time and in the manner mentioned in the mortgage deed, or at any time thereafter upon payment of the principal and interest then due (six clear calendar months' notice of an intention to pay the same having been given), at the request cost and charges of the mortgagor, his heirs or assigns, to re-convey to him or them, or as he or they shall direct, the property comprised in the mortgage free from all encumbrances by the mortgagee, his heirs executors administrators or assigns. By mortgagee.

19. In every such conveyance by way of mortgage there shall be implied the following power in the mortgagee, his executors administrators or assigns, that is to say,— Powers in mortgagee.

That in case default shall be made for the space of three calendar months in payment of the principal money thereby secured or any part thereof, the mortgagee, his executors administrators or assigns, shall cause a written demand of payment thereof to be served on the mortgagor, his heirs or assigns, or left at his or their last or usual place of abode, or, if the mortgage be made by a corporate body, with the Town Clerk thereof.

And if default be made for the further space of three calendar months from the service of such demand, then it shall be lawful for the mortgagee, his executors administrators or assigns, to sell the property thereby mortgaged, or any part thereof, and either altogether or in lots, and either by public auction or private contract or by both of such means, and subject to such conditions as he or they may think fit, and with power to buy in and to resell the same without being liable for any loss occasioned thereby, and to make and execute all such contracts and conveyances as he or they may judge necessary for carrying into effect the powers hereby given, all which sales contracts and conveyances and all matters

Conveyancing.

matters and things hereby authorized shall be as valid and effectual as if the mortgagor, his heirs or assigns, had made done or executed the same, and the receipt or receipts in writing of the mortgagee, his heirs executors administrators or assigns, shall be a sufficient discharge to any purchaser of any part of such mortgaged property for so much of his purchase money as may be thereby expressed to be received. No such purchaser or his representatives shall be answerable for the loss misapplication or non-application or be obliged to see to the application of the purchase money by him paid, nor shall he be concerned to inquire as to the fact of any such default or demand as aforesaid having been made. The moneys to arise from such sale as aforesaid shall be applied first in payment of the expenses attending any such sale or otherwise incurred in the execution of the power of sale hereby given; secondly in repayment of the principal money and interest remaining due, together with any costs and expenses occasioned by the non-payment thereof. The surplus (if any) shall be paid to the mortgagor, his heirs executors administrators or assigns.

Leases by lessee.

20. In every lease there shall be implied the following covenants by the lessee, for himself, his heirs executors administrators and assigns:—

That he or they will pay the rent thereby reserved at the times therein mentioned, and all rates and taxes which may be payable in respect of the demised property during the continuance of the lease. That he or they will keep and yield up the demised property in good and tenantable repair.

Powers in lessor.

21. And there shall be implied the following powers in the lessor, his heirs executors administrators or assigns:—

That he or they may, by himself or themselves or his or their agents, at all reasonable times, enter upon the demised property and view the state of repair thereof, and may serve upon the lessee, his executors administrators or assigns, or leave at his or their last or usual place of abode, a notice in writing of any defect, requiring him or them, within a reasonable time to be therein prescribed, to repair the same.

That whenever the rent reserved shall be in arrear for twenty-one days, he or they may levy the same by distress.

That in case the rent or any part thereof shall be in arrear for the space of six calendar months, or in case the repairs required by such notice as aforesaid shall not have been completed within three calendar months after the service or leaving thereof, it shall be lawful for him or them to re-enter upon the demised property and to determine the estate of the lessee therein, but without releasing him from his liability in respect of the breach of any covenant therein expressed or implied.

Powers implied in marriage settlement.

22. In every conveyance of land by way of marriage settlement there shall be implied the following powers in every tenant for life in possession of the property, or of any undivided share thereof, or in his guardian, or in the Committee of his estate; or in case there shall be no tenant for life in possession, then in the trustees of the settlement, their executors administrators and assigns, that is to say,—

That he or they may demise or lease or concur in respect of such share in demising or leasing the property in settlement for any term not exceeding twenty-one years, to take effect in possession at a reasonable yearly rent, without taking any fine or premium for the making of such lease, and so that the lessee or lessees do execute a counterpart thereof.

There

Conveyancing.

There shall also be implied in the trustees of the settlement, their executors administrators or assigns, at the request in writing of any tenant for life in possession, or his guardian or Committee, or if there be no such tenant for life then at their own discretion, the following power, that is to say,—

That they may dispose of the property in settlement or any part thereof either by way of sale or in exchange for other property of the like nature and tenure situated within the Colony; or where such property shall consist of an undivided share, may concur in a partition of the entirety of such property, and may give or take any money by way of equality of exchange or partition: Provided that the moneys to arise from any such sale or be received for equality of exchange or partition shall with all convenient speed be laid out in the purchase of other property of like nature and tenure situate within this Colony; and moreover, any property so purchased or taken in exchange shall be settled in the same manner and subject to the same trusts powers and provisos as the property so sold or given in exchange: Provided also that until the moneys received in consequence of such sale exchange or partition shall be laid out as aforesaid, the same shall be invested on real security in this Colony, and the interest thereof shall be paid to the persons entitled to the rents and profits of the property in settlement.

23. In every conveyance or reconveyance by trustees or mortgagees there shall be implied the following covenant by each trustee or mortgagee severally for himself, his heirs executors or administrators, that is to say,—

Covenant by trustees.

That he hath not done or executed or been privy to any act or deed by means whereof the property comprised within the trust or mortgage may have been charged or encumbered in any way whatsoever.

24. In every case where any of the covenants or powers aforesaid would be implied by or in any woman if unmarried, the same shall be implied by or in her husband if she shall be married.

Against husband.

25. Every covenant which shall be implied by virtue of this Ordinance shall have the same force and effect and be enforced in the same manner as if it had been set out at length in the deed wherein the same shall be implied.

Remedy in cases of implied covenants.

26. Every covenant and power to be implied in any deed by virtue of this Ordinance may be negatived or modified by express declaration in the deed, or indorsed thereon.

Implications may be negatived.

27. Neither the word "grant" nor the word "exchange" shall have the effect of creating any warranty or right of re-entry.

Grant.

28. Whenever any trustees or trustee appointed either by deed or will shall die, or shall decline to act, or shall be absent from the Colony for the space of six calendar months, or shall be desirous of being discharged from or become incapable of acting in the trusts of such deed or will, it shall be lawful for the continuing trustees or trustee or the executors or administrators of the continuing trustee, or if all the trustees shall decline to act then for the majority of the persons so declining, but in every case with the consent in writing of the persons for the time being beneficially entitled in possession under the trusts, their guardians or Committees, to appoint by deed any persons or person to be trustees or trustee in the place of the trustees or trustee so dying, or declining to act, or being absent, or being desirous of being discharged, or becoming incapable of acting as aforesaid. And upon every such appointment the trust property shall vest,

Appointment of new trustees.

Vesting of trust property.

Conveyancing.

trustee, and such new trustees or trustee, their heirs executors or administrators, as joint tenants, or if there be no continuing trustee then in the new trustees, their heirs executors or administrators, upon the same trusts and with the same powers as the original trustees or trustee.

Trustee's receipt.

29. The receipt in writing of any person to whom any money shall be payable upon any express or implied trust shall effectually discharge the person paying the same from seeing to the application or being answerable for the misapplication or non-application thereof, and from inquiring into the necessity or propriety of any transaction in consequence whereof such money may have become payable.

Liability of trustees.

30. Every trustee shall be chargeable for such moneys only as he shall actually have received, although he shall have joined in any receipt for moneys received by any co-trustee, and shall not be answerable for the act of any co-trustee, or for any loss which may arise by reason of any trust moneys being deposited in the hands of any banker or agent, or from the insufficiency or deficiency of any security upon which the trust moneys or any part thereof may be invested, nor for any loss in the execution of the trust unless the same shall happen through his own wilful neglect or default.

Costs of trustees.

31. Every trustee may, out of the moneys which shall come into his hands by virtue of the trust, retain to himself and allow to his co-trustee all costs charges and expenses which may have been reasonably incurred in or about the execution thereof: Provided always that no solicitor who shall act as a trustee shall be allowed the costs of any professional services performed by him in the execution of the trust unless the contrary shall have been expressly declared by the instrument whereby such trust was created.

VI.—AMENDED RULES OF LAW.

Words of limitation.

32. Where any land shall be conveyed to any person without any words of limitation, such conveyance shall be construed to pass the fee simple or other whole estate or interest which the party conveying had power to dispose of.

Freehold in futuro.

33. An estate of freehold, to take effect at a future time, may be created by any deed by which a present estate of freehold may be created.

Estate in chattel real.

34. Any estate or interest which can be created by will in any chattel real may also be created by deed.

Contingent remainder

35. A contingent remainder shall be capable of taking effect notwithstanding the destruction or determination or merger of the particular estate immediately preceding, and notwithstanding it may have been created expectant on the termination of a term of years.

Rule in Shelly's case.

36. Whenever any deed or will shall contain a limitation to any person for life, followed mediately or immediately by a limitation to the heirs or the heirs of the body of such person, the latter limitation shall not be deemed to coalesce with the former but shall take effect as a contingent remainder.

Possibility upon a possibility.

37. No estate shall be void on account of its being made to depend on a possibility upon a possibility.

Conveyance to wife or husband.

38. Any real or personal property may be conveyed by a husband to his wife or by a wife to her husband either alone or together with any other persons.

Tenants in common.

39. Any two or more persons in whom any real or personal property shall be vested as tenants in common, may by deed declare that they will be joint tenants thereof, and thereupon the same shall be vested in them as joint tenants.

Conveyancing.

40. The executor or administrator of a deceased mortgagee shall have power, upon payment to him of the moneys remaining due on account of the principal and interest of the mortgage debt, to convey by deed the property comprised in the mortgage, and such conveyance shall be as effectual as if the same had been made by the heir or devisee of the mortgagee, their heirs or assigns. Conveyance by executor of mortgagee.

41. A mortgagee shall not in any case be entitled to foreclose the equity of redemption. Foreclosure.

42. No land shall be charged or affected by way of equitable mortgage or otherwise by reason of any deposit of title deeds relating thereto, whether or not such deposit shall be accompanied by a written memorandum of the intent with which the same shall have been made. Equitable mortgage.

43. No vendor of any land shall have any equitable lien thereon by reason of the non-payment of the purchase money or any part of the purchase money for the same. Vendor's lien.

44. Where the reversion of any land subject to a lease shall be merged in any remainder or other reversion or future estate, the person entitled to the estate into which such reversion shall have merged, and his heirs executors or administrators, shall have the same remedy for non-performance of the conditions or covenants expressed or implied in the lease as the person who would for the time being have been entitled to the mesne reversion which shall have been merged would have had. Merger of reversion.

45. Any rent charge may be apportioned in like manner as any other rent. Apportionment of rent charge.

46. The release from a rent of any part of the land out of which it shall be payable shall not be a discharge of the residue of such land from the rent: Provided that where the owner of the part which shall be released shall not be the owner of the residue of the land charged with the rent, the owner of such residue shall be entitled to the same contribution from the owner of the part released as he would have been entitled to if no release had been made. Release of rent.

47. A condition or covenant not to assign or underlet or do any other act without license shall not be released or determined by such license. License to assign.

48. The assignment of any lease by the assignees of a bankrupt or insolvent debtor, or by the Sheriff under an execution, shall not be a breach of any condition or covenant not to assign unless the contrary shall be therein expressly declared. Assignment by assignees.

49. A married woman may assign by deed any reversionary or other future interest in personal property as validly and effectually as she may dispose of the like interest in money to arise from the sale of land. Assignment by married woman.

50. A married woman may by deed disclaim any land. Disclaimer.

51. Every deed made by any married woman by virtue of this Ordinance shall be acknowledged by her in the same manner as a deed by which she might dispose of land is required by law to be acknowledged. Acknowledgment of deed.

52. Every deed or will executed out of this Colony shall be received in evidence in every Court of Justice in the Colony: Provided the execution thereof shall be verified on oath by any one of the witnesses thereto in manner following, that is to say,—

Where the same shall have been executed in Great Britain or Ireland, it shall be so verified before the Mayor, Provost, or other Chief Magistrate of any corporate town.

If in any British Colony, before the Officer Administering the Government thereof, or before two Justices of the Peace.

If

Conveyancing.

If in any foreign country, then before any British Consul resident therein.

Provided also that such verification shall be certified under the Seal of such Body Corporate, Officer, or Consul, or under the hands of such Justices, as the case may be.

Scale of conveyancing fees.

53. And for the purpose of further securing the simplicity and brevity of conveyances in ordinary use, and of affording at the same time an adequate remuneration for the trouble and responsibility of solicitors: Be it enacted that the sum to be recovered for the drawing copying and engrossing of any purchase deed or mortgage deed shall be a percentage upon the consideration money of such deed according to the following rate and no more, that is to say, such—

Where the consideration money shall not exceed one hundred pounds, then the sum to be recovered shall be any sum not exceeding one pound; and where the consideration money shall exceed one hundred pounds, the additional sum to be recovered shall be any sum not exceeding the rate of ten shillings for every additional one hundred pounds of such consideration money.

Solicitor only to practice as such.

54. And be it enacted if any man not being a solicitor of the Supreme Court shall act as attorney or solicitor, or if any man not being a barrister or solicitor of the Supreme Court shall act as conveyancer, he shall forfeit and pay for every such offence the sum of fifty pounds, to be recovered by action in the Supreme Court by any one who shall sue for the same.

Interpretation clause.

55. For the purposes of this Ordinance, the word "land" shall be deemed to mean any estate or interest in real property.

Commencement.

56. This Ordinance shall come into operation on the first day of March, one thousand eight hundred and forty-two.

FORM OF CONVEYANCE IN FEE SIMPLE.

THIS deed, made the first day of January, one thousand eight hundred and forty-two, between A.B., of Auckland, in the County of Eden, merchant, of the one part, and C.D., of the same place, carpenter, of the other part [*Recitals, if any*] and (Now this deed) Witnesseth, that in consideration of the sum of One Hundred Pounds paid by the said C.D. to the said A.B. (the receipt whereof is hereby acknowledged), the said A.B. doth hereby convey and assure unto the said C.D. and his heirs [*or unto the said C.D.*] all that piece of land (parcels) [*Referring to the marks and numbers in the Surveyor-General's map, and describing particularly the situation boundaries and measurement, and specifying any variation in any of the above particulars, since the date of the last conveyance,*] with all the appurtenances thereto belonging.

[*Special provisions, if any.*]

In witness whereof the said A.B. hath hereunto subscribed his name.

A.B.

Signed by the above-named A.B. in the presence of us,
E.F., of Queen Street, Auckland, Solicitor.
G.H., of Fort Street, Auckland, Clerk of the said E.F.

Marriage Validation.

No. XI.

AN ORDINANCE to render certain Marriages valid.

[21st February, 1842.]

MARRIAGE
VALIDATION.

WHEREAS Marriages have in divers cases been solemnized within the Colony by ministers of the Christian religion not episcopally ordained: And whereas doubts exist whether according to the common law of England (whereby marriages in the Colony are governed) any marriage be good and valid unless the same have been solemnized by a minister episcopally ordained: For the quieting such doubts,—

Preamble.

BE IT DECLARED AND ENACTED by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

1. All marriages heretofore solemnized and all marriages hereafter to be solemnized by any minister of any Christian denomination, who had not or shall not have received episcopal ordination, are and shall be as good and valid to all intents and purposes as if the said minister solemnizing the same had received such ordination.

Certain marriages
heretofore solemnized
declared valid.

No. XII.

AN ORDINANCE for regulating the Sale of Fermented and Spirituous Liquors. [10th February, 1842.]

LICENSING.

BE IT ENACTED by His Excellency the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

Preamble.

I.—LICENSE.

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

License for sale of
spirits &c.

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

Form of license.

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

Not to be granted to
constables &c.

Licensing.

II.—GRANTING AND TRANSFERRING OF LICENSES.

Application for license.

4. Every person desirous of obtaining a license under this Ordinance shall, on or before the first Tuesday in the month of April in every year, cause to be delivered to the Clerk of the Police Magistrate for the district in which it is proposed to exercise such license a notice in writing signed by him and in the form in Schedule B hereunto annexed, together with a certificate signed by at least five substantial householders residing within such district, in the form in Schedule C hereunto annexed.

Names of applicants to be affixed on the door of Police Office.

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

Annual licensing meeting.

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

Certificates may be granted.

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

Notice of meeting.

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

Recognizances to be entered into by applicant.

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

Sickness of applicants

10. If any person desirous of obtaining such certificates shall be hindered by sickness infirmity or any other reasonable cause from attending in person at any such meeting, it shall be lawful for the Justices to certify in favour of such person upon three sufficient sureties, to be approved of as aforesaid, entering into the required recognizances.

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

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

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

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

Recognizances not to bind real property.

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

Amount payable for license.

14. Every such certificate shall be null and void unless the same and the sum of thirty pounds, or in case the house to be licensed shall be

Licensing.

be within the limits of any borough then the sum of forty pounds, shall be lodged in the office of such Treasurer as aforesaid on or before the thirtieth day of June next following the annual licensing meeting at which such certificate was granted.

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

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

17. The Justices so assembled may transfer any such license as aforesaid to the appointee of the original holder of such license by an indorsement on the license in the form in Schedule F hereunto annexed, subject to such conditions as are hereinbefore required in respect of the person originally licensed. Transfer to be indorsed.

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

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

III.—REGULATIONS FOR LICENSED HOUSES.

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

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

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

23. Every

Licensing.

Lamp to be kept
burning.

23. Every such person shall also have a lamp with at least two burners affixed over the front or principal door of his house, and shall keep the same burning from sunset to sunrise.

Money only to be
taken in payment.

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

Wages not to be paid
in licensed house.

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

License to be shown
on demand.

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

Constable may
demand entrance.

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

IV.—PENALTIES.

On Justices
improperly acting.

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

On persons selling
less than two gallons.

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

Hawking liquors.

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

For other offences
against this Ordinance

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

For drunkenness.

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

V.—PROVISIONAL LICENSES.

Provisional licenses.

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

Commencement of
Ordinance.

34. This Ordinance shall come into operation on the first day of March, one thousand eight hundred and forty-two.

SCHEDULES.

Licensing.

SCHEDULES.

SCHEDULE A.

FORM OF LICENSE.

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

Given under my hand and seal, at _____, this _____ day of _____, one thousand
eight hundred and _____.

N.O., Colonial Treasurer

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

SCHEDULE B.

FORM OF NOTICE OF APPLICATION FOR A LICENSE.

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

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

Given under my hand, this _____ day of _____, one thousand eight hundred and _____.
A.B.

SCHEDULE C.

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

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

Witness our hands, this _____ day of _____, one thousand eight hundred and _____.

One

Two

Three

Four

Five

SCHEDULE D.

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

New Zealand } AT the annual licensing meeting [or an adjournment of the annual
to wit } licensing meeting] of Her Majesty's Justices of the Peace acting in and
for the district of _____, holden at _____, on the _____ day of _____, in the year of our
Lord one thousand eight hundred and _____, pursuant to the Ordinance of the
Governor and Council passed in the year one thousand eight hundred and forty-two, No.
12, intituled "*An Ordinance for regulating the Sale of Fermented and Spirituous Liquors*,"
for the purpose of considering applications made to us for licenses pursuant to the
said Ordinance, we being the majority of the Justices assembled at the said Sessions do,
in virtue of the power vested in us, hereby authorize the Colonial Treasurer [or County
or District Treasurer, *as the case may be*] to issue to A.B., of _____, a license under the
said Ordinance for [*Here state the house, sign, district, or other particulars*] the year
commencing from the first day of July next: And we do hereby certify that we are
satisfied

Licensing.

satisfied the said A.B. is a person of good fame and reputation, and fit and proper to be licensed as aforesaid, and also that we have taken from the said A.B. and his sureties, C.D., of _____, and E.F., of _____, a recognizance in the sum of fifty pounds each according to the form prescribed in the said Ordinance.

Given under our hands and seals, the _____ day of _____, at the place aforesaid.
 G.H. }
 I.K. } Justices of the Peace.

SCHEDULE E.

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

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

The conditions of this recognizance are such, that whereas the said A.B. is to be licensed pursuant to the Ordinance passed in the year one thousand eight hundred and forty-two, No. 12, to sell spirituous liquors, wine, ale, or beer, in a house being the sign of _____, situated at _____, in the district [or township] of _____, for twelve months, commencing on the first day of July, one thousand eight hundred and _____, if the said A.B. do keep the law in selling such liquors as aforesaid in his [or her] said house and its appurtenances, then the said recognizance to be void; otherwise, to remain in full force.

Taken and acknowledged the day and year above written, before us,
 G.H. }
 I.K. } Justices of the Peace.

SCHEDULE F.

FORM OF INDORSEMENT ON LICENSE TO AUTHORIZE A TRANSFER THEREOF.

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

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

SCHEDULE G.

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

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

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

Auctioneers.

No. XIII.

AN ORDINANCE for Licensing Auctioneers.

AUCTIONEERS.

[15th March, 1842.]

BE IT ENACTED by the Governor of New Zealand, with the Preamble.
advice and consent of the Legislative Council thereof, as follows :—

1. No person shall after the twenty-fifth day of April, one thousand eight hundred and forty-two, sell any estate goods or effects by way of auction, or in any way whereby the highest bidder shall be the purchaser, either by public sale or otherwise, unless he shall be duly licensed in manner hereinafter provided. No person to sell by auction without license.

2. There shall be levied and paid in respect of all estates goods and effects so sold as aforesaid a duty of one pound for every hundred pounds arising from such sale, which duty shall be paid by the auctioneer for the use of Her Majesty, her heirs and successors, for the public uses of the Colony and the support of the Government thereof, and may be retained by him out of the proceeds of any such sale, or recovered by him by action at law from the person by whom he shall have been employed. Auction duty.

3. Every auctioneer shall within fourteen days after the expiration of every calendar month render to the Treasurer of his county or district a full and true account in writing of the price at which every lot or article shall have been sold by such auctioneer during such calendar month, together with a statement of the time and place of any such sale, and shall verify every such account and statement by oath before such Treasurer, who is hereby authorized to administer the same. Account of sales.

4. Every such license as aforesaid shall be in the form in the Schedule hereunto annexed, and shall commence on the twenty-fifth day of April, and shall be in force for one year. Form of license.

5. Such license shall be issued by the Colonial Treasurer or Treasurers of any county or district to any person who shall apply for the same, on payment of the sum of thirty pounds. Amount of auctioneer's license.

6. No such license shall be granted until the person applying for the same shall have given security by bond, with two sureties, to be approved by such Treasurer, himself in the sum of two hundred pounds and each of the sureties in the sum of one hundred pounds, the condition of which bond shall be that the person to be licensed shall render a true account of all sales made by him, and shall duly pay all sums of money which may be payable by him in respect of such auction duty as hereinbefore mentioned. Bond to be given.

7. In case any person shall hold any auctioneer's license which shall have been issued before the passing of this Ordinance, the Treasurer shall on application allow to such person a proportionate part of any sum which he may have already paid for such license in respect of the unexpired period of the same. To be diminished in certain cases.

8. Every such Treasurer shall within ten days after the said twenty-fifth day of April cause a list of the persons to whom he shall have granted such license, setting forth their names places of abode and callings, to be published in one of the newspapers of his county or district. List of licensed auctioneers to be published.

9. No person so licensed shall exercise his business of an auctioneer by any artificial light, or after the hour of five o'clock in the Hours of business.

Land Claims.

the afternoon from April to September inclusive, or after the hour of seven o'clock in the evening during the residue of the year.

Penalty for selling by auction without license.

10. If any person not being duly licensed shall sell any estate goods or effects by way of auction or tender or in any way whereby the highest bidder shall be deemed to be the purchaser, either by public sale or otherwise, he shall forfeit and pay for every such offence the sum of one hundred pounds, to be recovered in a summary way.

Non-production of license.

11. In all proceedings against any person for having acted as an auctioneer without license, such person, unless he shall produce his license or bring other satisfactory proof of his having been licensed at the time at which the offence shall have been committed, shall be deemed to have been unlicensed.

License to be forfeited

12. If such bond as aforesaid shall have been successfully put in suit against any auctioneer, such auctioneer shall upon final judgment being given in such suit be for ever after disqualified to hold any license under the provisions of this Ordinance.

Penalty for selling at illegal hours.

13. If any licensed auctioneer shall exercise his business at any time or in any manner contrary to the provisions of this Ordinance, he shall forfeit and pay for every such offence any sum not exceeding fifty pounds, to be recovered in a summary way.

Ordinance not to extend to Government sales.

14. Provided that nothing herein contained shall extend to any sale by order of His Excellency the Governor, or of any Collector or Sub-Collector of Customs, or to any sale of any vessel or the apparel or stores or cargo of any vessel which may be taken and condemned as a prize and sold for the benefit of the captors.

Commencement.

15. This Ordinance shall come into operation on the twenty-fifth day of April, one thousand eight hundred and forty-two.

SCHEDULE.

FORM OF LICENSE.

Know all men by these presents that [name] of [place and county], [trade or business], is hereby licensed to exercise the business or calling of an Auctioneer from the twenty-fifth day of April next, for the term of one year, the said having this day paid the sum of thirty pounds.

Dated

Treasurer.

No. XIV.

LAND CLAIMS.

AN ORDINANCE to amend an Ordinance enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof (Session I., No. 2). [25th February, 1842.]

Preamble.

WHEREAS by an Ordinance enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, (Session I., No. 2,) intituled "*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 fourth year of the reign of Her present Majesty and adopted under an Ordinance of the Governor and Legislative Council of New Zealand,*

for

Land Claims.

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 authorize 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,' the Commissioners therein mentioned are directed to inquire into and set forth the price or valuable consideration, with the sterling value thereof, paid for the lands claimed to any of the chiefs or tribes or any aboriginal inhabitants or inhabitant of the said Colony of New Zealand, as well as the time and manner of the payment and the circumstances under which such payment was made, and also to inquire into and set forth the number of acres which such payment would have been equivalent to according to the rates fixed in a Schedule marked B to the said recited Ordinance annexed; and it is also by the said recited Ordinance provided that no grant of land shall be recommended by the said Commissioners which shall exceed in extent two thousand five hundred and sixty acres unless specially authorized thereto by the Governor, with the advice of the Executive Council: And whereas by an arrangement entered into between Her Majesty's Government and the New Zealand Company it was provided that an account should be taken of the sums of money invested by the said Company in the purchase of lands in New Zealand from the Native Chiefs and others, in the taking up chartering and despatching of ships for the conveyance of emigrants thither, in the maintenance of such emigrants before and during the outward voyage, in the purchase and transmission of stores for the public use of the settlers collectively on their arrival, in surveys, in the erection of buildings or the execution of other works dedicated exclusively to the public service of the settlement, and in other heads of expenditure or absolute liabilities unavoidably required or reasonably incurred for the before-mentioned purposes; and that when the amount of the said expenditure should have been ascertained, the said Company should be secured by a grant from the Crown to them, under the Public Seal of the Colony, of as many acres of land as should be equal to four times the number of pounds sterling which they should be found to have expended in the manner and for the purposes aforesaid: And whereas Her Majesty's Government have declared their intention to apply to all other persons the rule to which the New Zealand Company will be subject in respect of the quantity of land to be granted to them within the Colony:

BE IT THEREFORE DECLARED AND ENACTED by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

1. The Schedule marked B to the said Ordinance annexed, and so much thereof as so restricts the grants of land to be recommended by the said Commissioners as aforesaid, and so much of the said Ordinance as is inconsistent with the said recited arrangement and this Ordinance, is hereby repealed.

Repeal of part of Ordinance.

2. All lands within the Colony which have been validly sold by the aboriginal natives thereof are vested in Her Majesty, her heirs and successors, as part of the demesne lands of the Crown.

Crown lands.

3. There shall be published from time to time in the Government *Gazette* of New Zealand, Proclamations describing all lands so validly sold, setting forth the situation boundaries and extent thereof, and

To be proclaimed.

Harbours.

such other particulars as may be necessary for identifying the same. Every such Proclamation shall be received in all Courts of Justice as conclusive evidence that the lands therein described are Crown lands as aforesaid.

Rule as to quantity of land to be granted.

4. Whenever it shall be reported by any Commissioner or Commissioners of Land Claims that any person, whether he shall be a natural born subject or a citizen or subject of any foreign state, is entitled under the provisions of the said Ordinance to a grant of land in respect of his alleged purchase, such person shall, on the report being confirmed by His Excellency the Governor, be entitled to a grant from the Crown, out of the land validly sold to such person, of four times as many acres as he shall be found to have expended pounds sterling in manner and for the purposes hereinbefore mentioned: Provided always that when goods shall have been given to the Natives in barter for land, the value of the goods so given shall be estimated at three times their selling price in Sydney at the time.

Selection of land.

5. The land to be granted at the recommendation of the Commissioner may be selected by the person entitled to such grant out of the land claimed by him: Provided that the land so to be selected shall be in one block, to be as nearly as possible a rectangular figure the breadth of which shall not be more than half its length: Provided also that when the block so to be granted shall be bounded by the sea or a river, the rectangle aforesaid shall be so placed that the narrow side or breadth shall be bounded by the sea or any such river, and that the length of the rectangle shall run back from the sea or river as near as possible at right angles to their general direction.

Compensation &c.

6. When any land to which any claimant shall be found entitled shall be required for public purposes under the provisions of the said recited Ordinance, and shall have been built upon or otherwise improved in value, compensation shall be given in land or money to the owner of such buildings, such compensation to be fixed by the Commissioner assisted by two appraisers, one to be appointed by the Commissioner and the other by the claimant.

Compensation by New Zealand Company.

7. If any part of the land to be granted to the New Zealand Company under the provisions of the aforesaid arrangement shall have been validly sold by the aboriginal inhabitants to any claimant other than the New Zealand Company, compensation in other land shall be made to such claimant by the said Company according to such rate as to the Commissioners shall seem meet.

One Commissioner.

8. And be it lastly enacted, that all the powers of hearing examining and reporting on claims to land given by the said recited Ordinance to any two Commissioners may be exercised as fully and effectually by any single Commissioner whom His Excellency the Governor shall for that purpose appoint.

No. XV.

HARBOURS.

AN ORDINANCE to provide for the Regulation of Harbours. [21st February, 1842.]

Preamble.

WHEREAS it is necessary that provision should be made for the appointment of Pilots in the various harbours of the Colony, and for the regulation of shipping resorting thereto:

BE IT ENACTED by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

I.—PILOTS

Harbours.

I.—PILOTS AND PILOTAGE.

1. His Excellency the Governor shall from time to time license such and so many persons to act as Pilots for any harbour within the Colony as he may think meet.

Governor to license Pilots.

2. It shall be lawful for the Governor in Council from time to time to make such regulations respecting the examination and licensing of Pilots, the amount and payment of pilotage, the class of vessels which shall be bound to take Pilots, and respecting all other matters connected therewith, as may be required for securing the good conduct of Pilots and the efficiency of the pilot service: Provided that no coaster shall be subject to any pilotage.

Governor in Council to make regulations respecting Pilots.

II.—QUARANTINE.

3. His Excellency the Governor shall from time to time, by Proclamation, appoint stations or places for the performance of quarantine by such vessels bound to the several harbours of the Colony as may be liable thereto, and shall construct and maintain lazarets, and to take all such measures as may be necessary for securing the due performance of such quarantine.

Governor to appoint quarantine grounds.

4. The master of every vessel arriving at any harbour within the Colony which shall be deemed by the Harbour Master to be liable to quarantine, shall on being directed so to do by such Harbour Master cause the same to be anchored in the quarantine ground appointed for such harbour.

Vessels to anchor if required.

5. The master of every vessel so anchored shall neither himself quit nor permit any seaman passenger or other person to quit the same until he shall have been duly admitted to pratique.

Masters &c. not to quit vessel.

6. It shall be lawful for the Governor in Council from time to time to make all such regulations respecting the placing of vessels in quarantine and the performance of such quarantine as may seem meet, and to appoint all such officers as may be necessary for the purpose of carrying such regulations into effect.

Governor in Council to make regulations respecting quarantine

III.—HARBOUR REGULATIONS.

7. In order to secure the safety of shipping, and to prevent any obstruction of the navigation of any harbour or navigable river not being within the limits of any borough, it shall be lawful for the Governor in Council from time to time to make such regulations respecting the anchoring and mooring of vessels, the package landing deposit and removal of gunpowder, the erection of magazines for the safe keeping thereof and the rent to be charged for the same, for the watering and ballasting and discharging of ballast of or from vessels, and all other matters relating to the safe and commodious navigation of such harbours or rivers, and the order and management of vessels resorting thereto, as may be deemed necessary.

Governor in Council to make harbour regulations.

8. It shall also be lawful for the Governor in Council from time to time to make such regulations requiring declarations to be made by masters of vessels arriving at any of the ports of the Colony, and notices to be given by them of their intended departures from any such port, and prescribing the form and time of making such declarations or giving such notices, as may seem meet: Provided that masters of coasters shall not be compelled to give notice of sailing unless bound from one port of entry to another, and masters of colonial traders only twenty-four hours' notice.

And to require declarations and notices by Masters of vessels.

IV.—PENALTIES.

9. Every master of any vessel who shall offend against the provisions of this Ordinance shall forfeit and pay for every such offence

Penalties for offences against this Ordinance.

Cattle Trespass.

offence any sum not exceeding one hundred pounds, to be recovered in a summary way.

Governor in Council may impose penalties.

10. For the purpose of giving effect to the regulations hereby authorized to be made by the Governor in Council, the Governor in Council may by any such regulations impose any penalty not exceeding twenty pounds for any offence against the same.

To be recovered in a summary way.

11. Every such penalty shall be recovered in a summary way.

No. XVI.

CATTLE TRESPASS.

AN ORDINANCE to provide for the Summary Recovery of Compensation for Damage done by Cattle Trespassing. [14th March, 1842.]

Preamble.

WHEREAS serious injury is caused by cattle wandering over or breaking into cultivated or enclosed grounds, and it is expedient to provide an easy and speedy remedy for the same:

BE IT ENACTED by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

Damages to be recovered in a summary way.

1. Whenever any cattle shall trespass upon the land of any person which shall be substantially fenced, and shall do any damage thereon, it shall be lawful for the Police Magistrate of the district, or for any two Justices of the Peace having jurisdiction therein, upon the application of the person suffering such damage, to hear and determine the case in a summary way, and on being satisfied by the oath of a credible witness as to the amount of such damage, to award to the party sustaining the same any sum not exceeding twenty pounds by way of compensation for the same.

Penalty for cattle wandering in public streets.

2. If any cattle shall be found wandering at large in any street or public place within the limits of any town or village which shall be proclaimed by His Excellency the Governor to come within the operation of this Ordinance, the owner thereof shall forfeit and pay for every head of cattle so wandering any sum not exceeding five shillings, to be recovered in a summary way.

Interpretation of clause.

3. For the purpose of this Ordinance the word "Cattle" shall be taken to include horned or neat cattle, horses, sheep, goats, and swine.

Commencement of Ordinance.

4. This Ordinance shall come into operation on the twenty-fifth day of April, one thousand eight hundred and forty-two.

No. XVII.

RAUPO HOUSES.

AN ORDINANCE for imposing a Tax upon Raupo Houses. [3rd March, 1842.]

Preamble.

WHEREAS the lives and property of persons residing in towns are endangered by the erection therein of buildings constructed of raupo and other materials which readily take fire: For the purpose of discouraging the erection of such buildings,

BE

Copyright.

BE IT ENACTED by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows :—

1. It shall be lawful for His Excellency the Governor from time to time by Proclamation to declare the provisions hereinafter contained to be in force in any town or part of any town the boundaries whereof respectively shall be defined by such Proclamation. Power to the Governor to bring Ordinance into operation.

2. On a day to be named in such Proclamation, not being less than six calendar months from the date thereof, and on the same day in every succeeding year, there shall be levied in respect of every building constructed wholly or in part of raupo, nikau, toetoe, wiwi, kakaho, straw, or thatch of any description, and situate within the boundaries so defined, the sum of twenty pounds. Tax on raupo buildings.

3. Such sum as aforesaid shall be paid on demand to the Colonial Treasurer or District Treasurer as the case may be, or to any person by him authorized to demand the same, by the occupier, or if there be no occupier by the owner of such building. In default of payment, the same shall be recovered in a summary way. By whom payable.

4. No person shall erect or cause to be erected any such building as aforesaid in any town in which the provisions of this Ordinance shall have been declared to be in force. Every person shall for so offending forfeit and pay the sum of one hundred pounds, to be recovered in a summary way. Not to be erected after a certain date.

No. XVIII.

AN ORDINANCE to secure the Copyright of Printed Books to the Authors thereof. [15th March, 1842.]

COPYRIGHT.

WHEREAS it is desirable that the copyright of books should be secured by law to the authors thereof: Preamble.

BE IT ENACTED by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows :—

1. The author of any book which shall hereafter be printed and published, and his assignees, shall have the sole liberty of printing and reprinting such book for the full term of twenty-eight years, to commence from the day of first publishing the same, and also, if the author shall be living at the end of that period, for the residue of his natural life. Period of protection.

2. If any person shall during the period or periods aforesaid print reprint or import, or cause to be printed re-printed or imported, any such book without the consent in writing of the author or assignee of the copyright thereof, or shall, knowing the same to have been so printed reprinted or imported without such consent as aforesaid, sell publish or expose for sale, or cause to be sold published or exposed for sale, or have in his possession for sale, any such books without such consent as aforesaid, every such person shall be liable to an action at the suit of the author or assignee, in which action double costs of suit shall be allowed, and shall also, upon a verdict being given against him in such action as aforesaid, forfeit and pay the sum of fifty pounds to the use of Her Majesty, her heirs and successors, for the public uses of the Colony and the support of the Government thereof. Penalty.

New South Wales Laws Repealed.

No. XIX.

**NEW SOUTH WALES
LAWS REPEALED.**

AN ORDINANCE to repeal an Ordinance enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, whereby the Laws of New South Wales were declared to extend to and be in force in the Colony of New Zealand. [15th March, 1842.]

Preamble.

WHEREAS by an Ordinance enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council, (Session I., No. 1.,) intituled "*An Ordinance to declare the Laws of New South Wales, so far as they can be made applicable, shall extend to and be in force in Her Majesty's Colony of New Zealand from and subsequent to the date of Her Majesty's Royal Charter and Letters Patent erecting into a separate Colony the Islands of New Zealand, and to indemnify the Lieutenant-Governor and other Officers thereof for certain acts done and performed between the date of the said Royal Charter and Letters Patent and the day of passing this Ordinance,*" after reciting that it was expedient that until such Laws and Ordinances as might be necessary for the good government of this Colony could be well considered and ordained, all such Laws Acts or Ordinances of New South Wales as were applicable to this Colony should continue to be acted upon and be applied therein, it was enacted and declared that so much of all and every of the Laws Acts or Ordinances theretofore enacted by the Governor and Legislative Council of New South Wales and then in force therein as had already been and could thereafter during the continuance of the said Ordinances be applied within the said Colony of New Zealand, should be and the same were thereby adopted and declared and directed to be extended to and applied in the administration of justice in the said Colony of New Zealand in like manner as all other the Laws of England, and as if the same had been repealed and re-enacted in the said Ordinance: And whereas fitting provision has now been made for the good government of the Colony of New Zealand by the Governor and Legislative Council thereof:

BE IT THEREFORE ENACTED by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

Ordinance repealed.

1. The said recited Ordinance, and all Laws Acts or Ordinances of New South Wales which heretofore have been in force in this Colony, are hereby repealed.

No law of New South Wales to be hereafter in force.

2. No Law Act or Ordinance of New South Wales shall hereafter be of any force or effect whatever within the Colony of New Zealand.

Commencement of Ordinance.

3. This Ordinance shall come into operation on the twenty-fifth day of April, one thousand eight hundred and forty-two.

Supreme Court.

ANNO SEPTIMO

VICTORIÆ REGINÆ.

SESSION III. No. I.

AN ORDINANCE for establishing a Supreme Court.

SUPREME COURT.

[13th January, 1844.]

BE IT ENACTED by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

Preamble.

I.—CREATION OF COURT.

1. There shall be within the Colony of New Zealand a Court of record for the administration of justice throughout the Colony, which Court shall be called the Supreme Court of New Zealand.

Creation and style of Court.

II.—JURISDICTION OF COURT.

2. The Court shall have jurisdiction in all cases as fully as Her Majesty's Courts of Queen's Bench, Common Pleas, and Exchequer at Westminster have in England.

Legal.

3. The Court shall also have all such equitable jurisdiction as the Lord High Chancellor of Great Britain hath in England.

Equitable.

4. The Court shall also have exclusive jurisdiction in all questions relating to testacy and intestacy and the validity of wills of personal property, as fully as any Ecclesiastical Court hath in England. The Court shall also have exclusive power to grant probates of wills and letters of administration of the estates and effects of deceased persons, and to take order for the due passing of the accounts of the executors and administrators of such persons.

Ecclesiastical.

5. The Court shall also have power to appoint and control guardians of infants and their estates, and also Committees of the persons and estates of idiots, lunatics, and such as being of unsound mind are unable to govern themselves and their estates.

Lunacy.

6. The Court shall also be an Instance Court of Vice-Admiralty, with such power and jurisdiction as belong to Courts of the like nature within the Colonial possessions of Her Majesty.

Vice-Admiralty Instance Court.

7. The Court shall have cognizance of all crimes and offences committed within the jurisdiction of the Vice-Admiral of the Colony of New Zealand as fully and effectually as if the same had been committed on the land within the limits of the Colony.

Criminal jurisdiction.

8. The Court shall not take cognizance of any criminal case where the offence shall have been committed previous to the fourteenth day of January, one thousand eight hundred and forty.

Jurisdiction.

9. The Court shall have and use a Seal wherewith all writs and other process issuing out of the Court shall be sealed.

Seal.

III.—CONSTITUTION OF COURT.

10. The Court shall consist of one Judge, who shall be called the Chief Justice of New Zealand, and of such other Judges as Her Majesty

Judges.

Majesty

Supreme Court.

Majesty shall from time to time be pleased to appoint: Provided that it shall be lawful for His Excellency the Governor to appoint such Judges provisionally until Her Majesty's pleasure shall be known. The Judges of the Court shall hold their office during Her Majesty's pleasure.

Oath of office.

11. Every Judge before entering on his office shall take an oath according to the form in the Schedule hereunto annexed faithfully to execute the duties thereof.

Districts.

12. It shall be lawful for His Excellency the Governor, with the advice of the Executive Council, by Proclamation from time to time to divide the Colony into districts for the purpose of this Ordinance, and the limits of such districts from time to time to alter as occasion may require. It shall also be lawful for His Excellency the Governor to assign to each of such districts a Judge or Judges, who shall have within the same all the powers and jurisdiction hereby given to the Supreme Court.

Officers of the Court.

13. There shall belong to the Court such Registrars and inferior officers for each of such districts as to the Judge or Judges of each of such districts shall appear necessary, subject to the approval of His Excellency the Governor.

Registrars.

14. The Registrars shall be appointed provisionally by His Excellency the Governor, and shall hold their offices during Her Majesty's pleasure.

Inferior officers.

15. The inferior officers of each district shall be appointed by the Judge or Judges of the respective districts, with the sanction of His Excellency the Governor, and shall be removable on reasonable cause by the Judge or Judges of the respective districts with the sanction of His Excellency the Governor.

Barristers and solicitors.

16. There shall be enrolled in the Court to practice therein as barristers such persons only as shall have been admitted barristers or advocates in Great Britain or Ireland, or such as shall be admitted hereafter within the Colony under the authority of any Law that may hereafter be passed for that purpose, and to practice therein as solicitors such persons only as shall have been admitted as solicitors, attorneys, or writers in one of the Courts of Westminster, Dublin, or Edinburgh, or proctors in any Ecclesiastical Court in England, or shall have served such term of clerkship with a solicitor of the Court as shall be required by the general rules thereof, or shall have established themselves in the exercise of their profession on or before the twenty-second day of December, one thousand eight hundred and forty-one. All persons so enrolled shall be removable from the rolls of the Court upon reasonable cause, whensoever and wheresoever the same may have arisen.

Their practice.

17. The barristers of the Court shall be allowed to act as solicitors and the solicitors of the Court to act also as barristers for the period of five years after the passing of this Ordinance, unless the Court shall in the meantime make order to the contrary; any such order may extend to the whole Colony or may be restricted to any part thereof as to the Court shall seem fit.

Sheriff.

18. His Excellency the Governor shall, by warrant under his hand, appoint provisionally, subject to Her Majesty's confirmation, fit persons to be Sheriffs of the several counties or districts (as the case may be) of the Colony, who shall be removable by the Governor on reasonable cause: Provided that no Sheriff shall be in any way concerned in the conduct of any suit in any Court, either as barrister, solicitor, or agent.

Oath.

19. Each Sheriff shall upon his appointment take an oath before a Judge of the Supreme Court, or some person specially appointed by such

Supreme Court.

such Judge, according to the form in the Schedule hereunto annexed, faithfully to execute the duties of his office.

20. Each Sheriff shall have such powers and privileges only, and such duties and responsibilities only, as a Sheriff by law hath or is liable to in England as a ministerial officer of one of Her Majesty's Superior Courts at Westminster. Duties.

21. Whenever any process shall issue which the Sheriff ought not by law to execute, the Court shall appoint some other fit person to execute the same; and in every such case the cause of such special proceeding shall be entered upon the records of the Court. Process when Sheriff disqualified.

IV.—PRACTICE OF THE COURT.

22. All questions of fact upon which issue shall be taken in the course of any proceeding before the Court, and all questions of idiocy lunacy or unsoundness of mind, shall be decided by a jury of twelve men. Trial by jury.

23. There shall be holden Circuit Courts for the despatch of civil and criminal business of the Court before one of the Judges thereof, at such places and at such times as His Excellency the Governor shall, with the advice of the Executive Council, by Proclamation from time to time appoint. Circuits.

24. It shall be lawful for a single Judge of the Court, on circuit or otherwise, to hear and determine all cases of crimes and misdemeanours committed within the district, and any issues of fact joined in any action or proceeding in the Supreme Court or removed thereto for trial out of any other district by virtue of any General Rules of the Supreme Court, and to exercise all such powers and jurisdiction as Courts of oyer and terminer and gaol delivery and assize and *nisi prius* have in England. Powers of Judge on circuit.

25. It shall be lawful for the Judges of the Court from time to time to make rules for regulating the time and place for holding the Court, and the practice and pleadings upon all indictments informations suits and other proceedings therein, the proceedings of the Sheriffs and other ministerial officers, the admission of barristers and solicitors, the fees and poundage to be paid to any officer, costs of suit and the taxing thereof, and all matters relating to the business of the Court, and such rules from time to time to alter or revoke: Provided that the same shall not be repugnant to any of the provisions hereinbefore contained, and provided also that the said rules to be made under the authority aforesaid shall be submitted to the Governor in Council, and upon being approved shall have the same force and effect as if they had been inserted herein until the termination of the sitting of the Legislative Council next following their approval by the Governor in Council. Rules for practice.

26. All fees received by the Registrars, as well as those received by the inferior officers of the Court, shall be accounted for and paid over quarterly to the Colonial Treasurer, and shall form a fund, to be called the "Fee Fund," which shall be charged with the salaries of all the officers of the Court. Fee fund.

27. All proceedings which have been commenced in the Supreme Court under the authority of the Supreme Court Ordinance, (Session II., No. 1,) and which are still pending and incomplete, shall continue in as full force and effect as if the same had been commenced under the authority hereof. Proceedings pending.

SCHEDULE.

Juries Amendment.

SCHEDULE.

FORM OF OATH.

I, A.B., do swear that I will truly and faithfully and to the best and utmost of my skill and knowledge discharge the duties of [Chief Justice, or Judge of the Supreme Court, or Sheriff, as the case may be], without fear favour or malice. So help me God.

No. II.

JURIES AMENDMENT, AN ORDINANCE to make temporary provision for the Constitution of Juries. [13th January, 1844.]

Preamble.

WHEREAS by an Ordinance enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council, (Session II., No. 3,) intituled "*An Ordinance to regulate the Constitution of Juries*," it was provided that every man except as therein excepted, between the ages of twenty-one years and sixty years, who should have to his own use a freehold estate in lands and tenements within the Colony and who should reside within the same, should be qualified and liable to serve as a juror therein, and provision was made for the formation of a Jury List in manner therein mentioned: And whereas the registration of titles to land within the Colony is not yet sufficiently advanced for the purpose of the aforesaid Ordinance:

BE IT THEREFORE ENACTED by the Governor of New Zealand, with the advice and consent of the Legislative Council, as follows:—

I.—CONSTITUTION OF JURIES.

Who liable.

1. Every man being a British subject and not an aboriginal native of New Zealand (except as in the aforesaid Ordinance excepted), between the ages of twenty-one years and sixty years, who shall be of good fame and character and who shall reside within the Colony, shall be qualified and liable to serve as a juror therein. Any aboriginal native of New Zealand whose capability may be certified under certain regulations to be from time to time issued by the Governor and Executive Council shall also be held duly qualified and liable to serve as a juror on a mixed jury for the trial of any case, civil or criminal, in which the property or person of any aboriginal native of New Zealand may be affected.

II.—FORMATION OF JURY LIST.

Justices of the Peace to prepare Jury List.

2. The Police Magistrate in every district or county shall, on the first day of February in this and every succeeding year, or as soon thereafter as may be, call a special meeting of the Justices of the Peace residing within twenty miles of the Police Office, for the purpose of forming a Jury List; the Justices at such meeting (any two being a quorum) shall prepare a list in alphabetical order of all men residing within such limits as aforesaid who shall be qualified and liable to serve as jurors, setting forth the Christian and surname of each at full length, together with his place of abode and calling or business. The Police Magistrate shall forthwith cause a copy thereof to be published in one or more of the newspapers of the district or county, and shall also cause a copy thereof to be affixed upon the principal door of the Police Office, and to such lists and copy thereof shall

Land Claims Amendment.

shall subjoin a notice that all objections thereto will be heard and determined by him at any time within ten days after such meeting as aforesaid.

3. The Police Magistrate shall have power, after hearing such objections, to strike out of the said list the names of all persons who shall not be liable to serve as jurors, and also of such as are disabled by lunacy or unsoundness of mind, or deafness blindness or other infirmity, and shall correct all errors therein.

Police Magistrate to hear and determine objections.

4. A copy of the list so corrected by the Police Magistrate shall be transmitted by him forthwith to the Sheriff of the district.

And transmit list to Sheriff.

5. The list so transmitted shall be called the "Jury List," and shall be brought into use at the first subsequent sitting of any Court for which a jury shall be needed, and shall continue to be used for one year thence next ensuing.

List to be in use for one year.

6. It shall be lawful for the Judges of the Supreme Court from time to time to make rules for the formation of special Jury Lists for the several districts or counties of the Colony, or any of them, and for the striking of special juries. The rules so to be made shall be subject to such approval and shall have the same force and effect as the general rules to be from time to time made under the authority of the Supreme Court Ordinance.

Special juries.

III.—JURY OF FREEHOLDERS.

7. Whereas by the gradual extension of the registration of titles to land within the Colony it may be practicable from time to time to bring so much of the said recited Ordinance as relates to the constitution of juries and the formation of Jury Lists into operation within the several districts or counties of the Colony: Be it enacted that it shall be lawful for His Excellency the Governor, with the advice of the Executive Council, by Proclamation from time to time to declare that so much of the said recited Ordinance as aforesaid shall come into operation within any district or county to be named in such Proclamation at such time as shall be therein mentioned, at which time this Ordinance shall be deemed to be repealed as to such district or county.

So much of former Ordinance as relates to constitution of Juries may from time to time be brought into operation.

No. III.

AN ORDINANCE to amend "*The Land Claims Ordinance*"
(Session I., No. 2). [13th January, 1844.]

LAND CLAIMS
AMENDMENT.

WHEREAS by an Ordinance enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council, (Session I., No. 2,) intituled "*An Act 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 fourth 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*"

Preamble.

Commission

Debentures.

Commission issued under the same, and to authorize 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," the Governor of New Zealand is authorized and empowered to appoint Commissioners with power and authority to hear examine and report upon all claims to grants of land within the Colony of New Zealand, and the said Commissioners so to be appointed or any two of them, on being satisfied of the validity of any claims, are authorized and required to report the same and the grounds thereof to the Governor in manner in the said Ordinance mentioned: And whereas it is expedient that all the powers and authorities vested by the said Ordinance in any two of such Commissioners should be vested in any single Commissioner:

BE IT THEREFORE ENACTED by His Excellency the Governor of New Zealand, with the advice and consent of the Legislative Council, as follows:—

Power to examine into and report upon claims to land given to a single Commissioner.

1. All the powers of hearing examining and reporting on claims to land, and all other the powers and authorities given by the said recited Ordinance to any two Commissioners, may be exercised as fully and effectually by any single Commissioner as the same have heretofore been exercised by two Commissioners.

All acts heretofore done by one Commissioner to be as valid as if done by two.

2. All acts done by a single Commissioner before the passing of this Ordinance which might have been lawfully done by any two Commissioners under the authority of the said recited Ordinance, shall be as valid and effectual to all intents and purposes as if the same had been done by two Commissioners.

No. IV.

DEBENTURES.

AN ORDINANCE to authorize the Governor of New Zealand to issue Debentures and to make the same a Legal Tender. [18th May, 1844.]

Preamble.

WHEREAS for the purpose of defraying the authorized expenses of the Government of this Colony it has been found necessary to issue certain Debentures for sums of various amounts under the hand of His Excellency the Governor, payable at the Colonial Treasury at Auckland, and in the forms in the Schedule hereunto annexed: And whereas it may be found necessary to make a further issue of Debentures for the purposes aforesaid: And whereas the undue depreciation of such Debentures cannot be prevented otherwise than by making the same a legal tender:

BE IT THEREFORE ENACTED by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

The Governor authorized to make a further issue of Debentures.

1. His Excellency the Governor is hereby authorized to make a further issue or issues of Debentures as aforesaid: Provided that the amount of Debentures which shall be outstanding at any one time shall not exceed the sum of fifteen thousand pounds.

2. From

Debentures.

2. From and after the passing hereof, and until the day upon which any such Debentures shall according to the tenor thereof become payable at the Colonial Treasury, a tender of any Debenture in one of the forms hereto annexed, which hath been issued or which shall hereafter be issued by authority of His Excellency the Governor, shall be a legal tender within this Colony to the amount expressed in such Debenture as the value thereof at the time of making the tender, on all occasions on which any tender of money may be legally made.

A tender of Debentures to be a legal tender.

SCHEDULE.

NEW ZEALAND.

No. [Amount in figures.] [Amount in words at length.]

ON presentation at the Colonial Treasury, at Auckland, in New Zealand, on or after the tenth day of April, one thousand eight hundred and forty-six, or on or after such earlier day as shall be fixed by the Governor, after two months' notice thereof in the *Government Gazette*, the bearer will be entitled to receive [Amount in words] and interest thereon at the rate of five per cent. per annum, from the date of issue until the tenth day of April, one thousand eight hundred and forty-six, or such earlier day as may be fixed for payment.

This will be received as [Amount in words] within one year from the day of issue, and as [Amount in words] after that time, in payment of duties of Customs or any debt or demand payable to the Colonial Government of New Zealand.

Dated at Government House, Auckland, this day of , one thousand eight hundred and forty

Governor.

By command of His Excellency.

Colonial Secretary.

No. Entered at the Treasury, and issued this day of , one thousand eight hundred and forty

Colonial Treasurer.

NEW ZEALAND.

No. s. SHILLINGS.

ON presentation at the Colonial Treasury, at Auckland, in New Zealand, on or after the tenth day of April, one thousand eight hundred and forty-six, or on or after such earlier day as shall be fixed by the Governor, after two months' notice thereof in the *Government Gazette*, the bearer will be entitled to receive shillings.

This will be received as shillings in payment of duties of Customs or any debt or demand payable to the Colonial Government of New Zealand.

Dated at Government House, Auckland, this day of , one thousand eight hundred and forty

Governor.

By command of His Excellency.

Colonial Secretary.

No. Entered at the Treasury, and issued this day of , one thousand eight hundred and forty

Colonial Treasurer.

NEW ZEALAND.

No. [Amount in figures.] [Amount in words at length.]

THIS of Exchange, and of same tenor and date unpaid, on presentation at the Colonial Treasury, at Auckland, in New Zealand, on or after the tenth day of April, one thousand eight hundred and forty-six, or on or after such earlier day as shall be fixed by the Governor, after two months' notice thereof in the *Government Gazette*, the bearer will be entitled to receive [Amount in words] and interest thereon at the rate of five per cent. per annum, from the date of issue until the tenth day of April, one thousand eight hundred and forty-six, or such earlier day as may be fixed for payment.

Appropriation.

This will be received as [*Amount in words*] within one year from the day of issue, and as [*Amount in words*] after that time, in payment of duties of Customs or any debt or demand payable to the Colonial Government of New Zealand.

Dated at Government House, Auckland, this day of , one thousand eight hundred and forty

Governor.

By command of His Excellency.

Colonial Secretary.

No. Entered at the Treasury, and issued this day of , one thousand eight hundred and forty

Colonial Treasurer.

No. V.

APPROPRIATION.

AN ORDINANCE to appropriate the Revenue for the Year One thousand eight hundred and forty-four.

[6th June, 1844.]

Preamble.

WHEREAS it is expedient that such part of the general revenue of New Zealand as is subject to the disposal of the Colonial Government should be from time to time appropriated by authority of the Legislative Council :

BE IT THEREFORE ENACTED by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows :—

Certain sums to be applied to the service of the year 1844.

1. Out of such part of the general revenue as aforesaid there may be issued and applied in manner hereinafter mentioned any sum or sums of money not exceeding the several sums hereinafter specified, that is to say,—

For defraying the charge of the Government of this Colony for the year one thousand eight hundred and forty-four, the sum of thirty-five thousand nine hundred and ninety-one pounds and one shilling, as hereinafter particularly specified, that is to say,—

	£	s.	d.
For His Excellency the Governor and Establishment	1,450	13	0
For Colonial Secretary's Department and Printing Establishment	1,915	0	0
For Attorney-General	430	0	0
For Colonial Treasurer's Establishment	1,135	0	0
For Council Office	425	0	0
For Superintendent of Southern Division and Establishment	750	0	0
For Crown Solicitor, Southern Division	150	0	0
For Board of Audit	325	0	0
For Customs Establishment	4,000	0	0
For Judicial Establishment :—			
Supreme Court	£2,620	0	0
Local Courts	1,350	0	0
	3,970	0	0
For Coroners	80	0	0
For Sheriffs and Gaols	1,615	0	0
For Ecclesiastical Establishment	200	0	0
For Medical Department	300	0	0
For Harbour Establishments, inclusive of Signal Stations and Powder Magazines	375	0	0
		For	

Customs Amendment.

	£	s.	d.
For Colonial Vessel	1,508	0	0
For Public Works, Fixed Establishment, Tools and Contingencies, Roads and Buildings	2,710	0	0
For Postage of Letters on Public Service	250	0	0
For Commission for Titles and Claims to Land	2,200	0	0
For Registry of Deeds	300	0	0
For Magistrates and Police	5,102	8	0
For Survey Establishment	2,400	0	0
For Aborigines	2,400	0	0
For Land Purchases	800	0	0
For General Contingencies, including Stationery and Departmental Contingencies not otherwise provided for	1,200	0	0
Amounting in the whole to the aforesaid sum of	£35,991	1	0

2. And be it enacted, That the Colonial Treasurer shall issue and pay from time to time any sum or sums of money for the purposes hereinbefore mentioned, not exceeding in the whole the sums respectively specified, to such persons and in such portions as the Governor for the time being shall by any order or orders in writing signed by him from time to time direct, and such Treasurer shall in his accounts be allowed credit for all sums paid by him in pursuance of such orders, and the receipts of the persons to whom such sums shall have been so paid shall be to him a full discharge for the sum or sums for which such receipts shall have been given, and the amounts thereof shall be passed to his credit in account accordingly.

Treasurer to pay
moneys on order of
Governor.

No. VI.

AN ORDINANCE to amend an Ordinance enacted by the Governor and Council of New Zealand (Session I., No. 3,) to repeal certain Acts of the Governor and Council of New South Wales to make provision for the collection of certain Duties on Goods imported into and for the general regulation of the Revenue of Customs in the Colony of New Zealand and its dependencies. [20th June, 1844.]

CUSTOMS AMEND-
MENT.

WHEREAS an Ordinance was enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, (Session I., No. 3,) intituled "*An Ordinance to repeal within the said Colony of New Zealand an Act of the Governor and Council of New South Wales, passed in the third year of Her present Majesty's reign, intituled 'An Act to repeal an Act relating to the Revenue of Customs in New South Wales and to provide for the general regulation thereof,' and also a certain other Act of the said Governor and Council of New South Wales, passed in the fourth year of the reign of Her said present*

Preamble.

Customs Amendment.

present Majesty Queen Victoria, intituled 'An Act for increasing the Duties on Spirits Wines and other Goods and Merchandise imported into the Colony of New South Wales and its dependencies, and which said Acts of the Governor and Council of New South Wales were adopted and are now in force within the said Colony of New Zealand and its dependencies, and to make provision for the collection of certain Duties on Goods imported into and for the general regulation of the Revenue of Customs in the Colony of New Zealand and its dependencies.' "

Duties imposed by Customs Ordinance, Session I., No. 3, repealed.

1. Whereas by the said recited Ordinance certain duties of Customs are made payable upon goods wares and merchandise imported into the Colony of New Zealand, as the same are respectively set forth in the Table of Duties of Customs to the said Ordinance annexed; but British goods and goods the produce of and imported direct from New South Wales or Van Diemen's Land, except as therein excepted, are exempted from the duties by the said Ordinance imposed: Be it enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, That so much of the said Ordinance as imposes the duties of Customs set forth in the Table of Duties of Customs to the said Ordinance annexed, and also so much of the said Ordinance as exempts British goods and goods the produce of and imported direct from New South Wales or Van Diemen's Land shall be repealed: And be it enacted, That in lieu of the said duties there shall be raised levied collected and paid unto Her Majesty, her heirs and successors, for the public uses of the Colony, upon goods wares and merchandise imported into the Colony of New Zealand and landed at any port or place therein, from wheresoever the same may be imported or of whatsoever country the same may be the produce or manufacture, the several duties of Customs as the same are respectively inserted described and set forth in figures in the Table to this Ordinance annexed, denominated "A Table of Duties of Customs."

New duties imposed.

2. The duties of Customs hereby imposed shall be raised levied collected and paid in like manner as if the said duties had been imposed by the said recited Ordinance, Session I., No. 3.

To be levied as under recited Ordinance.

3. And be it further enacted, That notwithstanding anything herein or in the said recited Ordinance contained, all goods wares and merchandise imported into the Colony of New Zealand as supplies for the use of Her Majesty's land or sea forces and at the public charge shall be admitted to entry on importation without any duty being charged thereon.

Supplies imported for use of land or sea forces exempted from duty.

Clause 58 of Customs Ordinance recited and repealed.

4. And whereas by the said recited Ordinance it is enacted "That in case any such vessel or boat liable to seizure or examination under any Ordinance or Law relating to the Customs or for the prevention of smuggling shall not bring to on being required so to do on being chased by any ship vessel or boat in Her Majesty's Navy having the proper pendant and ensign of Her Majesty's ships hoisted, or by any ship vessel or boat duly employed for the prevention of smuggling having a proper pendant and ensign hoisted, it shall be lawful for the captain master or other person having the charge or command of such ship vessel or boat in Her Majesty's Navy or employed as aforesaid (first causing a gun to be fired as a signal) to fire at or into any such ship vessel or boat, and such captain master or other person acting in his aid or assistance or by his direction shall be and he is hereby indemnified and discharged from any indictment penalty action or proceeding for so doing:" Be it enacted, That so much of the Ordinance as is last hereinbefore recited be repealed, and in lieu thereof be it enacted as follows:—

Customs Amendment.

5. It shall be lawful for the officers of Customs to go on board any ship in any port in the Colony of New Zealand and to examine, and search all parts of such ship for prohibited and uncustomed goods, and also to go on board any ship hovering within one league of any part of the coasts thereof, and in either case freely to stay on board such ship so long as she shall remain in such port or within such distance; and if any such ship be bound elsewhere and shall continue so hovering for the space of twenty-four hours after the master shall have been required to depart, it shall be lawful for the officer of the Customs to bring such ship into port, and to search and examine her cargo, and to examine the master upon oath touching the cargo and voyage, and if there be any goods on board prohibited to be imported into the said Colony, such ship and her cargo shall be forfeited; and if the master shall not truly answer the questions which shall be demanded of him on such examination, he shall forfeit the sum of one hundred pounds, to be recovered in a summary way.

Ships &c. engaged in smuggling to be forfeited.

6. And whereas by the said recited Ordinance it is enacted "That if any person or persons shall from and after the passing of this Ordinance wear carry or hoist in or on board any ship vessel or boat whatever belonging to any of Her Majesty's subjects, whether the same be merchant or otherwise, without particular warrant for so doing from Her Majesty or Her High Admiral of Great Britain, or the Commissioners for executing the office of High Admiral of Great Britain, Her Majesty's "Jack," commonly called the "Union Jack," or any pendant ensign or colours usually worn by Her Majesty's ships, or any flag jack pendant ensign or colours resembling those of Her Majesty or those used on board Her Majesty's ships, or any other ensign or colours than the ensign or colours by any Proclamation of Her Majesty now in force or hereafter to be issued prescribed to be worn, then and in every such case the master or other person having the charge or command thereof, or the owner or owners being on board the same, and every other person so offending, shall forfeit and pay the sum of fifty pounds; and it shall be lawful for any officer or officers of Her Majesty's Navy on full pay, or for any officer or officers of Customs, to enter on board any such ship vessel or boat, and to seize any such flag jack pendant ensign or colours, and the same shall thereupon be forfeited:" And whereas the objects of the foregoing enactment are already sufficiently provided for by an Act of Parliament made and passed in the Session of Parliament holden in the fourth and fifth years of the reign of His late Majesty King William the Fourth (chap. 13, sec. 11): Be it therefore enacted, That so much of the said Ordinance as is last hereinbefore recited be repealed.

Clause 59 of Customs Ordinance recited and repealed.

7. And whereas by the said recited Ordinance it is also enacted "That if any person shall maliciously shoot at any ship vessel or boat belonging to Her Majesty's Navy or in the service of the Revenue within one hundred leagues of any part of the coast of the said Colony, or shall maliciously shoot at maim or dangerously wound any officer of the Navy on full pay, or any officer of Customs, or any person acting in his aid or assistance or duly employed for the prevention of smuggling, in the due execution of his office, and every person aiding abetting or assisting therein, shall, being lawfully convicted, be adjudged guilty of a felony and suffer death as a felon:" Be it enacted, That so much of the said Ordinance as is last hereinbefore recited be repealed.

Clause 78 of Customs Ordinance recited and repealed.

8. This Ordinance shall come into operation at each place as soon as the same shall have been received by the Collector or Sub-Collector of Customs or person lawfully acting for either, and at all other places throughout the Colony on the first day of August next; and such

Commencement of Ordinance.

Imprisonment for Debt.

Collector, Sub-Collector, or person lawfully acting for either, shall give immediate public notice of his having received the said Ordinance.

TABLE OF DUTIES OF CUSTOMS.

	£	s.	d.
Spirits or strong waters, for every gallon of such spirits or strong waters of any strength not exceeding the strength of proof by Sykes's Hydrometer, and so in proportion for any greater or less strength than the strength of proof, and for any greater or less quantity than a gallon	0	5	0
Wines, for every hundred pounds value	20	0	0
Ale, beer, porter, and other malt liquors, for every hundred pounds value	15	0	0
Tobacco, unmanufactured, per lb.	0	0	9
Ditto, manufactured (except cigars and snuff), per lb.	0	1	0
Cigars and snuff, per lb.	0	2	0
On all guns or weapons of any description, or gunpowder, or any munition of war, for every hundred pounds value	30	0	0
On all other goods, wares, merchandise and property, except personal baggage, living animals, and specie, for every hundred pounds value ...	5	0	0

No. VII.

IMPRISONMENT FOR
DEBT.

AN ORDINANCE for the Relief of Persons Imprisoned for
Debt. [25th June, 1844.]

Preamble.

WHEREAS it is desirable that provision be made for the relief of persons imprisoned for debt, who have become indebted without any fraud or gross or culpable negligence, by releasing the persons of such debtors from imprisonment, so as nevertheless their estates may still remain liable for satisfaction of their debts:

BE IT ENACTED by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

Debtors who have been two months in gaol may petition a Judge of Supreme Court for discharge.

1. It shall be lawful for any person who shall have been taken in execution under process of the Supreme Court for any debt or sum of money, and who shall have remained in prison for two calendar months or upwards, to apply by petition to a Judge of the Supreme Court for discharge from custody, according to the provisions of this Ordinance.

Nature of the petition.

2. The petition shall state the time of the petitioner's commitment to prison, and the names of the persons at whose suit he shall be detained in custody, and the debts or sum of money for which he shall be so detained, and that he hath caused notice in writing of his intention to present such petition to be personally served on such detaining creditors as aforesaid or on their agents. The petition shall also be subscribed by the petitioner, and be forthwith filed with the Registrar or Deputy Registrar (as the case may be) of the Supreme Court for the district within which such prisoner shall be confined.

To be signed by prisoner and filed with Registrar of Supreme Court.

Sittings of the Court.

3. The Court shall sit for the hearing of applications for relief and for the despatch of all business arising under the provisions of this Ordinance at the places and times following, that is to say,—At Auckland and Wellington in the months of March June September and December in every year, or at such other periods and on such days as the Judge or Judges of the Supreme Court exercising jurisdiction in the district may appoint, and at any place where a Circuit Court shall be holden on such day during the sitting of such Court as the Judge of Assize shall for that purpose appoint.

4. Every

Imprisonment for Debt.

4. Every prisoner who shall have filed such petition as aforesaid twenty-eight days at least before any day so appointed for the despatch of business arising under this Ordinance, shall be brought up on such day accordingly; and after the hearing of the prisoner's application for relief, it shall be lawful for the Court, on being satisfied of the truth of the matters contained in such petition, to adjudge that such prisoner shall be entitled to the benefit of this Ordinance immediately, or at such time as the Court shall direct, in pursuance of the provisions hereinafter contained, and to cause such prisoner to be discharged accordingly.

The hearing and discharge.

5. Where any prisoner shall be discharged from custody under the provisions of this Ordinance, he shall not be liable at any time thereafter to be taken in execution for any debt or sum of money with respect to which he shall have so become entitled to the benefit of this Ordinance: Provided that, as against the estate and effects of such prisoner whatsoever and wheresoever, the judgment under which he shall have been so imprisoned as aforesaid shall be of as full force and effect as if the body of such prisoner had never been taken in execution by virtue thereof.

Prisoner discharged not again liable to be taken in execution, but estate to remain liable.

6. At such hearing as aforesaid the prisoner shall deliver to the Court a full and true statement in writing subscribed by such prisoner of all debts then due or growing due to such prisoner or to any person in trust for him, and the names and places of abode of the several persons from whom such debts shall be due or growing due, and of the witnesses who can prove such debts, so far as such prisoner can set forth the same.

Prisoner at the hearing to make statement in writing of all debts due to him.

7. The prisoner shall likewise, on the application of any detaining creditor, execute a power of attorney in favour of such creditor, or such one of the detaining creditors as the Court may name, enabling such creditor to sue in his own name for the debts set forth in such statement as aforesaid, and for all other debts which shall appear at such hearing to be due or growing due to such prisoner. And no prisoner shall be entitled in any case to the benefit of this Ordinance until he shall have executed such power of attorney as aforesaid, whenever application shall have been duly made for the same.

And to execute power of attorney in favour of one of the detaining creditors for their recovery.

8. All moneys which shall be received by virtue of such power of attorney as last mentioned shall be paid into Court immediately after the receipt thereof, and after deducting the expense of such power of attorney as aforesaid shall be divided among the creditors at whose suit the prisoner shall have been detained at the time of such hearing as aforesaid, in proportion to the judgment debts in respect whereof he shall have been so detained. And in case such moneys shall not have been so paid into Court by the creditors who shall have received the same, it shall be lawful for the Judge who shall have presided at such hearing as aforesaid, upon the application of any other of the detaining creditors last mentioned, to make order for the due payment of the same.

Moneys so received to be paid into Court for benefit of all detaining creditors.

9. In case any detaining creditor shall intend to oppose such prisoner's discharge, it shall be lawful for such creditor to put questions to the prisoner, and to examine such witnesses as to the Court shall seem meet, touching such matters as the Court shall think proper to inquire into in order to the due execution of this Ordinance; and in case the Court shall entertain any doubt respecting any matter alleged against such prisoner at the hearing to prevent his discharge, or in case such prisoner shall not answer upon oath to the satisfaction of the Court, it shall be lawful for the Court to adjourn the hearing and examination of such prisoner to some future sitting of the Court, and so on from time to time as occasion may require.

The opposition to prisoner's discharge.

Imprisonment for Debt.

For contracting debts fraudulently &c., debtor may be imprisoned two years.

10. In case it shall appear to the said Court that such prisoner shall have contracted any of his debts for which he shall be so detained in custody fraudulently, or by means of a breach of trust, or by means of false pretences, or without having had any reasonable or probable expectation at the time when contracted of paying the same, or shall have fraudulently or by means of false pretences obtained the forbearance of any such debts by any of his detaining creditors, or shall have put any of such creditors to unnecessary expense by any vexatious or frivolous defence or delay to any suit for recovering any such debts, or shall be imprisoned for damages recovered in any action for criminal conversation with the wife or for seducing the daughter or servant of the plaintiff in such action, or for breach of promise of marriage made to the plaintiff in such action, or for damages recovered in any action for a malicious prosecution, or for a libel, or for slander, or in any other action for a malicious injury done to the plaintiff therein, or in any action of tort or trespass to the person or property of the plaintiff therein, then it shall be lawful for such Court to adjudge that such prisoner shall be discharged and entitled to the benefit of this Ordinance so soon as he shall have been in custody at the suit of the person who shall be creditor for such debts sums of money or damages as aforesaid for a period not exceeding two years in the whole, as the said Court shall direct.

For fraudulent disposition of property &c., debtor may be imprisoned for three years.

11. In case it shall appear to the Court at any such hearing as aforesaid that the prisoner has fraudulently concealed or misrepresented the state of his affairs, or that with intent to diminish his means of paying and satisfying any of his detaining creditors he has fraudulently discharged or concealed any debt due or growing due to him or to any person in trust for him, or made away with or assigned transferred charged delivered or made over any of his estate or effects before or after the commencement of his imprisonment, then it shall be lawful for the Court to adjudge that such prisoner shall be discharged and entitled as aforesaid so soon as he shall have been in custody at the suit of some one of his detaining creditors for such period not exceeding three years in the whole as the Court shall direct.

Costs of successful opposition to be allowed to creditor.

12. Whenever any detaining creditor opposing the discharge of any such prisoner shall prove to the satisfaction of the Court that such prisoner has done any act for which, upon such adjudication as aforesaid, he may be detained in custody for any period not exceeding two or three years as aforesaid, it shall be lawful for the Court to allow to such opposing creditor such costs of opposition as to the Court shall seem reasonable. The costs so to be allowed shall be added to and deemed to form a part of the judgment debt in respect of which such prisoner shall have been taken or charged in execution at the suit of such opposing creditor.

If prisoner be discharged at the hearing, creditor to pay costs of his maintenance in prison.

13. Where any prisoner shall be found at any such hearing or adjourned hearing to be entitled to be immediately discharged under the provisions of this Ordinance, the Court shall, on the application of the keeper of the prison in which such prisoner shall have been confined, and upon proof that such prisoner has been maintained during his imprisonment or any part thereof at the public expense, order the creditor or creditors at whose suit he shall have been so imprisoned forthwith to pay to such keeper such sum or sums of money after a rate not exceeding in the whole the rate of four shillings by the week for the period during which the prisoner shall have been so maintained, in such proportions as the Court shall direct. Every order so made shall have the effect of a judgment of the Court in favour of such keeper as aforesaid.

14. This

Courts of Requests.

14. This Ordinance shall not extend to discharge any prisoner with respect to any debt due to Her Majesty or her successors, or to any debt or penalty with which he shall stand charged at the suit of the Crown or of any person for any offence committed against any Act of Parliament or Ordinance of this Colony relative to any branch of the public revenue, or at the suit of any Sheriff or other public officer upon any bail bond entered into for the appearance of any person prosecuted for any such offence, unless His Excellency the Governor shall certify under his hand his consent that such person may apply to take the benefit of this Ordinance.

Ordinance not to extend to Crown debts &c.

No. VIII.

AN ORDINANCE to establish Courts of Requests for the more easy and speedy recovery of Small Debts.

COURTS OF REQUESTS

[27th June, 1844.]

WHEREAS by an Ordinance made by the Governor of New Zealand, with the advice and consent of the Legislative Council, Session II., No. 2, and intituled "*An Ordinance for establishing County Courts of Civil and Criminal Jurisdiction, and for repealing an Ordinance for instituting Courts of Requests, Session I., No. 6, and for repealing part of an Ordinance for establishing Courts of Quarter Sessions, Session I., No. 4,*" it was enacted that there should be within the Colony of New Zealand County Courts of Record, possessing civil and criminal jurisdiction, in manner in the said Ordinance provided: And whereas by the appointment of an additional Judge of the Supreme Court it hath become practicable that all crimes and offences committed within the Colony may be tried before a Judge of the said Court: And whereas it is desirable that provision should be made for the recovery of small debts in a more easy and speedy manner than by the said Ordinance was provided:

Preamble.

BE IT THEREFORE ENACTED by His Excellency the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

1. The said recited Ordinance is hereby repealed, except so far as any prior Ordinance or part of any Ordinance was repealed thereby.

County Court Ordinance repealed.

I.—CREATION OF COURTS.

2. There shall be within the Colony of New Zealand Courts for the recovery of small debts, which shall be called Courts of Requests.

Courts to be created.

3. His Excellency the Governor shall, with the advice of the Executive Council, by Proclamation, from time to time appoint fit places for the holding of such Courts, and define the district within which the jurisdiction of each of such Courts shall be exercised, and the limits of such districts from time to time shall alter as occasion may require.

And districts defined.

II.—CONSTITUTION OF COURTS.

4. Every such Court shall be holden by and before a fit person, being a barrister or solicitor of the Supreme Court, who shall be and be called the Commissioner of the Court of Requests.

To be holden before a Commissioner.

5. Every

Courts of Requests.

Commissioner how to be appointed.

5. Every such Commissioner shall be appointed by Her Majesty, her heirs and successors, and shall hold his office during Her Majesty's pleasure: Provided that it shall be lawful for His Excellency the Governor to appoint any such Commissioner provisionally until Her Majesty's pleasure shall be known; and in case any Commissioner shall by reason of sickness or other cause be unable to discharge the duties of his office, it shall be lawful for His Excellency the Governor to appoint a fit person, being such barrister or solicitor as aforesaid, to act in the place of such Commissioner so long as such inability as aforesaid shall continue.

To take an oath.

6. Every Commissioner shall before entering on his office take an oath before a Judge of the Supreme Court or some person specially appointed by such Judge, according to the form in Schedule A hereunto annexed, faithfully to execute the duties of his office.

Officers of Court.

7. For every such Court there shall be a Clerk and a Bailiff, both of whom shall be appointed by His Excellency the Governor, and shall be removable by him on reasonable cause.

Seal.

8. Every such Court shall have and use a seal wherewith all summonses warrants and other process issuing out of the Court shall be sealed, and of the impression whereof judicial notice shall be taken in all Courts without any evidence of such seal having been impressed, or any other evidence relating thereto.

III.—JURISDICTION OF COURT.

Jurisdiction of Court.

9. Every such Court shall have exclusive cognizance of all suits where the debt or sum alleged to be due and owing shall not exceed twenty pounds sterling, and where the defendant (or any one defendant where there shall be more than one) shall reside within the jurisdiction of the Court: Provided that such Court shall not have cognizance of any suit where the debt sought to be recovered shall be the balance of an account or demand originally exceeding twenty pounds, nor of any suit wherein the title to any real property shall be in question, or where rights in future would be bound by the judgment of the Court: Provided always that any suit which would otherwise fall within the exclusive cognizance of any Court of Requests may by the agreement of all the parties thereto be brought and determined in the Supreme Court: Provided also that any suit which would otherwise fall within the cognizance of the Supreme Court may by the agreement of all the parties thereto be brought and determined in any Court of Requests which might have had cognizance thereof if the debt or amount alleged to be due and owing had not exceeded twenty pounds: Provided that should any suit be dismissed for want of jurisdiction, the Commissioner shall have power to award costs to defendant if he shall think proper to do so.

Cause of action not to be divided.

10. It shall not be lawful for any plaintiff to divide any cause of action into two or more suits for the purpose of bringing the same within the jurisdiction of the Court; but any plaintiff having cause of action above the value of twenty pounds may abandon the excess, and the judgment of the Court, if given in favour of such plaintiff, shall operate as a full discharge of the defendant from all demands in respect of such cause of action.

Judgment to be final.

11. The decision of the Commissioner shall be final on all questions both of fact and of law, nor shall any case be removed on behalf of either party into any Superior Court, by *certiorari* or otherwise, in any stage of the proceedings. Nevertheless it shall be lawful for the Commissioner, upon application by or on behalf of any of the parties to the suit made immediately on the delivery of the judgment, to

reserve

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reserve for the opinion of the Supreme Court any point of law upon which such judgment may directly depend, in which case execution shall not issue until the opinion of the Supreme Court shall have been pronounced.

12. No privilege shall be allowed to any person to exempt him from the jurisdiction of any such Court by reason of his being a solicitor of the Supreme Court. No privilege allowed.

IV.—PRACTICE OF THE COURT.

13. In every district a Court shall sit on the first and third Wednesday in each month. Court to sit twice a month.

14. The office of the Clerk of the Court shall be open every day (not being Sunday, Good Friday, or Christmas Day) from ten o'clock in the morning to four o'clock in the afternoon of the same day. Office to be open daily.

15. Any person having any demand whereof the Court shall have cognizance may apply to the Clerk of the Court, and state to him the nature and amount of such demand. The plaintiff shall also at the same time deliver to the Clerk explicit particulars in writing of the plaintiff's demand, which shall set forth the same in a simple and compendious manner, specifying items dates and amounts. Where plaintiff may state his demand.

16. The Clerk shall forthwith issue a summons in the Form No. 2 in the Schedule hereto annexed, requiring the appearance of the defendant on such Court day as shall fall next after the expiration of ten clear days after the day of the service thereof, unless satisfaction shall have been previously made to the plaintiff. The summons and the particulars of the plaintiff's demand shall be forthwith served personally on the defendant and left with him by the Bailiff or his officer. Clerk to issue a summons.

17. At the time and place mentioned in the summons, both parties being present, the Commissioner shall proceed to ascertain the point in issue between them, and shall enter a written memorandum thereof in a book to be kept by him for that purpose. He shall then hear the evidence on both sides. The hearing.

18. On the hearing or trial of any suit, the parties thereto shall be competent to give evidence; such parties and all persons whosoever competent in law to give evidence may be examined upon oath touching the matters in question. Before any party or witness shall be so examined, the Commissioner shall administer or cause to be administered an oath or solemn affirmation (as the case may require) to such party or witness accordingly. The parties to the suit may be examined on oath.

19. Every examination and cross-examination of any party or witness shall be conducted by the Commissioner alone, nor shall any person be allowed to appear and act as an advocate for any party to any suit. All examinations to be conducted by Commissioner.

20. Every defendant shall be allowed to set off any debts claimed to be due to him from the plaintiff, or to claim and have the benefit of any Statute of Limitations: Provided that no such defence shall be admitted unless notice thereof in writing shall have been left at the office of the Clerk of the Court five clear days at least before the day fixed by the summons for the appearance before the Commissioner. Set-off pleaded.

21. The Commissioner shall then proceed in a summary way to try the cause and give judgment therein: Provided that in the hearing and determining of all causes the Commissioner shall proceed according to the Laws and Ordinances in force for the time being within the Colony, except so far as the same may be altered or varied by this Ordinance. Causes to be determined in a summary way.

22. In case it shall appear to the Commissioner that by reason of the want of material evidence or otherwise he cannot then safely Hearing may be postponed.
and

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and justly give judgment in the cause, it shall be lawful for such Commissioner to adjourn or postpone the hearing thereof until the next Court day, on which day the cause shall be finally heard and determined.

Commissioner in difficult cases may take time for judgment.

23. Provided always that if after the hearing of any cause the Commissioner shall be unable by reason of the difficulty or perplexity thereof at once to give judgment therein, it shall be lawful for such Commissioner to defer the delivery of such judgment for any time not exceeding two clear days after the hearing of the cause.

If defendant fail to appear, cause to be heard in his absence.

24. If on the day named in the summons the defendant shall not appear either in person or by agent, the Commissioner shall (after proof made upon oath of the due service of the summons) proceed to hear the cause on the part of the plaintiff only, and to give judgment thereon, whereupon execution may issue: Provided that in every such case it shall be lawful for the defendant to appear either in person or by agent on such next Court day, and to show that having a good defence on the merits he was prevented by inevitable accident from bringing forward the same on the day named in the summons; whereupon the Commissioner, if he shall deem the cause shown by the defendant to be sufficient, shall set aside the judgment and execution already given, and grant a rehearing of the cause upon such terms as to the Commissioner shall seem meet: Provided that the Bailiff shall not proceed to a sale of any of the goods and chattels seized under any such execution as aforesaid until after the defendant shall have so failed to appear at such next Court day as aforesaid.

Warrant of execution to be issued by Clerk against goods.

25. The Clerk of the Court shall, at the request of any party in whose favour judgment shall have been given, issue a warrant of execution (in the Form No. 4 in the Schedule hereunto annexed) to the Bailiff of the Court, who by virtue thereof shall be empowered to levy by distress and sale of the goods and chattels of the party against whom such judgment shall have been given (such goods and chattels being within the jurisdiction of the Court) such sum of money as shall be mentioned in the said warrant.

If goods insufficient, then against the body.

26. If it shall appear upon the return of the warrant that such goods and chattels cannot be found or do not suffice for payment of the sum to be levied, the Clerk of the Court shall upon such request as aforesaid issue a warrant of execution (in the Form No. 5 in the Schedule hereto annexed) to such bailiff as aforesaid, who by virtue thereof shall be empowered to take in execution the body of the person named therein.

Persons taken in execution to be imprisoned in common gaol for a limited period.

27. Every person who shall be taken in execution under any such warrant shall be committed to the common gaol of the district within which the Court shall be holden, and shall remain in custody for such time from the day of his commitment as shall be mentioned in such warrant, or until he shall perform and satisfy the judgment or order of the Court, or be discharged by due course of law.

Scale of terms of imprisonment.

28. The term of imprisonment shall be as follows, that is to say,—Where the sum for which the party shall have been taken in execution shall not exceed five pounds, one calendar month; where such sum shall exceed five pounds but shall not exceed ten pounds, two calendar months; where such sum shall exceed ten pounds, three calendar months and no more.

Debtor to be maintained in gaol by creditor.

29. Every creditor at whose suit any person shall be so imprisoned as aforesaid shall pay to the gaoler or keeper of the prison wherein such person shall be confined the weekly sum of four shillings towards the maintenance of such prisoner, and on proof being made to the Commissioner on oath of the said gaoler or keeper on any Court day that

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that two such weekly payments are due and in arrear, the Commissioner shall order such prisoner to be forthwith discharged from custody at the suit of the creditor so failing to pay the same. Where any prisoner shall be discharged from custody under the provisions of this Ordinance, he shall not be liable at any time thereafter to be taken in execution for any debt or sum of money with respect to which he shall have been so imprisoned as aforesaid: Provided that, as against the estate and effects of such prisoner whatsoever and wheresoever, the judgment under which he shall have been so imprisoned as aforesaid shall be of as full force and effect as if the body of such prisoner had never been taken in execution by virtue thereof.

30. In executing any process of the Court, the Bailiff shall have such powers and be subject to such liabilities as any Sheriff hath or is subject to in like cases in executing the process of the Supreme Court.

In executing process, the bailiff to have same powers as a Sheriff.

31. It shall be lawful for any person under the age of twenty-one years to prosecute a suit for wages in any such Court in the same manner as if he were of full age.

Minors may sue for wages.

32. Where two or more persons are jointly answerable, it shall be sufficient if one of such persons be served with the process of the Court, and judgment may be obtained and execution issued against such person alone, reserving always any right which he may have to demand contribution from any other person jointly liable.

Process in case of joint liability.

33. Either of the parties to any suit may obtain at the office of the Clerk of the Court summonses to witnesses, with or without a clause requiring the production of books papers and writings in their possession or control. In any such summons any number of names may be inserted.

Summonses to witnesses.

34. Every person resident within the district of any such Court who, after lawful service of such summons and payment or tender of his expenses according to the scale in the Schedule hereto annexed, shall refuse or neglect without sufficient cause to appear or produce any books papers or writings as by such summons required, or appearing shall refuse to be sworn or make solemn affirmation (as the case may require) and give evidence, shall forfeit and pay such fine not exceeding five pounds as the Commissioner shall think fit to impose. The Bailiff shall thereupon proceed to recover such fine in the same manner and subject to the same provisions and limitations by distress and sale and (if need be) by imprisonment as if the amount had become payable by virtue of a judgment of any such Court.

Penalty for non-attendance.

35. Every person who shall be summoned and shall appear as a witness in any action in any Court of Requests shall be entitled to an allowance or compensation for expenses and loss of time according to the scale contained in the Schedule B hereunto annexed: Provided that such allowance or compensation to any witness shall not in any case be deemed to be costs in the cause unless the Commissioner shall have certified in writing, immediately after judgment shall have been pronounced, that the evidence of such witness was necessary to prove the case of the party by whom such witness was called.

Expenses of witnesses.

36. If in any case a solicitor shall be employed as agent or proxy on behalf either of plaintiff or defendant, the expense of employing such solicitor shall not in any case be considered as costs in the cause.

The expense of employing a solicitor not to be costs in the cause.

37. No person shall act as agent for any party plaintiff or defendant until he shall have delivered to the Clerk of the Court a written warrant or authority so to act, signed by the party on whose behalf he shall appear.

Agent to have written authority.

38. The Clerk and the Bailiff of the Court shall be entitled respectively to recover the fees specified in Schedule B hereto annexed,

Fees to Clerk and Bailiff.

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and no more. A table of such fees shall be hung up in some conspicuous place in the office of every such Clerk.

To be paid in advance.

39. All fees due to any officer shall be paid in advance and shall be paid in the first instance to the Clerk of the Court, but such part of such fees as shall be payable to the Bailiff of the Court shall be paid over to him by the Clerk after the performance of the service in respect whereof they shall have become due, and not before.

Clerk's fees to be paid into the Treasury.

40. All fees so received by any such Clerk (except such as shall have been received on account of the Bailiff), and all fines received by him, shall be accounted for and paid over monthly to the Colonial Treasurer or Treasurer of the county or district (as the case may be) to the use of Her Majesty her heirs and successors, for the public uses of the Colony and the support of the Government thereof.

Clerk to make notes of all proceedings.

41. The Clerk of the Court shall cause notes of all process issuing out of the Court, and of all proceedings therein, to be fairly entered from time to time in a book which shall be kept at his office, and shall sign his name at the bottom of every page of such book, and at the commencement of the business on every Court day he shall lay the same before the Commissioner in open Court.

Entries in note book to be evidence.

42. Any entry so signed, or a copy thereof purporting to be signed and certified as a true copy by the Clerk of the Court for the time being, and sealed with the Seal of the Court, shall be admitted in all Courts as evidence of the proceedings mentioned in such entry or copy thereof.

Contempt of Court to be punished.

43. If any person shall wilfully insult the Commissioner of any Court of Requests whilst sitting in Court, or shall in any other manner be guilty of any wilful contempt in the face of the Court, it shall be lawful for such Commissioner by warrant under his hand to commit the person so offending to the common gaol of the district within which such Court shall be holden for any term not exceeding one calendar month.

V.—MISCELLANEOUS PROVISIONS.

Arrest of debtors escaping from the Colony.

44. And whereas debtors cannot be restrained from leaving the Colony except by a writ of arrest issued under the order of a Judge of the Supreme Court: And whereas it may often happen that immediate access cannot be had to a Judge of the Supreme Court for the purpose of obtaining such order: Be it therefore enacted, That it shall be lawful for any such Commissioner as aforesaid (in the absence of a Judge of the Supreme Court) to issue a warrant under his hand for the apprehension of any person so intending to leave the Colony, who shall thereupon give security (to the satisfaction of such Commissioner) to abide the result of an application to be made to a Judge of the Supreme Court for such writ of arrest as aforesaid, or in default thereof shall be kept in custody until the result of such application shall be known: Provided that no such warrant as aforesaid shall be issued except upon such affidavit as may be required in like cases by the Rules of the Supreme Court for the time being.

Period of detention not to exceed three months.

45. No person apprehended as aforesaid shall be detained in custody by virtue of any such warrant for any period exceeding three calendar months; and it shall be lawful for the Commissioner at any time within such period to require proof to be made (on affidavit) that due diligence has been used to obtain such writ of arrest as aforesaid, and in default of proof the Commissioner shall discharge the person so detained as aforesaid or cancel his securities, as the case may be.

Commencement of Ordinance.

46. This Ordinance shall come into operation on the first day of October, one thousand eight hundred and forty-four: Provided always that

*Native Trust.*SCHEDULE B.
SCALE OF FEES, &c.

	On Debts not exceeding 40s.	Exceeding 40s. but not exceeding £5.	Exceeding £5 but not exc. £10.	Exceeding £10.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
CLERK'S FEES :—				
Every summons	0 1 0	0 1 6	0 2 0	0 3 0
Every hearing	0 1 0	0 2 0	0 3 0	0 6 0
Entering notice of special defence ...	0 0 6	0 1 0	0 1 6	0 3 0
Entering any judgment or order ...	0 0 6	0 1 0	0 1 6	0 3 0
Every warrant of execution	0 1 0	0 2 0	0 3 0	0 6 0
Certifying costs of witnesses	0 0 6	0 1 0	0 1 6	0 3 0
BAILIFF'S FEES :—				
Serving summons or subpœna if within one mile of the office	0 0 6	0 1 0	0 1 6	0 2 0
For every mile extra (one way)	0 0 6	0 0 6	0 0 6	0 0 6
For execution of any warrant against the goods or body, 1s. in the pound upon the sum levied or received, or for which the body is taken in execution.				
If beyond one mile from the office, per mile (one way)	0 0 6	0 0 6	0 0 6	0 0 6
For conveying any person to prison (including all expenses), for every mile	0 1 0	0 1 0	0 1 0	0 1 0
Bailiff when in possession, per diem, 2s. 6d.				
ALLOWANCE TO WITNESSES :—				
For every witness residing within one mile of the office	0 2 0	0 2 0	0 2 0	0 2 0
For every extra mile (one way)	0 0 6	0 0 6	0 1 0	0 1 0

No. IX.

NATIVE TRUST.

AN ORDINANCE for appointing a Board of Trustees for the Management of Property to be set apart for the Education and Advancement of the Native Race.

[29th June, 1844.]

Preamble.

WHEREAS the Native people of New Zealand are by natural endowment apt for the acquirement of the arts and habits of civilized life, and are capable of great moral and social advancement: And whereas large numbers of the said people are already desirous of being instructed in the English language and in English arts and usages: And whereas great disasters have fallen upon uncivilized nations on being brought into contact with Colonists from the nations of Europe, and in undertaking the colonization of New Zealand Her Majesty's Government have recognized the duty of endeavouring by all practicable means to avert the like disasters from the Native people of these Islands, which object may best be attained by assimilating as speedily as possible the habits and usages of the Native to those of the European population: And whereas provision hath been made for the appropriation of certain lands and moneys for the purposes aforesaid, and it is expedient, for the better administration of the

said

Native Trust.

said lands and moneys, that Trustees should be appointed in whom the same shall be vested with the powers and under the restrictions hereinafter expressed :

BE IT THEREFORE ENACTED by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows :—

I.—TRUSTEES AND THEIR POWERS.

1. For the purpose of effecting the objects hereinbefore mentioned, the persons hereinafter named shall be and are hereby appointed Trustees, that is to say,— Who to be Trustees.

His Excellency the Governor and Commander-in-Chief in and over the Colony of New Zealand and its Dependencies for the time being, or the Officer for the time being Administering the Government thereof.

The Right Reverend the Lord Bishop of New Zealand for the time being.

The Attorney-General for New Zealand for the time being, or the person for the time being lawfully acting in that capacity.

William Spain, Esquire, so long as he shall be a Commissioner of Land Claims.

The Chief Protector of Aborigines for the time being, or the person for the time being lawfully acting in that capacity.

2. In case any person who by virtue of his office or otherwise would be a Trustee under the provisions of this Ordinance shall be unwilling to act as such Trustee or be desirous of being discharged from such trust, and in case the said William Spain shall cease to hold the office of Commissioner of Land Claims, His Excellency the Governor shall forthwith by warrant under his hand appoint provisionally, subject to Her Majesty's confirmation, some fit person to be a Trustee in the place of the person so declining to act or desiring to be discharged, or of the officer whose office shall so have ceased to exist. Vacancies how to be supplied.

3. Upon every such appointment, all the trust property real and personal shall vest without any conveyance or assignment in the continuing Trustees and such new Trustees as joint tenants thereof, as fully and in the same manner in all respects as in the original Trustees. Trust property to vest in new and old Trustees.

4. The said Trustees shall be styled "The Trustees for Native Education and Improvement in New Zealand." Trustees how to be styled.

5. All property real or personal which shall from time to time be granted conveyed devised bequeathed or given to "The Trustees for Native Education in New Zealand," shall be holden by them upon the trusts hereinafter declared, that is to say,—Upon trust that the said Trustees shall apply and expend the rents issues and proceeds thereof in the establishment and maintenance of schools for the instruction of the Native people in the English language, and for a systematic course of industrial and moral training in English usages and English arts, and in providing for the relief of the sick, and generally in such a way as may be most conducive to the bodily and spiritual welfare of the Native race and to their advancement in the scale of social and political existence; such schools, provision for the relief of the sick, religious instruction or other advantages, not being exclusively confined to persons of one particular religion. Trusts on which property to be holden.

6. And whereas it is desirable that all property real or personal which shall be at any time granted or conveyed devised bequeathed or given Property not to be sold or encumbered.

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given to the said Trustees upon the trusts hereinbefore declared, shall remain vested in the said Trustees for the time being free from any charge or encumbrance whatsoever, and be managed laid out and invested by them in such manner as that the best yearly income which can be reasonably made to arise therefrom may be available for the purposes of this Ordinance: Be it therefore enacted as follows, that is to say,—The said Trustees shall not mortgage charge or encumber the said property real or personal or any part thereof, or the rents issues or proceeds thereof or any part thereof, nor shall they alienate or dispose of such real property as aforesaid or any part thereof except as hereinafter mentioned, that is to say:—

Power to Trustees to grant leases.

7. It shall be lawful for the Trustees for the time being to let the same or any part thereof upon lease of any nature and upon any such conditions as to the Trustees may seem fit, for any term not exceeding ninety-nine years, to take effect in possession, at the best yearly rent that can reasonably be gotten for the same, without taking any fine or premium for the making of such lease.

And to exchange.

8. It shall also be lawful for the Trustees for the time being to exchange the said real property or any part thereof for other property of the like nature and tenure situated within the Colony, and which shall appear to them to be of equal value with the land so given in exchange by them. The property so received in exchange shall be subject to all the trusts powers and provisions hereinafter contained.

All encumbrances &c. to be void.

9. All mortgages charges and encumbrances of or upon the trust property or any part of the same, and all conveyances and alienations (excepting such as shall be made by virtue of the powers of leasing and exchanging as hereinbefore given), shall be void and of none effect whatsoever.

Trusts of property set apart for half-caste children.

10. And whereas there are and may be within the Colony many children of whose parents one only is or may be of the Native race, for the benefit of which children their relations of the Native race may desire to appropriate portions of lands: And whereas the lands so from time to time to be appropriated may be advantageously managed by the Trustees appointed for the general purposes of this Ordinance: Be it therefore enacted as follows:—Every such portion of land which shall have been lawfully vested in the said Trustees, and the rents issues and proceeds thereof, shall be holden by them upon trust for the education maintenance and advancement of the persons for whose benefit the same shall have been originally appropriated, and their descendants, in such shares and proportions and in such manner in all respects as to the Trustees shall seem meet, with all the powers and subject to all the restrictions and provisions hereinbefore particularly mentioned as to other lands holden by the said Trustees for the general purposes of this Ordinance: Provided always that nothing herein contained shall be held to prevent the said Trustees from letting any such portions of land as aforesaid or any part thereof to any person beneficially interested therein, at a nominal rent or such rent as to the Trustees in their discretion may seem meet, or from making an absolute conveyance of the said portions of land or any part thereof to the children or descendants or any of them of the persons in whose favour such lands shall have been originally appropriated, in such manner as to the said Trustees in their discretion may seem meet.

On failure of their descendants, property to be holden on general trusts of this Ordinance.

11. In case there shall be at any time no person entitled to any beneficial interest in any lands so appropriated as last mentioned, the Trustees shall hold such lands upon trust for the general purposes of this Ordinance, with and subject to all the trusts powers and provisions herein contained.

12. All

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12. All persons of whose parents one only shall be of the Native race, and for whom no lands shall have been appropriated as aforesaid, shall be deemed and taken to be Native people within the provisions of this Ordinance.

Certain half-caste children to be deemed Native people.

13. The said Trustees are hereby empowered to appoint from time to time such persons as they may think fit to be agents for the management of the trust property in such places and in such manner as the said Trustees may direct, and to remove such agents or any of them at their discretion, and to invest such agents for the time being with such powers and authorities as may be deemed necessary for the efficient and profitable management of the trust property aforesaid, and to allow to such agents out of the trust funds such reasonable remuneration for their services and in such manner as to the Trustees may seem fit.

Power to Trustees to appoint agents.

14. The said Trustees are also hereby empowered to appoint from time to time such persons as they may think fit to be Masters or Mistresses of schools to be established under the provisions of this Ordinance, and to remove such Masters or Mistresses or any of them at their discretion, and to allow such Masters and Mistresses out of the trust fund such remuneration and in such manner as to the Trustees may seem fit, and from time to time to prescribe the system of instruction to be pursued in such schools, and to make rules for the regulation and government thereof.

Schoolmasters &c.

15. The said Trustees are also hereby empowered to appoint from time to time (whenever the business of the trust shall require such appointment to be made) some fit person to be Secretary to the said Trustees, and to remove any such Secretary at their discretion, and to allow to such Secretary out of the trust funds such reasonable remuneration for his services as to the Trustees may seem fit.

And Secretary.

II.—PROCEEDINGS OF TRUSTEES.

16. For the purpose of carrying this Ordinance into execution, the said Trustees or any four of them shall, in the month of October in every year, or as soon thereafter as conveniently may be, hold a meeting to be called the "Annual Meeting."

Annual Meeting.

17. The said Trustees or any four of them may also hold meetings at such times as they may deem expedient, which shall be called "Special Meetings."

Special Meetings.

18. The said Trustees or any three of them shall hold a meeting which shall be called an "Ordinary Meeting" at least once in every quarter of a year, and at such other times as they may deem expedient.

Ordinary Meetings.

19. At every meeting of the said Trustees, His Excellency the Governor, or in his absence the Senior Trustee then present, shall preside.

Senior member to preside.

20. All questions proposed for the decision of any meeting shall be decided by a majority of votes of the Trustees then present: Provided that the Trustee presiding at such meeting shall in addition to his original vote have also a casting vote, if upon any question the votes shall be equally divided.

And to have a casting vote.

21. At every such Annual Meeting as aforesaid there shall be laid before the Trustees, by the Secretary or person acting as such, a general statement of the affairs of the trust made up to and including the last day of the month preceding that in which such Annual Meeting shall be holden, and of the then existing property effects debts contracts and liabilities, together with an estimate of the probable gross income of the trust for the ensuing year.

Business of the Annual Meeting, a general statement of affairs of trust.

22. The Trustees shall then appropriate what shall appear to them the probable amount of such income for such specific purposes, and in such

Estimate and appropriation of income.

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such shares and proportions and in such manner as shall appear to them best calculated for promoting the objects of this Ordinance. It shall not be lawful for the Trustees at any time or in any manner to incur any expense or liability in respect of the said trust other than such as shall have been so sanctioned by such appropriation as aforesaid at the Annual Meeting, then last preceding.

Business of Special Meetings &c., Agents &c. to be appointed.

23. At such Annual Meeting or at such Special Meeting as aforesaid, but at no other time, the Trustees may exercise the powers hereinbefore given to them, touching the appointment removal authority and payment of the Secretary, Agents, Masters and Mistresses of schools, the system of instruction to be pursued in such schools, and the rules to be made for the regulation and government thereof.

Terms of leases &c. to be prescribed.

24. The said Trustees may also from time to time at any such Annual Meeting or Special Meeting as aforesaid, but at no other time settle and prescribe the terms and conditions on which leases of the trust lands shall be granted, and the manner in which the property of the trust shall be administered, and make such rules and regulations as they may think fit respecting the mode, of convening any of the meetings to be holden under the authority of this Ordinance and of transacting business thereat.

Ordinary Meetings.

25. At any such Ordinary Meeting as aforesaid, the Trustees then present may consider applications for leases and grant leases, and generally transact all such business and do all such acts (other than such as are hereinbefore forbidden to be done except at an Annual or Special Meeting,) as may be necessary for the carrying into effect the provisions of this Ordinance.

Leases to be sealed with Seal of Trust.

26. The said Trustees shall have and use a common Seal, and all leases to be made by them shall be sealed therewith in the presence of three Trustees at the least. Every lease so stamped with the said Seal shall be as good and valid in all respects as if it had been executed and attested as by law required, and the party producing any such lease in any Court shall not be bound to offer any proof that the said Seal was set thereto in such presence as aforesaid.

Trustees to make annual report to Secretary of State.

27. The said Trustees shall once in every year submit to His Excellency the Governor, for transmission to Her Majesty's Principal Secretary of State for the Colonies, copies of the general statement and estimate which shall have been so laid before the then last Annual Meeting as aforesaid, together with a statement of the appropriation then made of the income for the year next ensuing, and copies of all general rules whatsoever made by the said Trustees since the date of the last yearly report, and such further information as may be necessary to show the working and results of the trust hereby created. And the said Trustees shall furnish copies of such general statement and estimate, with the appropriation of the annual income, to be laid before the Legislative Council at their next meeting; and the Trustees shall also publish the same in the *Government Gazette*, and in one or more of the newspapers which may be published in the Colony.

Commencement of Ordinance.

28. This Ordinance shall not come into operation until it shall have received the Royal confirmation, and until such confirmation shall have been notified accordingly in the *New Zealand Government Gazette* by order of His Excellency the Governor of New Zealand for the time being.

*Auctioneers Amendment.***No. X.****AN ORDINANCE to amend an Ordinance for Licensing Auctioneers. [29th June, 1844.]****AUCTIONEERS
AMENDMENT.**

WHEREAS by an Ordinance enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof (Session II., No. 13), intituled "*An Ordinance for Licensing Auctioneers,*" it is enacted that there be levied and paid in respect of all estates goods and effects (except as in the said Ordinance mentioned) sold by way of auction, a duty of one pound for every hundred pounds arising from such sale, and provision is made for the collection of such duty: And whereas it is expedient that from and after the day hereinafter mentioned the said duty shall cease to be payable, and in lieu thereof the sum of money by the said Ordinance required to be paid for auctioneers' licenses be increased in amount:

Preamble. Auctioneers Ordinance (Session II., No. 13) recited.

BE IT THEREFORE ENACTED by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof:—

1. That from and after the twenty-fifth day of April, one thousand eight hundred and forty-five, so much of the said Ordinance as relates to the said auction duty and the levying thereof shall be repealed.

Sections 2, 3, 6, and 13 repealed.

2. For every license which shall hereafter be granted under the provisions of the said Ordinance, there shall be paid the sum of forty pounds.

Licenses raised to £40

No. XI.**AN ORDINANCE to amend an Ordinance to facilitate the Transfer of Real Property, and to simplify the Law relating thereto. [4th July, 1844.]****CONVEYANCING
AMENDMENT.**

WHEREAS by an Ordinance enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof (Session II., No. 10), intituled "*An Ordinance to facilitate the Transfer of Real Property, and to simplify the Law relating thereto,*" it is enacted (clause 52) that every deed or will executed out of this Colony shall be received in evidence in every Court of Justice in the Colony provided the execution thereof shall be verified on oath by any one of the witnesses thereto in manner following, that is to say,—

Preamble. Clause 52 of Conveyancing Ordinance recited.

When the same shall have been executed in Great Britain or Ireland, it shall be so verified before the Mayor, Provost, or other Chief Magistrate of any corporate town; if in any British Colony, before the Officer Administering the Government thereof or before two Justices of the Peace; if in any foreign country, then before any British Consul resident therein: Provided also that such verification be certified under the seal of such body corporate, officer or consul, or under the hands of such Justices, as the case may be.

And whereas by an Act of Parliament passed in the Session of Parliament holden in the fifth and sixth years of the reign of His late Majesty King William the Fourth, chapter sixty-two, provision hath been made for verifying the execution of wills and codicils, deeds and

5 and 6 Wm. IV., chap. 62, referred to.

instruments

Conveyancing Amendment.

instruments in writing, by solemn declaration in lieu of oath in manner therein mentioned :

BE IT THEREFORE ENACTED by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, that—

Clause 52 of Conveyancing Ordinance repealed.

Deeds &c. verified by affirmation to be received in evidence.

Explanatory clause.

1. So much of the said Ordinance as is hereinbefore recited be repealed.

2. Every will or codicil, deed or instrument in writing, executed beyond the limits of the Colony, whereof the execution shall have been verified as by the said Act of Parliament required, shall be received in evidence in every Court of Justice in the Colony.

3. And whereas by the said recited Ordinance it is enacted that no land shall pass by any contract for the purchase of land, and by reason of the extended meaning given to the word "land" in the interpretation clause of the said Ordinance doubts have arisen whether the equitable jurisdiction of the Supreme Court in respect of such contracts is not diminished or affected by the said enactment: Be it therefore declared and enacted, That the rules of Courts of Equity in England touching the operation and enforcement of contracts for the purchase of land shall be adopted and followed in all cases in the Supreme Court of this Colony, anything in the said Ordinance contained notwithstanding.

No. XII.

MUNICIPAL CORPORATIONS.

AN ORDINANCE to provide for the Establishment and Regulation of Municipal Corporations.

[9th July, 1844.]

Preamble.

WHEREAS it is necessary that provision should be made for the good order, health and convenience of the inhabitants of towns and their neighbourhoods: And whereas the inhabitants themselves are best qualified, as well by their more intimate knowledge of local affairs as by their more direct interest therein, effectually to provide for the same: And whereas the habit of self-government in such cases hath been found to keep alive a spirit of self-reliance and a respect for the laws, and to prepare men for the due exercise of other political privileges:

BE IT THEREFORE ENACTED by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

I.—CREATION AND CONSTITUTION.

Creation.

1. Every settlement within the Colony having a population of two thousand souls may be a borough within the meaning of this Ordinance, and be governed by a Council to be elected by the burgesses thereof.

Incorporation.

2. In every borough there shall be a body corporate, which shall take and bear the name of "The Mayor, Aldermen, and Burgesses" of such borough, and by that name shall have perpetual succession, and shall have a Common Seal, and shall by the Council thereof do all acts, and have and enjoy all rights and privileges, which bodies corporate as such may do have or enjoy.

The Council.

3. The Council of every such body corporate shall consist of a Mayor and eleven Aldermen, to be elected as hereinafter provided.

4. Whenever

Municipal Corporations.

4. Whenever the population of any settlement shall amount to two thousand souls as aforesaid, His Excellency the Governor may by Proclamation declare the same to be a borough within the meaning of this Ordinance, and may at the same time, with the advice of the Executive Council, define the boundaries thereof: Provided always that such boundaries shall not in any case extend to a distance greater than seven miles in a straight line from the principal market-place of the settlement.

Proclamation of borough.

Boundaries.

II.—POWERS OF THE COUNCIL.

5. The Council shall have power to make and keep in repair all roads streets squares causeways and bridges within the limits of the borough; to excavate construct and maintain wells waterworks conduits sewers and other like works; and to provide for the prevention of fires, the prevention and abatement of nuisances, the establishment of markets, the construction of market-places, the watching paving lighting and cleansing of the said borough, and for all such purposes as they may deem necessary for the good order health and convenience of the inhabitants thereof.

To improve the borough.

6. Whenever the limits of any borough shall extend to or comprise any harbour on the sea-shore or any navigable river, the Council shall also have power to construct and maintain such docks basins locks wharfs quays piers and landing-places as they may deem necessary for facilitating and encouraging the trade and commerce of the borough.

To improve harbours.

7. All property real or personal which shall at any time be granted or conveyed to or otherwise become vested in the Mayor, Aldermen, and Burgesses of any borough for the general benefit of such borough, where no specific trust of such property shall have been declared by the grantor or donor thereof, shall be held by such Mayor, Aldermen, and Burgesses upon trust to carry into effect the objects of this Ordinance, and none other.

Trusts of corporate property declared.

8. It shall be lawful for the Council (two-thirds thereof being present at any meeting for the purpose), for the more effectual exercise of the powers hereby given, and for the good rule and government of the borough, to make from time to time such by-laws as may seem meet, and by such by-laws to impose any fine not exceeding five pounds upon any person offending against the same: Provided that a copy of every by-law made by any Council under the authority hereof shall be transmitted by the Mayor of such borough to His Excellency the Governor, and it shall be lawful for the said Governor at any time within two calendar months after the receipt of such copy to disallow such by-law, and so soon as notice of such disallowance shall have been given by the Governor and received by the Mayor of the borough where such by-law shall have been passed, such by-law shall be void and of no effect. No such by-law shall come into operation until the expiration of three calendar months after the same shall have been transmitted as aforesaid, unless notice of the Governor's assent thereto shall have been given and received as aforesaid before the expiration of that period.

By-laws.

III.—QUALIFICATION OF ELECTORS AND MODE OF ELECTION.

9. Every male inhabitant of a borough of full age shall, being duly enrolled in manner hereinafter mentioned, be qualified to vote at the election of the Council.

Burgesses.

10. His Excellency the Governor shall by such Proclamation as aforesaid prescribe a period within which all claims to the right of voting

Time for claiming to vote.

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voting at the election of the first Council of such borough shall be made, and shall appoint a fit person to receive such claims and to act as Returning Officer at such election.

Form of claim.

11. Every claim shall be in writing, according to the form to this Ordinance annexed.

Payment before enrolment.

12. And whereas there may be persons interested in the good government of a borough and qualified to have a voice therein but who may not have property rateable under this Ordinance, and it is not fitting that any man should have (directly or indirectly) any power of taxing the inhabitants of any borough or any share in the management of the funds thereof who shall not himself contribute thereto: Be it enacted, That every person claiming the right of voting as aforesaid shall at the time of preferring such claim pay to the Returning Officer the sum of twenty shillings; every sum so paid shall form part of the borough fund hereinafter mentioned: Provided that where the person making such payment shall in the course of the ensuing year be assessed to any borough rate, such payment shall be deemed to have been made on account of such rate, and the excess of such payment, if any, over and above the amount of his borough rate for the year shall be returned accordingly.

Burgess Roll.

13. The names of all such inhabitants as aforesaid who shall have made such claim and payment as aforesaid shall be entered forthwith by the Returning Officer as aforesaid upon a roll, which shall be called "The Burgess Roll" of the borough. The names which shall appear upon the Burgess Roll shall be forthwith arranged by the Returning Officer in alphabetical order in a written or printed list, which shall be affixed upon the outer door of the Town Hall, or upon some other conspicuous place within the borough. A copy of the list shall be delivered by him to any person applying for the same on payment of the sum of one shilling.

First election.

14. On the first Monday of the month next but one succeeding the time appointed for the making out of the first Burgess Roll, the burgesses of the borough shall proceed to elect eighteen persons, being burgesses.

List of persons elected

15. The Returning Officer shall arrange the names of the eighteen persons so elected on a list according to the number of votes given for each, so that the name of every person who shall have received a higher number of votes shall be placed before the name of every person who shall have received a lower number of votes.

Aldermen.

16. The twelve burgesses whose names shall stand highest upon the list shall be declared by the Returning Officer to be Aldermen of the borough.

Mayor.

17. The Mayor of the borough shall be one of the Aldermen thereof, to be determined in manner hereinafter provided.

Reserved list.

18. The names of the six remaining burgesses shall form a "reserved list," out of which all extraordinary vacancies in the Council until the next general election thereof shall be supplied in the order of priority on the list.

Mode of voting.

19. The election of the eighteen persons before mentioned shall be conducted in the manner following:—Every burgess may vote for any number of persons not exceeding the number then to be chosen, by delivering to the Returning Officer a voting paper containing the Christian names and surnames of the persons for whom he votes, with their respective places of abode and description, such paper being signed with the name of the burgess so voting, and setting forth his place of abode and description.

Duration of election.

20. The voting shall commence at nine of the clock in the forenoon

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noon, and shall finally close at four of the clock in the afternoon of the same day.

21. No inquiry shall be permitted at any election as to the right of any person to vote except only as follows, that is to say,—That the Returning Officer shall, if required by any two burgesses, put to any voter at the time of his delivering in of his voting paper, and not afterwards, the following questions or either of them, and no others:—

- (1.) Are you the person whose name is signed as "A.B." to the voting paper now delivered in by you?
- (2.) Are you the person whose name appears as "A.B." on the Burgess Roll now in force for this borough?

And no person required to answer either of the said questions shall be permitted to vote until he shall have answered the same.

22. If any person shall wilfully make a false answer to either of the questions aforesaid, he shall be guilty of a misdemeanour.

23. At the close of the election the Returning Officer shall ascertain the number of votes given for every person whose name shall appear upon the voting papers, and so many of such persons, being equal to the number of persons then to be chosen, as shall have the greatest number of votes shall be deemed to be elected.

24. The Returning Officer shall then make out a list of the names of the persons so elected, arranging them as hereinbefore required, and shall forthwith publish the same.

25. A copy of the said list shall be kept by the Town Clerk of the borough, who shall also for the space of six calendar months after the election keep the said voting papers, and shall permit any burgess to inspect the same upon payment of one shilling.

26. The Returning Officer shall also forthwith give notice in writing to the several persons elected of such their election, and shall require them severally within one week to declare whether they accept or decline the offices to which they have been respectively elected.

27. If any person so elected shall after receipt of such notice fail to comply with such requirement, he shall be held to have declined such office.

28. In case any persons shall decline the offices to which they have been elected, so many of the persons whose names shall stand first on the reserved list as shall be equal to the number of persons so declining shall be deemed to have been elected members of the Council and shall receive notice thereof accordingly, and so on until the number of the Council shall be completed. In case any vacancy shall exist or any extraordinary vacancy shall occur in the Council when the reserved list shall have been exhausted, such vacancy shall be filled up by an election to be conducted in manner hereinbefore provided.

29. In the month of May in every year after that in which the first election of the Council shall have taken place, the Town Clerk shall make out and publish a new Burgess Roll, in the manner and subject to the conditions hereinbefore provided for the formation of the first Burgess Roll: Provided that the sum to be paid before the enrolment of any burgess may be from time to time increased or diminished as to the Council of the borough shall seem meet, but so that such sum shall in no case exceed the amount of the borough rate for the preceding year divided by the number of ratepayers.

30. The first and every succeeding Burgess Roll shall be in force until the completion of the one next succeeding, and no longer.

31. On the first Monday in the month of December in every year after that in which the first election of the Council shall have taken

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taken place, the Mayor shall hold a meeting for the election of twelve burgesses in manner and subject to the requirements hereinbefore prescribed for the election of the first Council, of whom the six who shall have received the highest number of votes shall be declared Aldermen of the borough, and the names of the remaining six shall form a reserved list for the year next ensuing.

Retiring Aldermen. **32.** At the completion of every such election, six of the existing Aldermen (the Mayor being considered an Alderman) shall go out of office: Provided always that any Alderman shall be capable of being re-elected immediately upon the expiration of his term of office.

May be re-elected.

Order of retirement. **33.** The six Aldermen who shall go out of office at the second election shall be those who received the smallest number of votes at the first election, and at every subsequent election shall always be those who have been Aldermen for the longest time without re-election.

Auditors. **34.** On the first Monday in the month of January in every year, the burgesses shall elect from amongst themselves, by a majority of votes, two persons who shall be and be called Auditors of such borough, and every such Auditor shall continue in office until the same day in the year following.

Mode of election. **35.** No burgess shall vote for more than one person to be an Auditor, but in all other respects the election shall be in form and manner hereinbefore provided for the election of Aldermen: Provided always that no burgess shall be eligible to be an Auditor, or shall be capable of acting as Auditor, who shall be an Alderman or Town Clerk or Treasurer of the borough.

Vacancy. **36.** If any Auditor shall die or be incapable of discharging the duties of his office, the burgesses shall on a day to be fixed by the Mayor in like manner elect a fit person in the stead of such Auditor.

Equality of votes. **37.** In case of an equality of votes at any election to be holden under the authority of this Ordinance, the Returning Officer shall determine by lot the priority between the persons for whom an equal number of votes shall have been given.

IV.—CORPORATE OFFICERS.

Oath. **38.** No Mayor, Alderman, or Auditor shall act as such (except in administering the oath hereinafter contained) until he shall have taken before any two or more of such Aldermen (who are hereby authorized to administer the same) an oath in the words or to the effect following, that is to say:—

Form of oath. I, A.B., having been elected Alderman [*or as the case may be*] for the borough of _____, do swear that I will duly and faithfully fulfil the duties of my office to the best of my judgment and ability. So help me God.

Mayor—duration of office. **39.** The Mayor shall hold his office until the last Monday of December in the year following his election, and until his successor shall have accepted the office of Mayor, on which day the Council shall meet for the purpose of electing his successor.

Who to be. **40.** The office of Mayor shall at the first election be filled by such member of the Council (being willing to hold the same) as shall have received the highest number of votes, and at all subsequent elections the Mayor shall be elected from amongst the Council by themselves by a majority of votes, the late Mayor having a casting vote.

Vacancy. **41.** In case of an extraordinary vacancy in the office of Mayor, the Council shall meet for the purpose of electing a successor for the remainder of the year in the manner hereinbefore provided.

Temporary incapacity **42.** If the Mayor shall by reason of absence or illness be incapable of discharging the duties of his office, it shall be lawful for the first
Alderman

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Alderman upon the list who shall be willing so to do to perform the same.

43. The Mayor for the time being shall be Returning Officer for the borough. **Mayor to be Returning Officer.**

44. Every person who shall be liable to serve the office of Mayor or Alderman and who shall refuse to accept the same shall forfeit the sum of ten pounds, upon payment whereof he shall be discharged from such liability. **Penalty.**

45. It shall be lawful for any Mayor or Alderman to resign his office at any time with the consent of the Council: Provided that the Mayor or Alderman desiring to resign shall give to the Council not less than three weeks' notice of his intention. **Resignation.**

46. No Member of the Legislative Council, no person holding office by appointment of His Excellency the Governor, no officer in Her Majesty's Army or Navy or Marine forces on full pay, nor any Revenue officer, shall be liable to serve as Mayor or Alderman without his own consent. **Who exempt.**

47. Provided also that no Judge Sheriff or Coroner, no Clergyman Priest or Minister of Religion, shall be qualified to hold the offices aforesaid. **Who disqualified.**

48. It shall not be lawful for any man who shall have been convicted of felony bribery or perjury (although he shall have suffered the full punishment for his offence) to vote at the election of Aldermen and Auditors, or to hold any office to be created under the authority of this Ordinance: Provided that no man who shall have been convicted of any such offence shall be thereby disqualified in case he shall have received a free pardon. **Convicted felons &c.**

49. If any Mayor or Alderman shall be declared bankrupt, or shall apply to take the benefit of any Act for the relief of persons imprisoned for debt, or shall compound by deed with his creditors, or shall be absent from the borough for three calendar months at one and the same time, such Mayor or Alderman shall thereupon cease to be a member of the Council. **Bankruptcy &c. of Mayor or Alderman.**

50. If any member of the Council or person holding any office in the gift or disposal thereof shall directly or indirectly have any share or interest in any contract or employment with or by the Council (other than as a shareholder in any public company, who shall contract with the Council for the lighting or supplying with water or insuring against fire any part of such borough), he shall thenceforward cease to be a member of the Council or to hold such office as aforesaid. **Members of the Council not to contract.**

V.—MEETINGS OF COUNCIL.

51. All acts whatsoever hereby authorized or required to be done by the Council of any borough, and all questions that may come before such Council, shall be done and decided by the majority of the members of the Council who shall be present at any meeting thereof, the whole number present at any meeting not being less than one-half of the whole Council: Provided that no by-laws shall be made unless there shall be present not less than two-thirds of the whole Council. **Majority.**

52. The Mayor shall have power to call a meeting of the Council as often as he shall think proper. **Quorum.**

53. The Mayor shall cause a notice of the time and place of every such intended meeting, specifying the business proposed to be transacted thereat and signed by him, to be left at the usual place of abode of every member of the Council. Every such notice shall be given three clear days at least before such meeting, unless it shall appear to the Mayor **To be called by Mayor.**

Notice of meeting.

Mayor

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Mayor that such delay in the holding of any such meeting would be attended with imminent danger to the welfare of the borough.

Proceedings to be public.
Chairman.

54. Every meeting of the Council shall be open to the public.

55. At every meeting, the Mayor if present shall preside; in case of his absence, the Council shall elect a Chairman.

Casting vote.

56. The Mayor or Chairman shall have a second or casting vote in cases of equality of votes.

Minutes.

57. Minutes of the proceedings of every meeting shall be entered in a book to be kept for that purpose, and shall be signed by the person presiding at such meeting.

Open to inspection.

58. Every burgess shall be at liberty to inspect and to make extracts from the books so to be kept, at all reasonable times, upon payment of a fee of one shilling for each inspection.

VI.—APPOINTMENT OF COMMITTEES AND OFFICERS.

Committees.

59. It shall be lawful for the Council of any borough to appoint out of their own body such and so many Committees, either of a general or special nature, and consisting of such number of persons as may seem fit, for any purposes which in the judgment of such Council would be better managed by means of a Committee: Provided always that the proceedings of every such Committee shall be submitted to the Council for its approval.

Town Clerk and Treasurer.

60. It shall also be lawful for the Council from time to time to appoint fit persons (not being members of the Council) to be Town Clerk and Treasurer, who shall hold office during pleasure, and also to appoint such other officers as they shall think necessary for enabling them to carry into execution the provisions of this Ordinance, and to pay all the officers so to be appointed such salaries as the Council shall deem reasonable.

Constables.

61. It shall be lawful for the Watch Committee, or if there shall be no such Committee then for the Council, to appoint a sufficient number of fit men (removable at the pleasure of such Committee or Council) to act as constables for keeping the peace by day and by night, who shall within the limits of the borough have all such powers and privileges, and be liable to all such duties and responsibilities, as any constable may by law have or be liable to, and shall obey all lawful directions touching the execution of their office which they may from time to time receive from any Police Magistrate having jurisdiction within the borough.

Oath.

62. Every constable so to be appointed shall be sworn in by the Mayor of the borough.

Numbers &c. to be reported.

63. The Watch Committee or the Council of the borough, as the case may be, shall in the month of November in every year transmit to the Colonial Secretary a report of the number and situation of all station-houses in such borough, and of the number of constables, and of the description of arms accoutrements and clothing and other necessaries furnished to each, and of the salaries wages and allowances payable to them, and also a copy of all rules and orders made for their regulation and guidance, which shall have received the sanction of such Police Magistrate.

Police Office.

64. The Council of every borough shall within six calendar months after the first election provide a suitable office, to be called the "Police Office" of the borough, for the purpose of transacting the business of the Magistrates having jurisdiction therein, and shall at all times uphold and maintain the same, and defray all the necessary expenses thereof: Provided that no room in any victualling house or house in which ale wine or spirits shall be sold shall be used for such purpose.

65. The

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65. The Council of every borough shall also, after the expiration of the period last aforesaid, maintain at the expense of the borough a suitable building, to be called the "Borough Gaol," for the safe custody of persons awaiting their trial for offences committed within the borough, and all such officers as for such purposes shall be necessary. Borough Gaol.

66. After the expiration of twelve calendar months from the first election in any borough, the costs of all prosecutions for offences committed or supposed to be committed within the same shall be paid out of the borough fund hereinafter mentioned, upon an order of Court directed to the Treasurer of such borough: Provided always that so soon as any borough shall have become liable to such payment, all rateable property within the same shall be exempt from contribution to any county rate for the defraying of the like costs in respect of offences committed or supposed to be committed beyond the limits of such borough. Costs of criminal prosecutions.

VII.—BOROUGH RATE, TOLLS, AND DUES.

67. For the purpose of raising the means for carrying into effect all or any of the powers hereby given to the Council of any borough, and for the payment of all salaries and the defraying of all expenses hereby required to be borne by any borough, the Council shall have power, so often as shall be deemed necessary, to make and levy in manner hereinafter provided an equitable rate or assessment, in the nature of a borough rate in England, upon all real property within the limits of the borough, other than the property of the Crown, or of any of the aboriginal inhabitants of the Colony. Borough rate.

68. The rate shall be paid by the occupier of such property, or in case there shall be no occupier then by the owner thereof. By whom to be paid.

69. For such purpose the Council shall as often as may be deemed necessary cause a valuation to be made of all the rateable property within the borough, and shall cause the same to be published in one of the newspapers of the borough. Valuation.

70. The Council shall as often as need may be make an estimate of the amount of money required, and shall assess the borough rate accordingly, and shall give public notice thereof in like manner. Assessment.

71. At any time within one calendar month from and exclusive of the day of the date of such notice, it shall be lawful for any person who shall think himself aggrieved by any such rate to appeal against the same to any two or more Justices of the Peace having jurisdiction within the borough, who are hereby authorized to hear and determine such appeal: Provided that two clear days' notice in writing of every such appeal shall be given to the Town Clerk of the borough, specifying the time and place for the hearing thereof. Appeal.

72. At the expiration of the period allowed for appeal, the Council shall appoint fit persons to collect the rate due, which shall on non-payment thereof be recoverable at the suit of any such collector by summary proceeding before any Justice of the Peace having jurisdiction within the borough, and leviable by distress and sale. Collection of rates.

73. In case it shall be impossible to levy the rate due by reason of the property rateable being unoccupied or otherwise, the arrears shall at any subsequent time be leviable upon any goods which may be found upon such property. Arrears.

74. The Council shall once in every year publish in one of the newspapers of the borough a statement of every sum so in arrear, and of the property in respect of which the same is due. To be published.

75. All moneys raised by any borough rate, all fines and fees payable under the authority of this Ordinance, together with all sums Borough fund.

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which may be paid to the Treasurer of the borough on account of the corporate body thereof, shall form a fund, to be called the "Borough Fund," out of which shall be paid all costs and expenses for the defraying whereof a borough rate is hereby authorized to be levied, but for no other costs or expenses whatsoever.

To levy tolls &c.

76. It shall be lawful for the Council to impose such tolls or dues as may be reasonable upon all persons making use of any road bridge market-place dock basin wharf lock quay pier or landing-place, which the Council is hereby empowered to make and maintain; and in case of the non-payment of such tolls and dues, to levy the same by distress and sale.

May borrow money.

77. For the purpose of executing and maintaining any of the works last mentioned, it shall be lawful for the Council to borrow such sums of money as may be requisite upon the security of the tolls or dues to be taken in respect of such work.

Application of tolls &c.

78. The tolls or dues to be taken in respect of any one of the works aforesaid shall be applied primarily in defraying the expenses thereof, and in repayment of the moneys borrowed for the execution or maintenance of the same, and the net residue thereof shall form a part of the borough fund.

Yearly audit.

79. The Treasurer of every borough shall, in books to be kept by him for that purpose, enter true accounts of all sums of money by him received and paid, and of the several matters in respect whereof such sums shall have been received and paid. All such accounts, with all vouchers and papers relating thereto, together with a full abstract or balance sheet thereof, shall yearly, at such time as the Council may appoint, be submitted by him to the Auditors and to such members of the Council as the Mayor shall name, for the purpose of being examined and audited. Such abstract or balance sheet, if found correct, shall be signed by the Auditors, and shall be forthwith published by the Treasurer in one of the newspapers of the borough.

Balance sheet to be published.

Remedy for misapplication of borough fund.

80. And whereas it is expedient to give all persons interested in the borough fund of every borough a more direct or easy remedy for any unlawful application of such fund: Be it therefore enacted, That any order of the Council of any borough for payment of any sum of money from or out of the borough fund of any borough may be removed into the Supreme Court by a writ of *certiorari*, and such order may be disallowed or confirmed upon motion and hearing, with costs, according to the judgment and discretion of the said Court.

Penalties.

81. All penalties imposed by this Ordinance or by any by-laws to be made under the authority thereof shall be recoverable within three calendar months after the same shall have become payable, or after the commission of the offence, by summary proceedings before any Justice of the Peace having jurisdiction within the borough, and be levied by distress and sale.

Witnesses.

82. No person shall be deemed an incompetent witness upon any such summary proceeding by reason of his being liable to contribute to any borough rate.

Her Majesty's dockyards &c. excepted.

83. Provided always that no dockyard victualling establishment arsenal or barracks belonging to Her Majesty, which shall be situated within the limits of any borough, shall be deemed to be part of such borough for any of the purposes of this Ordinance.

Commencement of Ordinance.

84. This Ordinance shall not come into operation until it shall have received the Royal confirmation, and the notification of such confirmation shall have been made in the Government *Gazette* by order of His Excellency the Governor of New Zealand for the time being.

Distillation Repeal.

SCHEDULE.

To Mr. A.B.

FORM OF CLAIM.

I HEREBY give you notice that I claim to have my name put upon the Burgess Roll for the borough of

Dated the day of , in the year .

C.D.,

[Place of abode and business of Claimant].

No. XIII.

AN ORDINANCE to repeal an Ordinance for prohibiting the Distillation of Spirits within the Colony of New Zealand. [11th July, 1844.]

DISTILLATION
REPEAL.

WHEREAS by an Ordinance enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof (Session I., No. 5), intituled "*An Ordinance for prohibiting the Distillation of Spirits within the Colony of New Zealand,*" all distillation of spirits from grain sugar molasses fruits or any other materials whatsoever, and all rectifying and compounding thereof, within the Colony of New Zealand and its dependencies, were prohibited, and divers provisions were made for the purpose of enforcing the aforesaid enactment, and it is expedient to repeal the said Ordinance:

Preamble.
Ordinance for prohibiting distillation recited.

BE IT ENACTED by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof:—

1. That the said recited Ordinance shall be repealed.

Ordinance repealed.

2. Provided always and be it enacted, That no person who shall enter into or carry on the business of a distiller shall be entitled to any compensation for any loss that he may sustain by reason of this Ordinance being disallowed by Her Majesty, or being at any time repealed by the Legislative Council of the Colony, or by any law that may be enacted for the prevention of distillation within the Colony.

No compensation allowed if Ordinance repealed.

3. This Ordinance shall not come into operation until it shall have received the Royal confirmation, and the notification of such confirmation shall have been made in the Government *Gazette* by order of His Excellency the Governor of New Zealand for the time being.

Commencement of Ordinance.

No. XIV.

AN ORDINANCE to amend an Ordinance to provide for the Summary Recovery of Compensation for Damages done by Cattle Trespassing.

CATTLE TRESPASS
AMENDMENT.

[11th July, 1844.]

WHEREAS by an Ordinance enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof (Session II., No. 16), intituled "*An Ordinance to provide for the Summary Recovery of Compensation for Damages done by Cattle Trespassing,*" it is enacted that "Whenever any cattle shall trespass upon

Preamble reciting clause 2 of Cattle Trespass Ordinance.

Cattle Trespass Amendment.

upon the land of any person which shall be substantially fenced, and shall do any damage thereon, it shall be lawful for the Police Magistrate of the district, or for any two Justices of the Peace having jurisdiction therein, upon application of the person suffering such damage, to hear and determine the case in a summary way, and on being satisfied by the oath of a credible witness as to the amount of such damage, to award to the party sustaining the same any such sum not exceeding twenty pounds by way of compensation for the same."

Extended to case of cattle trespassing on land whether fenced or not.

1. And whereas it is expedient to extend the provisions of the said Ordinance to the case of cattle found trespassing upon any land, whether the same shall be substantially fenced or not: BE IT THEREFORE ENACTED by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—Whenever any cattle shall trespass upon the land of any person and shall do any damage thereon, it shall be lawful for the Police Magistrate of the district, or for any two Justices of the Peace having jurisdiction therein, upon application of the person suffering such damage, to hear and determine the case in a summary way, and on being satisfied by the oath or solemn affirmation as the case may require of two witnesses competent from practical knowledge or otherwise to estimate the same as to the amount of such damage, to award to the party sustaining the same any sum not exceeding twenty pounds by way of compensation for the same.

Interpretation clause.

2. For the purpose of this Ordinance and of the said recited Ordinance, the word "Cattle" shall be taken to include horned or neat cattle horses mules asses sheep goats and swine.

Commencement.

3. This Ordinance shall come into operation on the first day of October, one thousand eight hundred and forty-four.

No. XV.

SUMMARY PROCEEDINGS AMENDMENT.

AN ORDINANCE to amend an Ordinance to regulate Summary Proceedings before Justices of the Peace.

[16th July, 1844.]

Preamble reciting Summary Proceedings Ordinance (Session II., No. 5).

WHEREAS by an Ordinance enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof (Session II., No. 5), intituled "*An Ordinance to regulate Summary Proceedings before Justices of the Peace*," it is enacted that in certain cases of summary conviction in the said Ordinance mentioned it shall be lawful for the parties convicted to appeal to the County Court of the district in which the cause of complaint shall have arisen: And whereas by an Ordinance passed in this present Session of the Legislative Council (Session III., No. 8), intituled "*An Ordinance to establish Courts of Requests for the more easy and speedy Recovery of Small Debts*," it is enacted that from and after the first day of October, one thousand eight hundred and forty-four, the Ordinance for establishing County Courts (Session II., No. 2) shall be repealed:

And Ordinance Session III., No. 8.

BE IT THEREFORE ENACTED by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

1. In

Unsworn Testimony.

1. In cases of summary conviction, whenever it is lawful under the said Summary Proceedings Ordinance for parties convicted to appeal to the County or District Court, it shall from and after the first day of September, one thousand eight hundred and forty-four, be lawful for such parties to appeal to the Supreme Court, subject to all such regulations and provisions as are in the said Summary Proceedings Ordinance contained.

Appeal from summary conviction to be to the Supreme Court.

No. XVI.

AN ORDINANCE for the Admission in certain cases of Unsworn Testimony in Civil and Criminal Proceedings. [16th July, 1844.]

UNSWORN TESTIMONY.

WHEREAS by an Act of Parliament passed in the sixth year of the reign of Her Majesty Queen Victoria, chap. 22, intituled "*An Act to authorize the Legislatures of certain of Her Majesty's Colonies to pass Laws for the Admission in certain cases of Unsworn Testimony in Civil and Criminal Proceedings,*" power is given to the Legislatures of Her Majesty's Colonies to pass laws for the admission of the evidence of persons of the native races of such Colonies who by reason of defect of religious knowledge and belief would not otherwise be competent to give evidence in any Court of Justice: And whereas it is expedient to carry into effect in this Colony the intention of the said Act:

Preamble reciting 6 Vict. c. 22.

BE IT THEREFORE ENACTED by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

1. Any person of the aboriginal native race of the Islands of New Zealand or of countries adjacent thereto who by reason of defect of religious knowledge and belief would be by law incompetent to give evidence in any Court, shall be permitted to give evidence in any proceeding, civil or criminal, before any Justice of the Peace or before jury, upon making an affirmation that he will speak the truth, the whole truth, and nothing but the truth, and the evidence so given shall have the weight to which such Justice of the Peace or such jury may deem it to be entitled.

Certain persons may give evidence on affirmation.

2. All persons of whose parents one only shall be of the aboriginal race shall be deemed and taken to be of the aboriginal race within the provisions of this Ordinance.

Who to be deemed of the aboriginal race.

3. If any person so making affirmation as aforesaid shall wilfully give false evidence, he shall be deemed guilty of a misdemeanour.

Persons giving false evidence to be deemed guilty of a misdemeanour.

No. XVII.

AN ORDINANCE to amend an Ordinance to provide for the Regulation of Harbours.

HARBOURS AMENDMENT.

[16th July, 1844.]

WHEREAS by an Ordinance enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof

Preamble.

Harbours Amendment.

thereof (Session II., No. 15), intituled "*An Ordinance to provide for the Regulation of Harbours,*" power is given to the Governor in Council to make regulations for the purposes in the said Ordinance mentioned: And whereas it is desirable that all regulations so made be submitted to Her Majesty for the Royal confirmation:

BE IT THEREFORE ENACTED by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

Regulations to be made by Governor in Council to be submitted to Her Majesty for confirmation.

1. No such regulations as aforesaid to be hereafter made under the authority of the said Ordinance shall continue in force for any period exceeding two years from the making thereof, unless in the meantime the same shall have received the Royal confirmation, and such confirmation shall have been notified in the *New Zealand Government Gazette*.

Regulations already made also to be submitted to Her Majesty for confirmation.

2. No such regulations as aforesaid as have been already made under the authority aforesaid shall continue in force for any period exceeding two years from the passing hereof, unless the same shall in the meantime have received the Royal confirmation, and such confirmation shall have been so notified as aforesaid.

No. XVIII.

NATIVE EXEMPTION. AN ORDINANCE to exempt in certain cases Aboriginal Native Population of the Colony from the ordinary process and operation of the Law.

[16th July 1844.]

Preamble.

WHEREAS it is greatly to be desired that the whole aboriginal native population of these Islands, in their relations and dealings amongst themselves, be brought to yield a ready obedience to the laws and customs of England: And whereas this end may more speedily and peaceably be attained by the gradual than by the immediate and indiscriminate enforcement of the said laws, so that in course of time, the force of ancient usages being weakened and the nature and administration of our laws being understood, the Native population may in all cases seek and willingly submit to the application of the same:

BE IT THEREFORE ENACTED by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

Mode of procedure in cases of crimes committed by the Natives *inter se*.

1. Where any crime or offence shall be committed or alleged to be committed by any person of the aboriginal race against any other person of the same race, no Police Magistrate or other Justice of the Peace or any other person shall, except under the special authority in writing of the Governor or of the Superintendent of the Southern Division for the time being, issue any warrant or take any other proceeding whatsoever against the alleged offender until an information charging such offence shall have been duly made by two principal chiefs of the tribe to which the injured party may belong; and in case any warrant may be issued for the apprehension of any such alleged offender, such warrant shall be directed for execution to two principal chiefs of the tribe laying such information, or (where the alleged offender, shall belong to a different tribe) then to two principal chiefs

of

Native Exemption.

of the tribe to which such alleged offender shall belong, and no further proceedings shall be taken in the case unless the alleged offender shall be brought up for examination by or by the authority of the chiefs to whom such warrant shall have been directed.

2. And to the end that, in cases where any crime or offence shall be committed by any person of the aboriginal race against the person or property of any other person not belonging to the said race, the law may be enforced against any such offender with the least possible risk of interrupting the peace of the community: Be it enacted, That where the person to be apprehended by virtue of any warrant of any Police Magistrate or other Justice of the Peace shall be beyond the limits of any town, such warrant shall, except where the ordinary course of proceeding shall be sanctioned by such special authority as aforesaid, be directed in blank to two of the principal chiefs of the tribe to which such person shall belong, and shall be forwarded by such Police Magistrate or other Justice of the Peace to the Chief Protector of Aborigines or Protector of the District, as the case may be.

By Natives against others.

3. Such Protector shall fill up the blank left in the warrant with the names of such two of the said principal chiefs as to him may seem meet, and shall countersign the said warrant, and shall indorse thereon a translation thereof into the Native language signed by such Protector, and shall forthwith cause the same to be conveyed to the chiefs to whom it shall be directed.

Protector to direct warrant to two principal chiefs.

4. For every chief who in compliance with any such warrant as aforesaid shall have caused any offender to be apprehended and brought before the Police Magistrate of the district, there shall be allowed as a compensation for his trouble in so doing a sum of money according to the scale in the Schedule hereunto annexed.

Allowance to chiefs for causing apprehension of offenders.

5. At the foot of the translation so to be indorsed on the warrant as aforesaid, there shall be added by such Protector as aforesaid a note stating that the chiefs to whom the warrant shall be directed will on complying therewith receive compensation, and stating the amount of compensation according to the aforesaid scale.

Amount of allowance to be stated on warrant.

6. And whereas difficulties are found to arise in the administration of the Criminal Law among the aboriginal population of the Colony by reason of our mode of enforcing the same being in some cases greatly repugnant to the natural habits of the said population, and the objects of the Criminal Law may more easily and more generally be attained by certain modifications for the present in the mode of procedure and nature of the punishment now by law prescribed: Be it enacted, That where any person of the aboriginal race shall be charged with any crime or offence other than the crimes of rape or murder, and where such person would otherwise have been committed to take his trial, every such person shall be allowed to go at large on making or procuring to be made a deposit in manner and to the amount hereinafter mentioned as a security to be forfeited in case of his non-appearance to take his trial at the time and place then named for that purpose.

Party accused to be allowed to go at large until trial on making deposit.

7. The sum to be deposited shall in charges of theft or receiving stolen goods not exceed four times the value of the goods alleged to have been stolen or received: Provided that in the case of either of the charges aforesaid, or of any other charge whatsoever where a deposit may be allowed, the sum deposited shall not exceed twenty pounds.

Amount of deposit.

8. Where any person by whom or on whose behalf any deposit shall have been so made shall have failed to appear at the time and place fixed for his trial, the Court shall name a day for the person or persons by whom the deposit shall have been made to show cause why the same should not become forfeited. If sufficient cause shall not be shown

Deposit to be forfeited on his non-appearance.

Dog Nuisance.

shown accordingly, the deposit shall be declared to be forfeited, and where the charge shall be of theft or of receiving stolen goods, and it shall appear that restitution of the goods charged to have been so stolen or received as aforesaid has not been or cannot be made, the Court shall have power, upon application then made by the owner of such goods or his representatives, to award to such owner or representatives such part of the forfeited deposit as shall be equal to the sworn value of such goods. The deposit, or in either of the cases last mentioned the residue thereof, shall be duly accounted for and paid over to the Colonial Treasurer or Treasurer of the county or district, for the use of Her Majesty, her heirs and successors, for the public uses of the Colony and the support of the Government thereof.

If convicted of theft &c., may pay four times the value of property stolen in lieu of other punishment.

9. And be it further enacted, That in case any person of the aboriginal race shall be convicted upon any charge of theft or of receiving stolen goods, either by the verdict of a jury, or, in the case of theft, in a summary way before any Police Magistrate, every such person may after such conviction, and at any time before sentence passed, pay into the Court four times the value of the goods so stolen or received as aforesaid. Such payment being made no sentence shall be passed, but the person so convicted shall be discharged from custody, and shall be in the same condition in all respects as if he had received sentence and undergone his punishment in the ordinary course of law.

Jury to find value of property stolen.

10. In every case where any such person as aforesaid shall be convicted by the verdict of a jury, the jury shall at the same time find the value of the property or goods so stolen or received as aforesaid.

Value of property stolen may in certain cases be awarded to prosecutor.

11. Where any such payment as last mentioned shall have been made, the same shall be applied and dealt with by the Court in the manner hereinbefore provided in the case of a forfeited deposit.

People of the Native race not to be liable to imprisonment for debt, &c.

12. And whereas, while the aboriginal people remain ignorant of the operation of the law in civil cases, they cannot justly or safely be subjected to the more severe penalties thereof: Be it further enacted, That no person of the aboriginal race shall be subject to imprisonment by virtue of any judgment obtained against him in any action or civil proceeding in any Court.

SCHEDULE.

SCALE OF ALLOWANCE.

WHERE the chief to whom any warrant shall be directed shall reside within fifty miles measured in a straight line from the police office of the district, the sum of £2.

Where he shall reside at any greater distance, the above sum of £2 and one shilling per mile for every additional mile above fifty.

No. XIX.

DOG NUISANCE.

AN ORDINANCE to provide a summary mode of abating the Nuisance of Dogs wandering at large in Towns.

[17th July, 1844.]

Preamble.

WHEREAS the number of dogs found wandering at large within or about the various towns of New Zealand is so great as to be a public nuisance, and it is expedient to provide a summary mode of abating the same:

BE IT THEREFORE ENACTED by the Governor of New Zealand, with

Dog Nuisance.

with the advice and consent of the Legislative Council thereof, as follows:—

1. All dogs found wandering at large without their owner or keeper in or about any town in New Zealand may be seized by any constable lawfully acting in or about any such town.

Dogs found at large without their owner or keeper may be seized.

2. All dogs so seized shall be kept exposed to view in some public place to be appropriated for that purpose and situated within such town, and shall be so kept if not claimed for the space of at least one night and one whole day. If within the said night and day any person shall claim any such dog, the constable, upon being satisfied that the person so claiming the dog is the true owner or the agent of the true owner thereof, shall deliver such dog to the person so claiming the same upon payment of the sum of five shillings: Provided always that if such dog shall have a collar with the name of the owner legibly engraved thereon, the same shall be restored to the person claiming the same on payment of the sum of two shillings and sixpence.

And kept for a night and a day, and if claimed delivered to owner on payment of fine.

3. If within the said night and day no such claim and payment as aforesaid shall have been made in respect of any dog so kept as aforesaid, the person having the custody of such dog shall forthwith destroy the same by hanging.

If not claimed to be destroyed.

4. Where any dog shall be so seized as aforesaid, the constable seizing the same shall make and keep a note in writing in a book of the description of the dog so seized and of the time of the seizure thereof, and whether the dog shall have been so delivered up or destroyed as aforesaid, a copy of which note shall, as soon as conveniently may be after the dog shall have been disposed of in manner hereinbefore mentioned, be delivered by the constable making the same to the office of the Police Magistrate of the district.

A note of the description &c. of all dogs seized to be kept.

5. All moneys received by any constable in respect of any dog seized under the authority hereof, after deducting therefrom the sum of sixpence for the keep of every dog so seized within the week preceding, together with the sum of two shillings in respect of such dog so delivered to the owner thereof as aforesaid, as a compensation for the trouble of such constable in respect thereof, shall be accounted for and paid over weekly to the Police Magistrate of the district.

Fines to be paid over by constable to Police Magistrate.

6. All moneys received by any Police Magistrate under the authority of this Ordinance shall be accounted for and paid over monthly to the Colonial Treasurer or Treasurer of the county or district (as the case may be), to the use of Her Majesty, her heirs and successors, for the public uses of the Colony and the support of the Government thereof.

And by him paid over to Treasurer.

7. The keeper of any dog shall be held to be the person in whose care such dog may temporarily be, whether loose or confined; and the agent of any owner of a dog shall be understood to be any person authorized by the said owner or keeper to apply for the release of his dog.

Explanatory.

Land Claimants Estates.

No. XX.

LAND CLAIMANTS
ESTATES.AN ORDINANCE to remove doubts respecting the Legal
Estate in Lands granted to Land Claimants.

[17th July, 1844.]

Preamble.

WHEREAS by “*The Land Claims Ordinance*” (Session I., No. 2), it is declared and enacted that all titles to land in the Colony of New Zealand so held or claimed as in the said Ordinance mentioned, which were not or might not be allowed by Her Majesty her heirs and successors, were and the same should be absolutely null and void: And whereas claims to grants of land have been or may be confirmed by grants from the Crown under the provisions of the said Ordinance, and doubts have arisen as to the nature of the estate or interest of the claimants in the lands comprised in any such grant in the interval between the date of the purchase by any such grantee and the date of the Crown Grant to him: And whereas, for the purpose of preventing serious injury and inconvenience to persons who have dealt during the aforesaid interval with such claimants in respect of the lands so claimed by them, it is expedient that the legal estate in all lands so granted as aforesaid shall be deemed to have been in such grantee from the date of the purchase by him as aforesaid:

BE IT THEREFORE ENACTED by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

Legal estate to be
deemed to be in
claimant before date
of Crown Grant.

1. In all cases where any claim to land hath been or may be confirmed by a grant from the Crown under the provisions of the said recited Ordinance, the legal estate in the land comprised in such grant shall be deemed to have been in the grantee thereof from the date of the purchase by him of such land as aforesaid.

No. XXI.

LICENSING AMEND-
MENT.AN ORDINANCE to amend an Ordinance for regulating
the Sale of Fermented and Spirituous Liquors.

[17th July, 1844.]

Preamble reciting
Licensing Ordinance
Session II., No. 12.

WHEREAS by an Ordinance enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof (Session II., No. 12), intituled “*An Ordinance for regulating the Sale of Fermented and Spirituous Liquors*,” it is enacted that in case of the formation of new settlements it shall be lawful for any two Justices of the Peace for the district, the Police Magistrate being one, to grant licenses otherwise than at the time and in the manner in the said Ordinance provided:

Time for granting
such Licenses limited.

1. BE IT FURTHER ENACTED by His Excellency the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, That such licenses shall not be granted at any time beyond the expiration of two years after the arrival of the first Police Magistrate appointed to reside at such new settlement.

Houses in the
interior, how to be
licensed.

2. And whereas the establishment of licensed houses in the interior of the country as well as on the sea coast would promote the convenience

Licensing Amendment.

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

3. And be it further enacted and declared, That nothing in the said recited Ordinance contained shall be held to prevent a woman from holding a license under the authority thereof.

Ordinance, Secs. II.,
No. 12, applicable
to females.

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ANNO OCTAVO.

VICTORIÆ REGINÆ.

SESSION IV. No. I.

SUPREME COURT RULES.

AN ORDINANCE to confirm certain Rules, Forms, and Table of Fees touching the Practice of the Supreme Court. [26th September, 1844.]

Preamble reciting Ordinance Sess. III., No. 1.

WHEREAS by an Ordinance enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council (Session III., No. I.), intituled "An Ordinance for establishing a Supreme Court," it is enacted that it shall be lawful for the Judges of the Court from time to time to make Rules for regulating the time and place of holding the Court, and the practice and pleadings upon all indictments informations suits and other proceedings therein, the proceedings of the Sheriff and other ministerial officers, the admission of barristers and solicitors, the fees and poundage to be paid to any officer, costs of suit and the taxing thereof, and all matters relating to the business of the Court, and such Rules from time to time to alter or revoke: And it is also further enacted that the Rules to be made under the authority aforesaid shall be submitted to the Governor in Council, and upon being approved shall have the same force and effect as if they had been inserted in the said Ordinance until the termination of the sitting of the Legislative Council next following their approval by the Governor in Council: And whereas, in exercise of the powers to them given by the said recited Ordinance, the Judges of the Supreme Court have settled and approved the Rules, Forms, and Tables of Fees hereunto annexed, and the same have been approved by the Governor in Council, and it is expedient that such Rules, Forms, and Tables of Fees should be confirmed:

That the Judges of the Supreme Court have settled Rules.

The said Rules confirmed.

I. BE IT THEREFORE ENACTED by the Governor of New Zealand, with the advice and consent of the Legislative Council, That the said Rules, Forms, and Tables of Fees shall be and the same are hereby confirmed.

RULES, FORMS, AND TABLES OF FEES.

WHEREAS by an Ordinance intituled "An Ordinance for establishing a Supreme Court" (Session III., No. 1), it is enacted that it shall be lawful for the Judges of the Court from time to time to make Rules for regulating the time and place of holding the Court, and the practice and pleadings upon all indictments informations suits and other proceedings therein, the proceedings of the Sheriff and other ministerial officers, the admission of barristers and solicitors, the fees and poundage to be paid to any officer, costs of suit and the taxing thereof, and all matters relating to the business of the Court, and such Rules from time to time to alter or revoke; provided that the same shall not be repugnant to any of the provisions in the said recited Ordinance contained: And it is also further enacted that the Rules to be made under the authority aforesaid shall be submitted to the Governor in Council, and upon being approved shall have the same force

Supreme Court Rules.

force and effect as if they had been inserted in the said Ordinance until the termination of the sitting of the Legislative Council next following their approval by the Governor in Council: It is therefore ordered as follows:—

SITTINGS OF COURT.

1. The sittings of the Court for the trial of cases civil and criminal will take place at Auckland and Wellington in the months of March and September, and for the trial of criminal cases only in the months of June and December in each year. Criminal cases will be taken on the first day of each month; civil cases on the seventh. For the convenience of witnesses and other persons attending the Court, non-local business, whether civil or criminal, will have the precedence over local.

2. In case any of the days aforesaid shall fall on a Sunday or holiday, the Court shall be holden on the day following.

3. There shall be holden Circuit Courts for the despatch of civil and criminal business of the Court before one of the Judges thereof at such places and at such times as His Excellency the Governor shall, with the advice of the Executive Council, by Proclamation, from time to time appoint. (*Supreme Court Ordinance*, Session III., No. 1.) The like precedence will be given to non-local business as above mentioned.

4. The Court will sit for the hearing of motions, arguments on questions of law, and for the despatch of the general civil business of the Court, on such days as shall be specially appointed for that purpose.

5. Applications for injunctions to prevent irreparable injury to property in the interval before some question of right relating thereto can be in due course of law determined, and applications for writs of arrest against such persons as by the law are liable thereto, may be made either to the Court or a Judge thereof on any day (Sundays, Christmas Day, and Good Friday excepted).

OFFICES OF COURT AND HOLIDAYS.

6. There shall be offices of the Court at Auckland and at Wellington, which shall be open every day (Sundays and holidays excepted) from ten a.m. to two p.m. The following days shall be holidays in the Court and the offices thereof, that is to say,— Good Friday, Easter Eve, Easter Monday, Easter Tuesday, Whit Monday and Whit Tuesday, the days from Christmas Eve to New Year's Day both included, the birthday (twenty-fourth of May) and the accession day (twentieth of June) of Our Lady the Queen, and the day (twenty-ninth of January) of the Proclamation of the Queen's sovereignty over these Islands.

BARRISTERS AND SOLICITORS.

7. There shall be enrolled in the Court to practice therein as barristers such persons only as shall have been admitted barristers or advocates in Great Britain or Ireland, or such as shall be admitted hereafter within the Colony under the authority of any law that may hereafter be passed for that purpose; and to practice therein as solicitors, such persons only as shall have been admitted as solicitors, attorneys, or writers in one of the Courts of Westminster, Dublin, or Edinburgh, or proctors in any Ecclesiastical Court in England, or shall have served such term of clerkship with a solicitor of the Court as shall be required by the General Rules thereof, or shall have established themselves in the exercise of their profession on or before the twenty-second day of December, one thousand eight hundred and forty-one. All persons so enrolled shall be removable from the rolls of the Court upon reasonable cause whensoever and wheresoever the same may have arisen. (*Supreme Court Ordinance*, Session III., No. 1, s. 16.)

8. Every person who shall apply to be enrolled as a barrister or solicitor of the Supreme Court shall make and sign a declaration in the Form No. 1 or No. 2 as the case may be.

9. No clerk of any solicitor of the Supreme Court shall be admitted or enrolled as a solicitor of the said Court unless he shall have been bound by contract in writing to serve as a clerk to such solicitor during the term of five years subsequent to the date of such contract, and unless he shall during the whole of such term of service have continued to be actually employed within the Colony as such clerk: Provided that where any person shall have passed any period not exceeding two years as a pupil of any barrister or advocate in Great Britain or Ireland, it shall be sufficient for such person to be bound and to serve in manner aforesaid for such time as shall complete the full term of five years.

10. If any solicitor to whom any person shall be so bound as aforesaid shall die or cease to practice before the expiration of such term of five years, or if such contract shall by mutual consent of the parties be cancelled, and such clerk shall in any such case have been again bound by contract in writing to serve and shall accordingly have served to any other solicitor or solicitors during a term equal to the unexpired part of the original term of service, such last-mentioned service shall be deemed to be as good and effectual as if such person had continued to serve as clerk to the solicitor to whom he was originally bound.

11. The barristers of the Court shall be allowed to act as solicitors and the solicitors of the Court to act also as barristers, for the period of five years after the passing of this Ordinance, unless the Court shall in the meantime make order to the contrary;

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contrary; any such order may extend to the whole Colony or may be restricted to any part thereof, as to the Court shall seem fit. (*Supreme Court Ordinance, Session III., No. 1, sec. 17.*)

COMMENCEMENT OF SUIT.

12. Any person having any complaint or demand of a civil nature, whether legal or equitable, whereof the Supreme Court shall have cognizance, against any person (other than His Excellency the Governor or the Officer administering the Government of the Colony for the time being), may apply either in person or by solicitor to one of the Registrars or Deputy Registrars of the Supreme Court for a writ of summons, and state to such Registrar or Deputy Registrar his complaint or demand.

13. No person shall appear or act as solicitor for any party, plaintiff or defendant, until he shall have filed in the office of the Registrar or Deputy Registrar a written warrant of authority in the Form No. 3 or No. 4 in the Schedule hereunto annexed, signed by the party in whose behalf he shall appear.

14. The Registrar or Deputy Registrar shall forthwith deliver to the plaintiff or his solicitor a summons, sealed with the Seal of the Court, in the Form No. 5 or No. 6 in the Schedule hereunto annexed, requiring the appearance of the defendant on a day therein named before a Judge of the Supreme Court, unless satisfaction shall have been previously made to the plaintiff.

15. The party suing out the writ shall cause the same, together with explicit particulars in writing of the plaintiff's demand, to be served personally on the party summoned. Such particulars shall set forth the demand in a simple and compendious manner, specifying items dates and amounts. An affidavit of due service thereof shall be filed by the plaintiff in the office of such Registrar or Deputy Registrar.

16. There shall be allowed to every defendant who shall be resident within twenty miles of the town where such summons as aforesaid shall be issued, an interval of not less than fourteen clear days between the day of the service of such summons and the day on which he shall be bound to appear. To every defendant who shall reside beyond such distance, there shall be allowed an interval of not less than twenty-eight clear days.

APPEARANCE DAYS.

17. The appearance days before the Judge shall be on the tenth, twentieth, and twenty-eighth days of every month other than the months of March, April, September, and October, excepting Sundays, holidays, the twenty-eighth of February, and the twenty-eighth of August.

18. When any appearance day other than the twentieth of February or the twentieth of August shall fall on a Sunday, the business of such day shall be taken on the appearance day next following. If the twentieth of February or twentieth of August shall fall on a Sunday, the business of such day shall be taken on the Monday following.

SERVICE OF PROCESS.

19. Where a party shall have once appeared or acted by solicitor, service of all subsequent notices or other proceedings upon such solicitor shall be sufficient, excepting where personal service shall be specially required by the Court.

20. Where husband and wife are sued, service of process on the husband alone shall be sufficient. Where partners are sued, service of process on any one of them shall be sufficient.

21. Where a summons or summonses shall have been issued against two or more persons as joint defendants, and one or more shall keep out of the way purposely to avoid being served therewith, and an affidavit in the Form No. 7 to that effect shall be made by the person intrusted with the service of such summons and filed in the office of the Registrar or the Deputy Registrar by whom the summons shall have been issued, the Registrar or Deputy Registrar shall (at the request and cost of the plaintiff) insert in the *Government Gazette* or in one or more of the local newspapers a notice of such joint suit, briefly setting forth the names of the parties and the nature of the suit and requiring such of the defendants as cannot be found to appear personally or by solicitor before the Judge on a day certain for the purpose of being examined by him. If on such day such defendant or defendants shall not appear, the Registrar or Deputy Registrar shall enter his or their default in the *Plaint Book*, and the complainant may therefore proceed against the remaining defendant or defendants in the same manner as if the defendant or defendants so making default had been outlawed by due course of law.

22. If a sole defendant against whom a writ of summons shall have issued shall keep out of the way purposely to avoid being served therewith, and an affidavit in the Form No. 78 shall be made by the person intrusted with the service thereof, and an affidavit shall be made by the plaintiff or some other person to the satisfaction of the Judge that such defendant is within the jurisdiction of the Court, the Judge shall direct defendant to be warned of the suit. Whereupon the Sheriff shall cause to be affixed on some conspicuous place, at or as near as may be to the last known residence of such defendant, a notice warning him of the suit, and requiring him to appear personally or by solicitor before such Judge as aforesaid, on a day certain, for the purpose of being
examined

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examined by him. The Registrar or Deputy Registrar shall also (at the request and cost of the plaintiff) insert an advertisement to the like effect in the *Government Gazette* or in one or more of the local newspapers. If such defendant shall not appear accordingly, then the Registrar or Deputy Registrar shall enter such default in the *Plaint Book*, and the plaintiff shall be at liberty to proceed in the same manner as if the defendant so making default had been outlawed by due course of law.

23. The limits beyond which the Sheriff shall not be bound to go in person or by his officers for the execution of any process of this Court shall be as follows:—The Towns of Auckland, Wellington, Nelson, New Plymouth and Russell, and a distance of twenty miles from each of the aforesaid towns.

24. Any party requiring the execution of any process beyond any of the said limits, may nominate in writing some proper person or persons, to be approved of by the Sheriff, for the execution thereof; and on such party giving security to the satisfaction of the Sheriff for the due execution of such process, and to save harmless the Sheriff from any loss or damage in respect of the execution of such process, the Sheriff shall grant his special deputation under his hand to the person or persons so nominated for the execution of such process.

25. Whenever any process shall issue which the Sheriff ought not by law to execute, the Court shall appoint some other fit person to execute the same, and in every such case the cause of such special proceeding shall be entered upon the records of the Court. (*Supreme Court Ordinance*, Session III., No. 1, sec. 21.)

ARREST.

26. Civil process (in the Form No. 8), whereby any defendant may be arrested or holden to bail in order to compel his appearance to answer any claim or demand, legal or equitable, and to abide the judgment of the Court thereon, may be sued out in the manner and under the circumstances hereinafter mentioned, but not otherwise, that is to say,—Where the cause of action shall have originally amounted to twenty pounds sterling or upwards exclusively of any costs or charges which may have been incurred for the recovery thereof; and where the plaintiff or some other person shall make a direct and positive affidavit to the satisfaction of the Judge before whom the application is made, which affidavit shall contain a true description of the person and place of abode of the party making the same, and of the sum due to the plaintiff, and of the cause or matter in respect of which such sum is due; or, in case of the unlawful detention of any chattel, a true description of the same, and value thereof; and that the plaintiff hath not any mortgage pledge or security for his demand, or none adequate thereto; and in the last case specifying the nature and extent of the mortgage pledge or security, and showing that the sum or value of twenty pounds or upwards remains wholly unsecured to the plaintiff; and in all cases averring that the deponent believes defendant is about to remove from the Colony, and showing that there is probable cause for such belief: Provided that if plaintiff sues as executor or administrator of any deceased person, or as assignee of any insolvent estate, it shall be sufficient in such affidavit to swear that the defendant is indebted, &c., as appears by the books of such deceased or insolvent person, and as the deponent verily believes.

27. It shall be lawful for any person arrested upon any such writ to apply at any time after such arrest to the Judge by whose order the writ was issued for an order on the plaintiff to show cause why the person arrested should not be discharged out of custody; and it shall be lawful for such Judge to make absolute or discharge such order and to direct the costs of the application to be paid by either party, or to make such other order therein as to such Judge shall seem fit. (1 and 2 Vict. c. 110, s. 6.)

ISSUE.

28. All parties being present, either personally or by solicitor, at the time and place mentioned in the summons, the Judge shall proceed to elicit the point in issue by examination of the parties or their solicitors, at which examination no other persons than those above mentioned shall be present. He shall then reduce into writing the material statements of the respective parties, taking notice of any defence that would be available by the law of England as administered by Courts either of law or of equity, which writing shall be signed by the parties. A fair copy thereof shall be made in a book to be called the *Record Book*, and shall be signed by the Judge.

29. In every record the defence shall be set forth specially and distinctly, and consistently with itself. Every document forming any part of the *case* (as distinguished from the *evidence* of either plaintiff or defendant,) shall be specified on the face of the record, and identified by description date and parties, so far as it may be possible for the party alleging such document to identify the same.

30. In all cases where the defendant shall plead a set-off consisting of the sum total of a series of items, explicit particulars in writing of the set-off shall be delivered at the time of pleading the same to the Registrar. Such particulars shall set forth the set-off in a simple and compendious manner specifying items dates and amounts. The particulars so delivered to the Registrar shall be annexed to the record.

31. Where a person shall be sued as a trustee executor or administrator, the plaintiff or his counsel shall be at liberty to examine the defendant on oath before the Judge with reference to the matters in issue between them. The defendant may also be

required

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required to set forth on oath a list of all books papers and writings which are or ever have been in his possession or power relating to such matters.

TENDER.

32. The defendant shall be at liberty to tender to the plaintiff in the presence of the Judge, at any time before the issue shall be made up, compensation or satisfaction for plaintiff's claim or demand; or, in cases where the specific recovery of a chattel is sought, to tender the same together with compensation for the detention thereof or damage thereto. If the plaintiff shall refuse to accept such tender, and at the trial shall fail to recover more than the amount tendered, the defendant's cost of suit subsequent to the tender shall be borne by the plaintiff. If a tender be made, the Judge shall make an entry of the particulars thereof on the record. No tender shall be allowed in suits for the recovery of damages for assault, false imprisonment, slander, libel, malicious arrest or prosecution, criminal conversation or seduction.

DOCUMENTARY EVIDENCE.

33. At the examination before the Judge each party shall be at liberty to exhibit any documentary evidence on which he may purpose to rely at the trial. The Judge may, if he think it reasonable so to do, require the opposite party to admit or refuse to admit the execution or genuineness of documents so exhibited. Every document which shall be so admitted shall be indorsed by the Judge accordingly, and shall be received at the trial as duly proved. In case the opposite party shall refuse to make such admission with regard to any document which shall be afterwards proved at the trial, the costs of proof shall be borne by the party refusing to admit the same, whatever may be the result of the trial. All documentary evidence in the possession or power of either party not exhibited before the Judge, but which shall be afterwards proved at the trial, shall be proved at the expense of the party adducing the same.

34. Either party may at the examination before the Judge give notice to his adversary to produce at the trial any documents in his possession or power. If they shall not be produced accordingly, the party calling for them shall be at liberty to give secondary evidence of their contents. The costs of such secondary evidence shall be costs in the cause.

35. The Judge shall insert in the Record Book schedules of all documents exhibited by either party (distinguishing such as are admitted by the opposite party), as well as schedules of all documents called for by either party.

ADJOURNMENT.

36. The Judge may, where sufficient cause shall be shown by affidavit, adjourn the settling of the issue to a day named, on which day the defendant shall be required finally to state his defence. Not more than one adjournment shall be allowed without the consent of the plaintiff. Every adjournment shall be entered on the record. The costs of the affidavit shall be borne by the party filing the same.

TRIALS AND ARGUMENTS.

37. All issues of fact shall be tried in such district and at such sitting of the Court as the parties shall agree upon. In case of disagreement, the Judge shall decide. The Judge shall make on the record an entry of the district and the time fixed for the trial.

SPECIAL CASE.

38. When any doubt shall arise upon the construction of a will or of any instrument creating a trust, the executor or administrator, with the will annexed, or trustee may apply to the Court for its decision upon a special case, which shall be settled and approved by the Registrar or Deputy Registrar of the district where such executor, administrator, or trustee shall reside, and shall be signed by the parties interested.

REPLEVIN.

39. All proceedings in the nature of an action of replevin for the purpose of trying the legality of a distress shall be commenced in the Supreme Court and conducted in manner hereinbefore provided. The bond to the Sheriff shall be for the full value of the goods distrained and a further sum of fifty pounds.

CAUSE LIST.

40. Every cause that shall be tried at any sitting of the Supreme Court shall be entered by the plaintiff or his solicitor in a list to be kept for that purpose by the Registrar or Deputy Registrar of the district. Such entry shall be made at least three clear days before the day appointed for the sitting of the Court. If the plaintiff shall fail to make such entry, such default shall be deemed equivalent to a countermand of notice of trial.

ADDRESS OF COUNSEL.

41. Upon every trial of an issue of fact the plaintiff or his counsel shall briefly state the facts which he means to prove, without comment thereon, and shall then proceed to the proof thereof. Likewise the defendant or his counsel shall, if he mean to call any witnesses, state briefly the facts which he means to prove, without comment thereon, and shall then proceed to the proof thereof. When the whole of the defence is closed,

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closed, the plaintiff or his counsel shall observe generally upon the case, and after him in like manner the defendant or his counsel. The Judge shall then sum up the evidence to the Jury. The like rule shall be followed in criminal cases. By the term "Plaintiff" in the foregoing rule, shall be understood the party on whom the proof the affirmative side of the issue shall lie. By the term "Defendant" shall be understood the party on whom the proof of the negative side shall lie.

INDICTMENTS.

42. When any objection shall be taken to any indictment either for felony or misdemeanour on the ground of any error omission or variance therein, and the Court shall deem such objection good, the Court may in its discretion permit the indictment to be amended by the counsel for the prosecution. No judgment on any indictment shall be arrested on the ground of any error omission or variance which might have been so amended.

UNDEFENDED CAUSES.

43. When any action shall have been brought against the acceptor of any bill of exchange or maker of a promissory note, or for the recovery of the price of any goods sold and delivered, or of the amount of any money lent, and the defendant shall have failed to appear at the time of the making up of the record, it shall be lawful for the defendant to appear on the next appearance day, and to show that having a good defence on the merits he was prevented by inevitable accident from bringing forward the same on the preceding appearance day. In default whereof the plaintiff shall be at liberty, upon filing in the office of the Registrar an affidavit as hereinafter prescribed, to enter up judgment. Execution may issue thereon at any time after the expiration of fourteen clear days. The affidavit shall be made by the plaintiff himself, and shall verify all the statements set forth on the record, and shall expressly aver that the sum for which judgment is sought to be recovered is still due and owing.

MINUTE BOOK.

44. Each Registrar or Deputy Registrar shall keep a book to be called the Minute Book, and shall enter therein all the proceedings of the Court within his district. The Judge shall as soon as conveniently may be after every Court day examine and sign the entries in such book relating to the business transacted on that day.

INTEREST.

45. Where interest upon any sum shall be recovered or allowed in any suit, but the rate of such interest shall not have been previously agreed upon by the parties thereto, the party entitled to such interest shall not recover or be allowed the same at any rate exceeding the rate of eight pounds per cent. per annum.

MESNE PROFITS.

46. In all actions for the recovery of the possession of land, mesne profits up to the day of trial shall be recoverable by way of damages, which damages may be assessed against the defendants jointly or against each or any of them severally, or jointly for part and severally for the residue.

ABATEMENT.

47. If a plaintiff or defendant shall die before final judgment, and the claim of the plaintiff shall be such as to survive in law by or against the executors and administrators of the party deceased, the executors or administrators of the plaintiff may within twelve months after his death, or the plaintiff his executors or administrators may within twelve months from the proving of the will of the defendant or grant of administration of his estate, sue out a writ of summons (No. 9 or No. 10 in the Schedule) against the defendant his executors or administrators, to show cause why the suit should not proceed in the names of the parties between whom such writ of summons shall be sued out; and upon the failure of the party summoned to appear or to show sufficient cause, the suit shall proceed accordingly. If no such writ of summons shall be sued out within the periods above limited, the suit shall be considered as absolutely terminated.

48. If a plaintiff or defendant being an unmarried woman shall marry at any time before final judgment, the defendant or plaintiff may in like manner sue out a writ of summons (in the Form No. 11 or No. 12 in the Schedule) against the husband of such woman, to show cause why he should not be made a party to the suit.

ACCOUNT.

49. Whenever any trustee executor administrator partner or agent shall refuse to render an account to any person to whom he is by law bound to render the same, such person may compel the delivery of an account by proceeding in the following manner:— He shall file in the office of the Registrar an affidavit which shall set forth the facts out of which the right to demand an account may arise, and the refusal to render such account and the circumstance under which such refusal was made.

50. The plaintiff shall thereupon apply by motion before a Judge for an order directing the defendant to appear and show cause why he should not render an account as required. If sufficient cause be not shown, the Judge shall thereupon order the
defendant

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defendant to deliver to the plaintiff and also to the Registrar, within such time as to the Judge shall seem fit, a full true and particular account (verified by oath) of all the moneys received retained or expended by him in respect of any of the matters in regard whereof such account is required, and also to deliver a full true and particular list (verified in like manner) of all books papers and documents of any kind which are or ever have been in the possession or power of the defendant relating to any of the matters contained in the account, and to show what has become of such last-mentioned books papers and documents as are no longer in his possession or power.

51. If the account be not delivered within the time fixed, and the defendant shall not have obtained upon application to the Judge an extension of the time for rendering his account, the plaintiff may move the Court that the defendant may stand committed until he shall have rendered such account.

52. If such account and list as aforesaid be delivered within the time fixed, but the plaintiff shall not be satisfied therewith, the plaintiff may move that a further account and list be put in. Whereupon the Judge, if he shall consider the account and list so put in not to be such a full true and particular account or list as hereinbefore required, may fix a time for rendering a further account or list. At the expiration of the time so fixed, if a satisfactory account or list be not put in accordingly, the plaintiff may move the Court for an order that defendant may stand committed as aforesaid.

53. If an account be duly rendered, the plaintiff may object to any item or items therein, and may proceed to take issue on such item or items according to the course of proceeding in an ordinary action.

REFERENCE.

54. Whenever it shall be referred to one of the Registrars or Deputy Registrars (acting as a Master of the Court) to take an account between the parties to a cause, the solicitor for the plaintiff shall serve upon the opposite party a notice of the time fixed by such Registrar or Deputy Registrar for proceeding with such accounts, which notice shall be served two clear days before the time so fixed.

55. Every attendance shall last for such time not being less than two hours as the Registrar or Deputy Registrar shall deem convenient.

56. If either of the parties be absent at the time fixed, having due notice thereof, the Registrar or Deputy Registrar shall be at liberty to proceed in the presence of the other party if he shall think fit. If he shall not think fit so to proceed, the party attending shall be entitled to his costs.

DISCOVERY.

57. Where any defendant would be entitled, according to the practice of the Superior Courts at Westminster, to file a bill in equity against the plaintiff for discovery in aid of the defence, such defendant shall be at liberty to move upon notice and affidavit for an examination of the plaintiff personally upon oath as to all matters in respect whereof such discovery might in England be enforced by bill. Every order which shall be made upon such motion shall require the plaintiff to appear personally on a day certain before a Judge of the Supreme Court or some person specially appointed by such Judge (as circumstances may render fit), and then and there to make such discovery as aforesaid. At such examination of the plaintiff, no person shall be present other than the Judge and the parties, their counsel and solicitors. The notes of such examination made by the Judge or person presiding thereat shall be signed by the plaintiff, and shall be received as evidence on the trial of the cause, as if the same were an answer to a bill of discovery.

COSTS.

58. Costs in the cause shall be paid by the party against whom judgment shall be given: Provided that if the plaintiff in any action for the recovery of damages shall recover by the verdict of the jury less damages than forty shillings, such plaintiff shall not be entitled to any costs whatever unless the Judge shall immediately afterwards certify upon the record that the action was brought to try a right other than the mere right to recover damages in the action, or that the trespass or grievance in respect of which the action was brought was wilful and malicious. (3 and 4 Vict. c. 24, s. 2.)

59. The foregoing rule shall not operate to deprive any plaintiff of costs in any action brought for a trespass over any lands or for entering into any dwellings or premises in respect of which any notice not to trespass thereon or therein shall have been previously served by or on behalf of the owner or occupier thereof upon the defendant, or left at his last reputed or known place of abode. (3 and 4 Vict. c. 24, s. 3.)

60. Any party to a cause entitled to costs, whether such cause shall have been carried on to trial or settled out of Court, may obtain from the Registrar an appointment of a certain time for taxation of such costs. A copy of the appointment shall be served on the opposite party or his solicitor two clear days before the day appointed for such taxation.

61. The bill of costs of any solicitor for business done in Court may be taxed without previous order of Court for that purpose, before or after action commenced thereon, upon obtaining from the Registrar an appointment to tax, and causing a copy thereof

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thereof to be served on such solicitor two clear days before the day appointed for such taxation.

62. When any statement or any denial shall be put upon the record by either party and it shall be proved at the trial that such statement or denial is untrue, and the Court shall be satisfied that the untruth thereof was within the knowledge of the party making the same, the Court shall upon motion made for that purpose award to the party by whom such statement or denial was proved to be untrue twice the amount of the taxed costs of disproving the same.

INTEREST ON JUDGMENT DEBT.

63. Every judgment debt shall carry interest at the rate of eight per cent. per annum from the time of entering up judgment until the same shall be satisfied, and such interest may be levied under a writ of execution on such judgment.

EXECUTION.

64. If any party against whom a verdict shall have been found shall desire to obtain a new trial, he shall move accordingly at the next sitting of the Court for hearing of motions, giving to the opposite party notice of such motion not less than two clear days before the first day of such sitting. If no such notice be given, execution may issue forthwith. Writs of execution shall be in one or other of the Forms Nos. 13 and No. 14 in the Schedule.

65. A judgment creditor may proceed to a sale of the real property of his debtor upon an order from the Supreme Court, to be obtained on petition. A copy of the petition shall be served on the defendant not less than two clear days before the day appointed for hearing the same. The Court will not make such order unless notice of the intention to apply for the same shall have been given for three consecutive weeks in one or more of the newspapers of the place or district where the land shall be situated; or if the land be in the district of Auckland, in three consecutive numbers of the *Government Gazette* or of one or more of the local newspapers. The notice shall briefly set forth the names and description of the parties and the nature of the suit, and shall accurately describe the situation boundaries and measurement of the parcel or parcels of land sought to be sold.

66. Execution shall not be stayed by notice of appeal to Her Majesty in Council if the successful party shall give security by himself and two sureties (to be approved of by the Registrar) to make restitution in case of reversal. Such security shall be at the cost of the appellant.

67. When final judgment shall have been obtained in any suit but execution shall not have been issued thereon, and when any person who was not a party to such suit shall in the meantime, by reason of the death or marriage of any party or otherwise, have become entitled to the benefit of such judgment or chargeable on the execution thereof, or where in any case execution shall not have been issued upon such judgment within the space of twelve calendar months after the date thereof, it shall be necessary before execution shall be issued thereon to sue out a writ of summons in the Form No. 15, or as near thereto as the case may admit.

MOTIONS AND AFFIDAVITS.

68. No motion other than a motion for an injunction or for a writ of arrest shall be heard in Court unless notice thereof shall have been given to the opposite party two clear days before the day appointed for the hearing thereof, nor shall any affidavit be read in support thereof unless the same shall have been filed in the office of the Registrar at least two clear days before the day so appointed.

69. Affidavits may be sworn before any solicitor not employed in the suit. No affidavit shall be read unless it be sworn before a solicitor or some other person authorized by a Judge of the Supreme Court to take affidavits.

70. Where an affidavit filed in support of or in opposition to any motion shall contain irrelevant matter or matter not being legal evidence, it shall be competent for the Judge before whom the motion shall be heard, upon application made at the close of the argument upon such motion, to direct the costs of such affidavit to be paid by the party filing the same, whatever may be the result of the motion.

INTERPLEADER.

71. The provisions of the Statute 1 and 2 Will. IV. c. 58 (the Interpleader Act) will be adopted in all cases whether the claims on which the Court shall be required to adjudicate shall be legal or equitable.

FINES AND RECOGNIZANCES.

72. When a fine shall be imposed upon any person for making default in the discharge of his duty as a juror at any sitting of the Court, or when any recognizance shall become forfeited, the Registrar or Deputy Registrar (as the case may be) shall, on the direction of the Judge by whom the fine shall have been imposed or before whom such recognizance shall have become forfeited, issue a writ of summons in the Form No. 16, requiring the person on whom the fine shall be imposed or whose recognizance shall become

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become forfeited, to show cause why the same should not be levied. The summons shall be personally served five days before the day fixed for showing cause.

73. Cause must be shown on affidavit filed one clear day at least before the day fixed for showing cause. If cause be not shown accordingly, the Judge shall direct the Registrar or Deputy Registrar forthwith to issue a writ in the Form No. 17, to enforce payment of such fine.

SPECIAL JURIES.

74. The Sheriff of every district shall, immediately after the delivery to him of the Jury List for the current year, select thereout the names of all such persons as shall be described therein as esquires or persons of higher degree, bankers or merchants, and cause the names of all such persons to be fairly copied out in alphabetical order, together with their respective places of abode and additions, in a separate list to be subjoined to the Jury List, and which separate list shall be called the "Special Jury List:" Provided that if such list shall contain less than thirty-six names, the Sheriff shall complete that number out of the persons of the greatest repute and substance in the Jury List.

75. Whenever a special jury shall be allowed by a Judge of the Supreme Court, the Registrar or Deputy Registrar shall appoint a time for the purpose of striking such jury, of which time due notice shall be given to the parties or their solicitors and to the Sheriff. At the time so appointed, the Sheriff shall attend at the office of the Registrar or Deputy Registrar, and the parties or their solicitors shall then alternately strike out one name from the list until the number of names be reduced to eighteen, which number shall form the panel. Special jurymen shall be summoned as by law provided in the case of common jurymen.

In all matters of practice not especially provided for by the Rules for the time being of the Supreme Court, the practice of Her Majesty's Superior Courts at Westminster shall be followed so far as the same shall be applicable to the constitution of the Court and consistent with the laws and circumstances of the Colony.

SCHEDULE OF FORMS.

DECLARATIONS.

No. 1.

I, A.B., of , do solemnly and sincerely declare that I am a barrister-at-law [or advocate] duly authorized to practice in the Superior Courts of England [Ireland or Scotland], and that I was called to the Bar by the Honorable Society of , [or admitted, &c.] on the day of , and that I am the person named in the certificate now produced.

Made and declared at , the day of , before me .

A.B.

No. 2.

I, A.B., of , do solemnly and sincerely declare that I am an attorney of Her Majesty's Court of , at Westminster [or writer or proctor, &c., as the case may be], and that I was duly admitted an attorney of the said Court at Westminster [or writer, &c.] on the day of , and that I am the person named in the certificate.

Made and declared at , the day of , before me .

A.B.

WARRANTS.

No. 3.—WARRANT TO SUE.

I HEREBY authorize , of , to appear and act as my solicitor in the Supreme Court in a suit wherein I am plaintiff and is defendant.

Dated .

A.B.
[Place of abode and calling.]

No. 4.—WARRANT TO DEFEND.

I HEREBY authorize , of , to appear and act as my solicitor in the Supreme Court in a suit wherein I am defendant and plaintiff.

Dated .

A.B.
[Place of abode and calling.]

WRITS.

No. 5.—SUMMONS TO APPEAR BEFORE A JUDGE OF THE SUPREME COURT.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, to , of , in the District of , Greeting:

We command you that without delay you render to , of , aforesaid, the sum of [Sum in words following the entry made by the Registrar in the *Plaint Book*], or in default of your so doing that you appear, personally or by solicitor, before a Judge of our Supreme Court of New Zealand, at , on such one of the appearance days of the said Court as shall fall next after the expiration of clear days after the personal service hereof, at ten o'clock in the forenoon. And take notice that if you shall fail so to appear, the said may proceed in his suit in your absence.

Witness, WILLIAM MARTIN, Esquire, Chief Justice [or Henry Samuel Chapman, Esquire, a Judge] of our Supreme Court of New Zealand, at , the day of , one thousand eight hundred and forty .

N.B.—

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N.B.—The appearance days are the tenth, twentieth, and twenty-eighth of every month except the months of March, April, September, and October, and excepting the following holidays, viz., Good Friday, Easter Eve, Easter Monday, Easter Tuesday, Whit Monday, Whit Tuesday, the days from Christmas Day to New Year's Day, both included, and the twentieth day of June; also excepting Sundays, the twenty-eighth day of February, and the twenty-eighth day of August. If the twentieth day of February or the twentieth day of August shall fall on a Sunday, the business of such day shall be taken on the Monday following.

Indorsements on the Writ.

THIS writ was issued by E.F., of _____, solicitor for the said AB. [*or*, This writ was issued in person by A.B., who resides at _____].

The plaintiff claims	... £	for debt or damages.
Together with	... £	for costs.
	£	

THIS writ was served by me, _____, on _____, the _____ day of _____, one thousand eight hundred and forty _____.

A.B.

No. 6.—WRIT OF SUMMONS IN EJECTMENT AND FOR MESNE PROFITS.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, to _____, of _____, in the District of _____, Greeting:

WE command you that without delay you yield up to C.D., of _____, possession of [*Here describe the land sought to be recovered*], and that you also render to him [*Sum in words*] for mesne profits, or in default of your so doing that you appear, personally or by solicitor, before a Judge of our Supreme Court of New Zealand, at _____, on such one of the appearance days of the said Court as shall fall next after the expiration of _____ clear days after the personal service hereof, at ten o'clock in the forenoon. And take notice that if you shall fail so to appear, the said _____ may proceed in his suit in your absence.

Witness, WILLIAM MARTIN, Esquire, Chief Justice [*or* Henry Samuel Chapman, Esquire, a Judge] of our Supreme Court of New Zealand, at _____, the _____ day of _____, one thousand eight hundred and forty _____.

N.B.—The appearance days are the tenth, twentieth, and twenty-eighth of every month except the months of March, April, September, and October, and excepting the following holidays, viz., Good Friday, Easter Eve, Easter Monday, Easter Tuesday, Whit Monday, Whit Tuesday, the days from Christmas Day to New Year's Day, both included, and the twentieth day of June; also excepting Sundays, the twenty-eighth day of February, and the twenty-eighth day of August. If the twentieth day of February or the twentieth day of August shall fall on a Sunday, the business of such day shall be taken on the Monday following.

[*Indorsements as before.*]

No. 7.—AFFIDAVIT OF SEARCH FOR A DEFENDANT WHO KEEPS OUT OF THE WAY.

In the Supreme Court.

Between A.B., Plaintiff, and C.D., Defendant.

E.F., clerk to G.H., of _____, gentleman, solicitor for the above-named plaintiff, maketh oath and saith, that having been instructed to serve the above-named defendant with a copy of the writ of summons hereunto annexed, this deponent did, on the _____ day of _____, one thousand eight hundred and forty _____, call at the residence of the said defendant, situate at _____, in _____, for the purpose of serving the said writ, and was answered by a person who described herself to be, and whom this deponent believes to have been, the wife [*daughter or servant, as the case may be*] of the said defendant, that the said defendant was not within, and that she could not say when he would be at home, or words to that effect. That this deponent then informed the said wife [*daughter or servant*] of the defendant that this deponent called to serve the defendant with a writ of summons at the suit of the plaintiff, naming him, and that he should call again for that purpose at _____ o'clock the next morning. That this deponent did accordingly call at the said residence of the defendant at _____ o'clock on the morning of the _____ day of _____, one thousand eight hundred and forty _____, and then saw the son of the defendant [*or as the case may be*], who informed this deponent that his father was not at home, and that he could not say when he would be at home or where he might be met with, and that this deponent informed the said son that he called for the purpose of serving a writ of summons on the defendant at the suit of the plaintiff, naming him, and that he should call again for that purpose at _____ o'clock in the evening of the following day. And this deponent saith that he did call accordingly, at _____ o'clock in the evening, on the _____ day of _____, one thousand eight hundred and forty _____, and again saw the wife [*daughter or servant*] of the defendant, who informed this deponent that she had acquainted her husband with the fact of deponent having previously called, but that he said it was of no use to meet him, this deponent, for that he could not pay the debt, or words to that effect [*Stating the substance of what actually occurred*]. And this deponent further saith that thereupon he delivered to and left with the said wife [*daughter or servant*] of the defendant a true copy of the said writ of summons, and desired her to deliver it to the defendant, and that she promised so to do. And this deponent further saith that he hath not been able to serve the defendant personally with the said writ of summons, and that from the answers made to his inquiries on his so calling as aforesaid, and from the information which this deponent has received from persons living in the same neighbourhood, deponent verily believes that the defendant is now within the jurisdiction of this honorable Court, but that he keeps out of the way to avoid being personally served with a copy of the said writ.

Dated this _____ day of _____, one thousand eight hundred and forty _____.

Sworn &c.

E.F.

No. 8.—WRIT OF ARREST.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, to the Sheriff of _____, Greeting:

WE command you that you take _____, of _____, in the district of _____, if he shall be found in your district, and him safely keep until he shall have given you bail, or made a deposit with you, according to law, in a suit wherein _____, of _____, aforesaid, seeks to recover the sum of [*Sum in words, briefly stating the plaintiff's claim*], or until the said _____ shall by other lawful means be discharged from your custody; and we hereby require the said _____ to take notice that within eight days after the execution hereof on him, inclusive of the day of such execution, he should cause special bail to be put in for him in our Supreme Court of New Zealand to the said suit, and that in default of so doing, such proceedings may be had and taken as are mentioned in the warning written or indorsed hereon. And we do further command

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command you that on execution hereof you deliver a copy hereof to the said . And we do further command you that immediately after the execution hereof you do return this writ to our said Supreme Court, together with the manner in which you shall have executed the same and the day of execution thereof; or that if the same shall remain unexecuted, then that you do so return the same at the expiration of one calendar month after the date hereof, or sooner if you shall be required by order of the said Court or of any Judge thereof.

Witness, &c.

This writ is to be executed within one calendar month from the date hereof, including the day of such date, and not afterwards.

A Warning to the Defendant.

If the defendant, having given bail on the arrest, shall omit to put in special bail as required, the plaintiff may proceed against the Sheriff, or on the bail bond.

Indorsement on the Writ.

BAIL for [*In words*] pounds, by order of [*Naming the Judge making the order*], dated this day of .—This writ was issued by E.F., of , attorney for the plaintiff within named [*or*, This writ was issued in person by the plaintiff within named, who resides at].

No. 9.—WRIT TO CONTINUE SUIT BY EXECUTOR OR ADMINISTRATOR OF PLAINTIFF.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, to , of , in the District of , Greeting.

WHEREAS , of , lately commenced a suit in our Supreme Court against you: And whereas we have been informed that before final judgment in the said suit the said died, having first duly made his last will and testament in writing, and thereby appointed executor thereof, and that the said hath duly proved the said last will and testament, and taken upon himself the execution of the same [*In case of intestacy say*,—died intestate, and that administration of the estate of the said intestate hath been granted to]: Now we hereby command you that you be before our said Supreme Court at on such one of the appearance days, &c. [*As in Form No. 5*], to show cause why the said ought not to continue the aforesaid suit against you.

Witness, &c.

No. 10.—WRIT TO CONTINUE SUIT AGAINST EXECUTOR OR ADMINISTRATOR OF DEFENDANT.

(Similar to the above, changing only the names and positions of the parties.)

No. 11.—WRIT TO CONTINUE SUIT AGAINST HUSBAND AND WIFE.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, to , of , in the District of , Greeting:

WHEREAS , of , lately commenced a suit in our Supreme Court of New Zealand against , of : And whereas we have been informed that before final judgment in the said suit the said became the wife of you the said : Now we hereby command you that you be before our said Supreme Court at on such one, &c. [*As in Form No. 5*], to show cause why the said , of , ought not to continue the aforesaid suit against you and the said jointly.

Witness, &c.

No. 12.—WRIT TO CONTINUE SUIT BY HUSBAND AND WIFE.

(Similar to the above, changing only the names and positions of the parties.)

No. 13.—WRIT OF EXECUTION AGAINST GOODS.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, to the Sheriff of the District of , Greeting:

WE command you that of the goods and chattels of , of , in your district, you cause to be made the sum of [*In words*], which , of , hath recovered against him in our Supreme Court of New Zealand by virtue of a judgment bearing date the day of , one thousand eight hundred and forty , together with interest upon the said sum of [*In words*], at the rate of eight pounds per centum per annum, from the day of , on which day the judgment aforesaid was entered up, and cause that money, together with such interest aforesaid, immediately after the execution hereof, to be rendered to the said , and in what manner you shall have executed this our writ make appear to our said Court immediately after the execution hereof, and have you then and there this writ.

Witness, &c.

No. 14.—WRIT OF EXECUTION AGAINST THE PERSON.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, to the Sheriff of the District of , Greeting:

WE command you that you take , of , if he be found in your district, and him safely keep until he shall have satisfied the sum of [*In words*], which , of , hath recovered against him in our Supreme Court of New Zealand by a judgment bearing date the day of , one thousand eight hundred and forty , together with interest upon the said sum of [*In words*], at the rate of eight pounds per centum per annum, from the day of , on which day the judgment aforesaid was entered up, and in what manner you shall have executed this our writ make appear to our said Court immediately after the execution thereof, and have you then and there this writ.

Witness, &c.

No. 15.—WRIT TO ENFORCE A JUDGMENT MORE THAN TWELVE MONTHS OLD.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, to , of , in the District of , Greeting:

WHEREAS , of , lately commenced a suit against you: And whereas we have been informed that although judgment was given on the day of in favour of the said , yet execution thereon still remains to be made: Now we hereby command you that you be before a Judge of our Supreme Court of New Zealand at on such one, &c. [*As in No. 5*], to show cause why the said ought not to have execution against you.

Witness, &c.

No. 16.—SUMMONS TO SHOW CAUSE WHY FINE SHOULD NOT BE LEVIED.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, to , of , in the District of , Greeting:

WHEREAS a fine of [*In words*] hath been set by William Martin, Esquire, Chief Justice [*or* Henry Samuel

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Samuel Chapman, Esquire, a Judge] of our Supreme Court of New Zealand, upon you, for [failing to appear in Court on the day of , when publicly called as a juror]: Now we hereby command you that you appear, personally or by solicitor, before the said Chief Justice [or Judge], at , on the day of , in the forenoon, to show cause why the fine aforesaid should not be levied by process of the Court.

Witness, &c.

N.B.—Cause is to be shown upon affidavit filed one clear day before the said day of , one thousand eight hundred and forty .

No. 17.—WRIT TO LEVY FINE.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, to the Sheriff of the District of , Greeting:

WE command that of the goods and chattels of A.B., of , in your county [or district], you cause to be made the sum of [In words], being a fine set by , &c. [As in No. 16], upon the said A.B., &c., &c., for failing, &c. [As in No. 16], and that immediately after the execution hereof you render that money unto us, and in what manner you shall have executed this our writ make appear to our said Court, at , immediately after execution hereof, and have you then and there this writ.

Witness, &c.

N.B.—The Forms No. 16 and No. 17 may be adapted to the case of forfeited recognizances.

SPECIAL RULES.

DAY LICENSES.

1. Any person taken in execution for debt, and confined within any debtor's prison within the Colony, may, subject to the conditions and restrictions hereinafter mentioned, obtain from the Sheriff a license authorizing him to go beyond the bounds of the prison and to remain beyond those bounds for the time and for the purpose in such license specified.

2. No person shall receive any such license unless he shall have given security to the Sheriff, by bond, with two or more sureties, to the satisfaction of the Sheriff, that he will conform to the terms of the license and to the rules of the Court relating to such licenses, and shall also have paid to the Sheriff a percentage on the sum for which the prisoner was taken in execution at the rate of sixpence for every one pound sterling: Provided that where such sum shall be less than forty pounds, the Sheriff shall be entitled to receive one pound in lieu of such percentage.

3. Every prisoner who shall have given such security and paid such percentage shall be entitled to receive from the Sheriff, during his imprisonment, any number of licenses not exceeding two in any one week.

4. Every license shall be in the form following:—

I, P.B., Sheriff of the district of , do hereby, under the authority of the Rules of the Supreme Court of New Zealand, license A.B., a debtor now in custody in the debtor's prison in , under an execution issued out of the said Court at the suit of , to go forth from the said prison and to remain beyond the bounds thereof, for the purpose of transacting his lawful business, from eight of the clock in the morning to five of the clock of the evening of this day, provided that the said A.B. shall not go to any distance exceeding one mile from the bounds of the said prison.

Dated this day of , one thousand eight hundred and .
P.B., Sheriff.

5. Every prisoner to whom such license shall be granted shall, immediately before the receipt thereof, pay to the keeper of the prison the sum of three shillings for the same, which sum shall be applied towards the current expenses of the prison, and be accounted for accordingly.

6. If the Sheriff shall be satisfied that any prisoner who shall have received such license shall have in any way contravened the terms thereof, he shall not thereafter grant any license to such prisoner.

7. No license shall be granted on a Sunday.

8. The foregoing rules shall cease to be in force so soon as any Ordinance for the relief of insolvent debtors shall come into operation within the Colony.

FORMS OF INDICTMENTS.

THE following forms of indictment shall be used in the cases to which they are respectively applicable:—

No. 1.—MURDER (BY STABBING).

District of .

THE Jurors for our Lady the Queen on their oath present that A.B., late of , [Calling or occupation], did, on the day of , in the year of our Lord one thousand eight hundred and , at , in the district aforesaid, feloniously, wilfully, and of his malice aforethought, make an assault upon one C.D., and strike, wound, and stab the said C.D., of which striking, wounding, and stabbing the said C.D., on or about the day of , did die. And so the Jurors aforesaid, upon their oath aforesaid, do say that the said A.B. did, in manner and form aforesaid, feloniously, wilfully, and of his malice aforethought, kill and murder the said C.D., against the peace of our Lady the Queen.

N.B.—The above form may be varied according to the mode in which death may have been caused.

No. 2.—

Supreme Court Rules.

No. 2.—STEALING IN A DWELLING-HOUSE, ANY PERSON THEREIN BEING PUT IN BODILY FEAR.

District of . . .
 THE Jurors for our Lady the Queen upon their oath present that A.B., late of . . . , [Calling or occupation,] did, on the . . . day of . . . , in the year of our Lord one thousand eight hundred and . . . , at . . . , in the district aforesaid, feloniously steal, take, and carry away, in the dwelling-house of one C.D., [Describe the property stolen] of the goods and chattels of the said C.D., or in his actual possession, one E.F., at the time of the committing of the felony aforesaid, being in the said dwelling-house, and therein being put in bodily fear by the said A.B., by a menace and threat then used by the said A.B., against the form of the Statute in such case made and provided, and against the peace of our Lady the Queen.

No. 3.—KILLING CATTLE.

District of . . .
 THE Jurors for our Lady the Queen upon their oath present that A.B., late of . . . , [Calling or occupation,] did, on the . . . day of . . . , in the year of our Lord one thousand eight hundred and . . . , at . . . , in the district aforesaid, feloniously, unlawfully, and maliciously kill [one mare] of the goods and chattels of one C.D., or in his actual possession, against the form of the Statute in such case made and provided, and against the peace of our Lady the Queen.

No. 4.—EMBEZZLEMENT.

District of . . .
 THE Jurors for our Lady the Queen upon their oath present that A.B., late of . . . , [Calling or occupation,] did, on the . . . day of . . . , in the year of our Lord one thousand eight hundred and . . . , at . . . , in the district of . . . , whilst he was employed as servant to one C.D., and by virtue of his said employment, receive and take into his possession certain money, to the amount of . . . pounds, for and in the name and on the account of the said C.D. his master, and did then and there fraudulently and feloniously embezzle the said money. And so the Jurors aforesaid, on their oath aforesaid, do say that the said A.B., in manner and form aforesaid, did steal, take, and carry away the said money, the property of the said C.D., from the said C.D. his master, against the form of the Statute in such case made and provided, and against the peace of our Lady the Queen.

And the Jurors aforesaid, on their oath aforesaid, do further present that the said A.B. did afterwards, on the . . . day of . . . , one thousand eight hundred and . . . , (being within six calendar months from the time of the committing of the offence in the first count of this indictment charged and stated.) at the place aforesaid, whilst employed as servant to the said C.D., and by virtue of such last-mentioned employment, receive and take into his possession certain other money, to the amount of . . . pounds, for and in the name and on the account of the said C.D. his master, and did then and there fraudulently and feloniously embezzle the said last-mentioned money. And so the Jurors aforesaid, on their oath aforesaid, do say that the said A.B., in manner and form aforesaid, feloniously did steal, take, and carry away the said last-mentioned money, the property of the said C.D., from the said C.D. his master, against the form of the Statute in such case made and provided, and against the peace of our Lady the Queen.

No. 5.—LARCENY.

District of . . .
 THE Jurors for our Lady the Queen upon their oath present that A.B., late of . . . , [Calling or occupation,] did, on the . . . day of . . . , in the year of our Lord one thousand eight hundred and . . . , at . . . , in the district of . . . , feloniously steal, take, and carry away [two shirts, one waistcoat, and one box of rings], of the goods and chattels of one C.D., or in the actual possession of the said C.D., against the peace of our Lady the Queen.

No. 6.—FALSE PRETENCES.

District of . . .
 THE Jurors for our Lady the Queen upon their oath present that A.B., of . . . , [Calling or occupation,] did, on the . . . day of . . . , in the year of our Lord one thousand eight hundred and . . . , at . . . , in the district of . . . , unlawfully and falsely pretend to one C.D. [Here state the false pretences], by means of which said false pretences the said A.B. did then and there unlawfully obtain from the said C.D. [Here describe the property obtained], of the goods of the said C.D., with intent to cheat and defraud the said C.D. of the same. Whereas in truth and in fact [Here negative the pretences], to the great damage and deception of the said C.D., against the form of the Statute in such case made and provided, and against the peace of our Lady the Queen.

TABLE OF FEES PAYABLE TO THE REGISTRAR OR DEPUTY REGISTRAR OF THE SUPREME COURT.

	£	s.	d.
Entering plaint, 5s.; summons to appear, 5s.	0	10	0
Filing affidavit	0	2	0
Filing warrant to defend	0	2	0
Copy of particulars of demand	0	2	0
Filing particulars of set-off	0	2	0
Appearance before Judge—Plaintiff	0	10	0
Defendant	0	10	0
Adjournment by plaintiff	1	0	0
Adjournment by defendant	1	0	0
Copy of issue	0	5	0
Subpœnas	0	5	0
Entering cause	0	5	0
Entering point of law for argument, or motion for new trial	0	5	0
Office copy of proceedings, per folio	0	0	6
Swearing witness	0	2	0
Crier and bailiff	0	2	0
Appointment for taxation	0	2	0
Taxing costs	0	4	0
Final judgment	0	5	0
Execution			

Supreme Court Rules.

	£	s.	d.
Execution	0	4	0
Writ of arrest	1	0	0
Admission of barrister or solicitor	3	0	0
Entering up judgment upon cognovit	0	5	0
Filing warrant of attorney and entering up judgment	0	5	0
Order of Court	0	4	0
Motion	0	5	0
Notice of motion	0	2	0
Memorial	0	2	0
Attendance on Registrar as Master, each party	0	10	0
Striking Special Jury	0	10	0

In the exercise of the powers to us given by the Supreme Court Ordinance (Session III., No. 1, sec. 25), the foregoing Rules, Forms, and Tables of Fees have been settled and approved.

WILLIAM MARTIN, C.J.
H. S. CHAPMAN, J.

GENERAL RULE.

CHANGE OF VENUE IN CRIMINAL CASES.

WHEN any person shall have been committed or held to bail on a charge of felony or misdemeanour, and it shall be made to appear by affidavit, to the satisfaction of the Court, or of a Judge thereof, that a fair and impartial trial cannot be had in the county or district wherein the person charged shall have been so committed or held to bail, it shall be lawful for the Court, or Judge thereof, on motion either before or after indictment found, to make order that the trial shall take place in another county or district.

ALLOWANCES TO WITNESSES FOR PROSECUTION.

1.—FOR LOSS OF TIME.

	£	s.	d.	£	s.	d.	
For every witness of the working class residing in the place of trial, or within five miles of the Court House thereof, for each day of necessary attendance in Court, from	0	2	0	to	0	4	0
To every witness of any class residing beyond such distance, for each day of like attendance	0	4	0				

2.—FOR TRAVELLING EXPENSES.

To witnesses proceeding to the place of trial by land, from a distance exceeding five and under twenty miles (each way)	0	5	0			
To witnesses residing at a greater distance, for every fifteen miles (each way)	0	5	0			
To persons proceeding by water to or from Auckland, the Bay of Islands, and the eastern side of the Frith of the Thames	2	0	0	3	0	0
To or from Wellington and Nelson, and the several stations in Cooks Straits	3	0	0	5	0	0
To or from New Plymouth and Wellington or Nelson	3	0	0	5	0	0
To or from Akaroa and Wellington or Nelson	3	0	0	5	0	0

On occasions when passages may not be procurable direct to or from Nelson and New Plymouth or Akaroa, on a certificate by the Sub-Collector to that effect, passages will be allowed *via* Wellington.

On all occasions when the periodical visits of the Government brig to any of the above-mentioned places afford favourable opportunities for the conveyance of witnesses, the Police Magistrates are instructed by His Excellency to cause such parties to proceed to their destination by that vessel.

The above scale is understood to apply to single witnesses. Where two or more witnesses shall take their passage in the same vessel, the allowance may be reduced by the Taxing Officer, according to the circumstances of the case.

NOTE.—The first column is applicable to persons of the working class; the second column to persons not of the working class.

Supreme Court Rules.

**RULES TOUCHING THE ADMINISTRATION OF ESTATES
AND EFFECTS OF PERSONS DECEASED.**

PROBATE.

1. Every person who shall be named in any will as executor thereof, and who shall apply for probate thereof, shall file in the office of the Registrar or Deputy Registrar of the district within which the testator shall have been domiciled or resident at the time of his decease, an affidavit, in the Form No. 1 in the Schedule hereunto annexed, made by some person acquainted with the facts therein set forth, and shall also make and file an affidavit in the Form No. 2 in the said Schedule. Such affidavits shall be sworn before the Registrar or Deputy Registrar of the Supreme Court, or before some person duly authorized for that purpose by a Judge of the said Court. Probate shall thereupon be granted in the Form No. 3 in the said Schedule, unless a *caveat* shall have been previously entered.

2. If none of the executors named in the will shall apply for probate within one calendar month after the death of the testator, and if the residuary legatee, widow, widower, or next of kin of such testator or intestate shall apply for administration within two calendar months from the death of the said testator or intestate, and if the party so applying shall file as aforesaid an affidavit in the Form No. 1, and make and file as aforesaid an affidavit in the Form No. 4 in the said Schedule, the party so applying shall thereupon be entitled to letters of administration, with the will annexed, in the Form No. 6, unless a *caveat* shall have been previously entered.

3. If there be no will, or if there be a will but no executor be named therein, and if the residuary legatee, widow, widower, or next of kin of such testator or intestate shall apply for administration within two calendar months from the death of the said testator or intestate, and if the party so applying shall file as aforesaid an affidavit in the Form No. 1, and shall make and file as aforesaid an affidavit in the form No. 4 or No. 5, the party so applying shall be entitled to letters of administration, with the will annexed, as in the Form No. 6, or to letters of administration in the Form No. 7, as the case may require, unless a *caveat* shall have been previously entered.

CAVEAT.

4. All *caveats* against applications for probates of wills or letters of administration shall be filed in the office of the Registrar or Deputy Registrar. If the same shall be filed by a solicitor, the solicitor shall annex to the *caveat* his warrant for filing the same. The party applying for probate or administration shall be entitled to a summons upon the party on whose behalf the *caveat* is filed, calling upon him to appear before a Judge of the Supreme Court on a certain day, and show cause why the application for probate or administration (as the case may be) should not be granted. If the party so summoned shall fail to appear accordingly, the *caveat* shall be deemed to be abandoned, and the party so applying for probate or administration shall be entitled to the same as if no *caveat* had been filed.

5. Every person to whom letters of administration shall be committed as residuary legatee, widow, widower, or next of kin, shall, before obtaining the same, give security by bond (in the Form No. 9 in the Schedule) to the Registrar or Deputy Registrar, with two sureties, to the satisfaction of such Registrar or Deputy Registrar, who may require such sureties to justify if he shall think fit. The penalty in such bond shall be twice the amount of the property to be administered, as sworn to by the party applying for administration. Nevertheless it shall be lawful for a Judge of the Supreme Court, upon application to him, to moderate such sum in the following cases:—

- (1.) Where the party taking the administration is solely entitled to the property to be administered, or where all other persons entitled in distribution shall consent thereto in writing, such penalty may be limited to twice the amount of the debts of the intestate.
- (2.) Where some persons so entitled shall consent and others shall either dissent or be legally incapable of consenting, such penalty may be limited to twice the amount of the debts of the intestate together with twice the amount of the shares of the persons so dissenting or legally incapable of consenting. The Registrar or Deputy Registrar may allow the administrators to give security by any number of sureties, so that there be two bound for each portion of the amount.

OFFICIAL ADMINISTRATION.

6. If no person shall apply for administration of the estate and effects of any person deceased within two calendar months after such decease, or if every such application shall have been opposed and the opposition thereto shall have been considered well founded, it shall be the duty of the Registrar or Deputy Registrar of the district within which the deceased shall have been domiciled or resident at the time of his decease, to obtain and file an affidavit, in the Form No. 10, from some person acquainted with the facts therein set forth, and also to make and file an affidavit in the Form No. 11, whereupon letters of administration shall be granted to such Registrar or Deputy Registrar by a Judge of the Supreme Court. Such grant of administration to any Registrar or Deputy

Supreme Court Rules.

Deputy Registrar shall not be revoked or defeated save only upon the production of a will by an executor therein named.

7. Every Registrar or Deputy Registrar who shall not, upon his appointment to his office, have given general security for the true and faithful administration of all estates which shall be committed to his charge, shall, before letters of administration be granted to him in any particular case, enter into bond with sufficient sureties to the satisfaction of a Judge of the Supreme Court, as is hereinbefore provided with respect to ordinary administrators. Such bond shall be made to the Attorney-General of the Colony, and shall be assigned by him to any person who may be authorized, by order of the Court, to sue thereon.

PERISHABLE PROPERTY.

8. If any person deceased shall have left behind him property of a perishable nature, and whereof the value may be greatly diminished in the interval before letters of administration can be duly granted, the Judge may, upon application to him for that purpose, make an order authorizing the sale of such property by some person therein named, and may direct the proceeds to be paid to the Registrar or Deputy Registrar (as the case may be) on account of the estate of the deceased.

INVENTORY AND ACCOUNT.

9. Every executor or administrator shall, within three months from the time of proving the will or from the grant of letters of administration, file in the office of the Registrar of the Supreme Court or Deputy Registrar (as the case may be) an inventory of the estate and effects of the deceased. Every inventory so filed shall be verified by affidavit. If the inventory be filed by the Registrar or the Deputy Registrar, the affidavit shall be made before a Judge of the Supreme Court, or before some other person appointed by the Judge to take such affidavits; if filed by any other person, then before the Registrar or Deputy Registrar, or (where there is no such officer) before the Police Magistrate of the district in which such person shall reside.

10. In all cases of official administration, the Registrar or Deputy Registrar shall also cause an advertisement to be inserted in the *Government Gazette* if the deceased was domiciled or resident in the district of Auckland, or if elsewhere then in one of the newspapers of the county or district where deceased was domiciled or resident at the time of his death, requiring the creditors of the deceased to come in and prove their debts before such Registrar or Deputy Registrar, and giving notice that in default of their so doing they will be absolutely excluded from any benefit to arise from the estate and effects of the deceased.

11. So soon as the estate and effects shall be wholly got in and converted into money, the Registrar or Deputy Registrar shall in the first place retain thereout all costs and charges which he shall have reasonably incurred, or which he shall have become entitled to in respect of such estate and effects, (such costs and charges being first examined and allowed by the Judge of the Supreme Court,) and in the next place he shall proceed to pay the debts proved before such Registrar or Deputy Registrar in a lawful course of administration, and the residue (if any) after payment of such debts he shall cause to be paid to the New Zealand Banking Company, or to a branch of the Union Bank of Australia, to be invested at interest there to an account to be called the "Registrar's or Deputy Registrar's Administration Account—Estate of A.B." No part of the moneys so paid and invested, or of the interest or profits thereof, shall be paid out without the authority of an order of the Supreme Court.

12. Every executor or administrator shall, within twelve calendar months after the decease of the testator or intestate, file in the office of the Registrar or Deputy Registrar a full and distinct account, in writing, of his administration of the estate (which shall set forth the dates and particulars of all receipts and disbursements), which account shall be verified by affidavit sworn before any solicitor of the Supreme Court or before some other person duly authorized to receive affidavits. If such account shall not be then exhibited, the Judge may fix a further time, at the expiration whereof, if the executor or administrator shall fail to pass his accounts, he shall be chargeable with interest out of his own funds at the rate of ten per cent. per annum for the balance (if any) remaining in his hands, unless he can show good and sufficient cause to the contrary.

13. Every account rendered by any Registrar or Deputy Registrar as such official administrator as aforesaid, shall be transmitted, as soon as conveniently may be, to the Colonial Secretary, for publication in the *Government Gazette*. Every such official administrator shall, as soon as conveniently may be after each of the four usual quarter-days, transmit to the Colonial Secretary (for the purpose of such publication as aforesaid) a true abstract, or balance sheet, exhibiting the actual state of the administration of all the estates under his control upon such quarter-day.

14. It shall be lawful for a Judge of the Supreme Court to allow to the Registrar or Deputy Registrar acting as official administrator, such commission or percentage out of such estate as shall be a reasonable compensation for his pains and trouble. Such percentage shall in no case exceed five pounds per cent., and shall not exceed two pounds ten shillings per cent. in the case of ready money forming part of the effects at the time of the decease, or in case of property specially bequeathed.

TABLE

Supreme Court Rules.

TABLE OF FEES.

Fees on probate or administration (including bond), as follows:—

	£	s.	d.
Where the estate shall be under £20	1	10	0
Where above £20	3	0	0

SCHEDULE.

AFFIDAVITS BEFORE THE GRANTING OF PROBATE.

No. 1.

In the Supreme Court of New Zealand, District of .
 I, A.B., of , swear that I knew C.D., of , when alive, and that the said C.D. was resident [or domiciled] at , within this district, and that the said C.D. died at , on or about the day of .

Sworn at , this day of , one thousand eight hundred and , before me,
 A.B.
 E.F.

No. 2.

In the Supreme Court of New Zealand, District of .
 I, , of , swear that I believe the writing now produced, bearing date the day of , and marked , to be the last will and testament of , deceased, and that I am the executor [or one of the executors] therein named. I swear that I will faithfully execute the said will by paying the debts and legacies of the deceased as far as the property will extend and the law binds, and that I will exhibit unto this Court a full and perfect inventory of all the personal estate, effects, and credits of the deceased, on or before the day of , and that I will file a true account of my executorship on or before the day of .

Sworn at, &c.

No. 3.—PROBATE.

In the Supreme Court of New Zealand, District of .
 BE it known to all men, that on this day of , in the year one thousand eight hundred and , the last will and testament of , deceased, a copy of which is hereunto annexed, hath been exhibited, read, and proved before [William Martin, Esquire, &c., or Henry Samuel Chapman, Esquire, as the case may be], and administration of the personal estate, effects, and credits of the deceased hath been and is hereby granted to , the executor in the said will and testament named, being first sworn faithfully to execute the said will by paying the debts and legacies of the deceased as far as the property will extend and the law binds, and also to exhibit unto this Court a true, full, and perfect inventory of the said property on or before the day of , and file a true account of his executorship on or before the day of (reserving, nevertheless, to this Court full power and authority to grant like probate and administration to , the other executors named in the will, whenever they shall appear before this Court and sue for the same).

Given under the Seal of the said Court of , this day of , one thousand eight hundred and , Registrar.

No. 4.—AFFIDAVIT BEFORE GRANT OF ADMINISTRATION WITH WILL ANNEXED.

In the Supreme Court of New Zealand, District of .
 I, , of , swear that I believe the writing now produced to me, bearing date the day of , and marked , to be the last will and testament of , deceased. I swear that, to the best of my knowledge, information, and belief, the estate, effects, and credits of the deceased, to be administered by me, are under the value of ; that I will faithfully execute the said will by paying the debts and legacies of the deceased, as far as the property will extend and the law binds; and that I will exhibit unto this Court a true, full, and perfect inventory of all the estate and effects and credits of the deceased on or before the day of , one thousand eight hundred and , and that I will file a true account of my administratorship on or before the day of .

Sworn at, &c.

No. 5.—OATH BEFORE GRANT OF ADMINISTRATION WITHOUT A WILL.

In the Supreme Court of New Zealand, District of .
 I, , of , swear that, to the best of my knowledge, information, and belief, the estate, effects, and credits of the deceased to be administered by me are under the value of ; that I will exhibit unto this Court a true, full, and perfect inventory of all the estate, effects, and credits of the deceased on or before the day of ; and that I will file a true account of my administratorship on or before the day of .

Sworn at, &c.

No. 6.—LETTERS OF ADMINISTRATION WITH WILL ANNEXED.

In the Supreme Court of New Zealand, District of .
 To , Widow [Widower or Next of Kin] of , deceased.
 WHEREAS the said lately departed this life, leaving a will which has been duly proved in this Court, and whereas no executor is named in that will, you are therefore fully empowered and authorized by these presents to administer the estate and effects of the said deceased, and to demand and recover whatever debts may belong to his estate, and pay whatever debts the said deceased did owe, and also the legacies contained in the said will, so far as such estate and effects shall extend, you having been already sworn well and faithfully to administer the same, and to exhibit a true and perfect inventory of all the estate and effects unto this Court on or before the day of next, and also to file a true account of your administration thereof on or before the day of ; and you are therefore, by these presents, constituted administrator, with the will annexed, of all the estate and effects of the said deceased.

Given under the Seal, &c.

No. 7.—

Supreme Court Rules.

No. 7.—LETTERS OF ADMINISTRATION WITHOUT A WILL.

In the Supreme Court of New Zealand, District of .
To , Widow, &c.

WHEREAS the said lately departed this life intestate, you are therefore fully empowered and authorized, &c., &c., and to pay whatever debts the said deceased did owe so far as such estate and effects shall extend, you having been, &c., &c., on or before the day of ; and you are therefore, by these presents, constituted administrator of all the estate and effects of the said deceased.

Given under the Seal, &c.

No. 8.—CAVEAT.

In the Supreme Court of New Zealand, District of .

In the Will or Goods of A.B., late of , Deceased.

LET nothing be done in the will [or goods] of A.B., late of , in the Colony of New Zealand, deceased, without notice to , solicitor for C.D., of , having interest [or the widow or creditor of the deceased].

Dated this day of , one thousand eight hundred and .

E.F., Solicitor for C.D.

No. 9.—ADMINISTRATION BOND.

In the Supreme Court of New Zealand, District of .

KNOW all men by these presents that we, , of , &c., are held and firmly bound unto , Registrar of the Supreme Court for the said district [or to the Registrar for the said district for the time being], in the sum of pounds, for which payment well and truly to be made to the said , or to such Registrar for the time being, we do and each of us doth bind ourselves and each of us, and the heirs, executors, and administrators of us and of each of us, jointly and severally, firmly by these presents.

Whereas by order of this Court of the day of , it is ordered that letters of administration of the personal estate, effects, and credits of , of , deceased, be granted to the said on his giving security for the due administration thereof: And whereas hath sworn that, to the best of his knowledge, information, and belief, the said personal estate, effects, and credits are under the value of pounds: Now the conditions of the above-written bond are, that if the above-bounden shall exhibit unto this Court a true and perfect inventory of all the personal estate, effects, and credits of the deceased which shall come into the possession of the said , or of any other person by his order or for his use, on or before the day of , and shall well and truly administer the same according to law, and shall render to this Court a true and just account of his said administratorship on or before the day of , then this bond shall be void and of none effect, but otherwise shall remain in full force.

A.B.
C.D.
E.F.

Signed the day of , one thousand eight hundred and , in presence of .

AFFIDAVITS TO BE FILED BY THE REGISTRAR OR DEPUTY REGISTRAR BEFORE GRANT OF ADMINISTRATION.

No. 10.

In the Supreme Court of New Zealand, District of .

In the matter of , Deceased Intestate.

I, A.B., of , swear that I knew C.D. when alive, and that the said C.D., at the time of his decease, was resident [or domiciled] at , within this county or district, and that he died at , on or about the day of , in the year one thousand eight hundred and . I swear that, to the best of my knowledge, information, and belief, the personal estate, effects, and credits of the deceased are under the value of .

Sworn at, &c.

No. 11.

In the Supreme Court of New Zealand, District of .

In the matter of , Deceased Intestate.

I, , swear that I will exhibit unto this Court a full, true, and perfect inventory of all the personal estate, effects, and credits of the said deceased on or before the day of , and that I will file a true account of my administratorship on or before the day of .

Sworn at, &c.

In the exercise of the powers to us given by the Supreme Court Ordinance (Session III., No. 1, sec. 25), the foregoing Rules, Forms, and Table of Fees have been settled and approved.

WILLIAM MARTIN, C.J.
H. S. CHAPMAN, J.

Property Rate.

No. II.

PROPERTY RATE.

AN ORDINANCE for imposing a Rate upon Property, and for repealing "*The Customs Ordinance*," Session I., No. 3, and "*The Customs Amendment Ordinance*," Session III., No. 6. [28th September, 1844.]

Preamble.

WHEREAS an Ordinance was enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof (Session I., No. 3), intituled "*An Ordinance to repeal within the said Colony of New Zealand an Act of the Governor and Council of New South Wales, passed in the third year of Her present Majesty's reign, intituled 'An Act to repeal an Act relating to the Revenue of Customs in New South Wales, and to provide for the general regulation thereof;'*" and also a certain other Act of the said Governor and Council of New South Wales, passed in the fourth year of the reign of Her said present Majesty Queen Victoria, intituled "*An Act for increasing the Duties on Spirits Wines and other Goods and Merchandise imported into the Colony of New South Wales and its dependencies,*" and which said Acts of the Governor and Council of New South Wales were adopted and are now in force within the said Colony of New Zealand and its dependencies; and to make provision for the collection of certain Duties on Goods imported into and for the general regulation of the Revenue of Customs in the Colony of New Zealand and its dependencies:" And whereas an Ordinance was enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council (Session III., No. 6), intituled "*An Ordinance to amend an Ordinance enacted by the Governor and Council of New Zealand, Session I. No. 3, to repeal certain Acts of the Governor and Council of New South Wales, to make provision for the collection of certain Duties on Goods imported into and for the general regulation of the Revenue of Customs in the Colony of New Zealand and its dependencies:*" And whereas the commerce agriculture and general prosperity of New Zealand would be greatly promoted by removing all restrictions on the free intercourse of shipping with its numerous ports and harbours, and to that end it is expedient that all duties imposed upon goods imported into the Colony, and all provisions made for the regulation and protection of the revenue of Customs by the said recited Ordinances, should be repealed, and that in lieu of the said duties of Customs a revenue should be raised by rates upon property within the Colony:

BE IT THEREFORE ENACTED by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

No. 3, Sess. I., and No. 6, Sess. III., repealed.

1. On and after the first day of October in this present year, the said recited Ordinance, Session I. No. 3, and the said recited Ordinance, Session III. No. 6, shall be repealed, and all goods wares and merchandise which shall have been warehoused under the provisions of the said recited Ordinances, or either of them, and which shall be in bond on the said first day of October, shall be free from all duties which would have been payable thereon if the said recited Ordinances had not been repealed.

Property rate imposed.

2. On and after the first day of November next, there shall be raised levied collected and paid in manner hereinafter mentioned, in respect of all property and net yearly income within the Colony of New Zealand, a yearly rate according to the scale in the Schedule hereunto annexed.

3. Property

Property Rate.

- 3.** Property liable to the rate hereby imposed shall comprise every description of property whether real or personal ; and for the purposes of this Ordinance the value of such property shall be taken to be the marketable value thereof at the date of the return hereby required to be made in respect thereof. What property liable.
- 4.** Income liable to the rate hereby imposed shall comprise the net yearly profits of any trade business or profession, rents arising from real property, interest on money lent, pay salaries annuities pensions and every other description of income whencesoever or from whatever source the same respectively may be derived ; and for the purpose of this Ordinance the amount of such income shall be taken to be the probable amount thereof for the year following the date of such return. Income, what, and how estimated.
- 5.** In lieu of the rate hereby imposed it shall be lawful for any person liable for the payment of the same to make a composition for such rate by paying the yearly sum of twelve pounds. Composition may be made.
- 6.** Such rate or composition shall become payable in four equal quarterly payments, and be paid on the first day of November, the first day of February, the first day of May, and the first day of August in every year, and the first of such quarterly payments shall be made on the first day of November next : Provided always that any person who may be liable to such rate or composition may pay the whole of such yearly rate or composition in advance. Rate &c. when payable.
- 7.** On the first day of November in this and every succeeding year, every person resident within the Colony who shall be possessed of property of any nature or kind whatsoever, which alone or together with any such clear yearly income as aforesaid shall in the whole amount to the sum of fifty pounds or upwards, shall deliver to the Collector of the district, or cause to be left at his office, a return in the form or to the effect in the Schedule hereunto annexed, setting out in words at length the amount of the rate payable by him according to such scale as aforesaid in respect of the property and income for which the return shall be made. Returns to be made.
- 8.** The return hereby required to be made shall contain a declaration that the sum named therein is the highest rate payable by the person making the return in respect of the property and income possessed by him. Return to state amount of rate payable.
- 9.** When any person possessing property or income liable to the rate hereby imposed shall intend to make a composition in lieu of such rate, such person shall state his intention so to do upon the face of the return, instead of setting out in manner hereinbefore required the precise amount of rate that would otherwise have been payable in respect of such property or income. Composition how to be made.
- 10.** If any person shall knowingly and wilfully make an under estimate of the amount of the rate payable by him in respect of such property or income or both, he shall be deemed guilty of a misdemeanour. Under-estimate a misdemeanour.
- 11.** If any person hereby required to make such return as aforesaid shall fail so to do for the space of one calendar month from the time appointed under the provisions of this Ordinance for the making of such return (notice in writing of such default having been first personally served on such person), he shall on conviction forfeit and pay any sum not exceeding twenty pounds, to be recovered in a summary way on the information of the Collector of the district. Penalty for neglecting to make return.
- 12.** If the rate or composition payable on any of the aforesaid quarter-days shall remain in arrear for the space of one calendar month or upwards, such rate or composition shall thereupon and thereafter Penalty for arrears.
be

Property Rate.

be increased by one-fourth part thereof for every calendar month for which it shall have been in arrear.

Arrears how to be recovered.

13. If any such rate or composition as aforesaid shall at any time have been in arrear for the space of three calendar months, such sum, together with any further sum which may have become due in respect thereof by virtue of the provision last hereinbefore contained, shall be recoverable by summary proceedings against the person liable for the payment of the same, and shall be leviable by distress and sale.

Returns to be published.

14. At the expiration of one calendar month from the day on which returns are hereby required to be made, the Collector of the district shall cause a statement of all returns which shall have been made to be posted in some conspicuous place or places within the district, and shall forward a copy thereof to the Colonial Secretary for publication in the *Government Gazette*. Such statement shall contain the name and description of the person making the return, and the amount of the rate for which such person shall have declared his property and income to be liable under the provisions of this Ordinance.

Particulars of property &c. in certain cases may be required.

15. If it shall be made to appear to the satisfaction of the Collector of the district, on the evidence of two respectable householders, that in any return a true statement of the rate hereby imposed has not been made, the Collector in such case is hereby authorized to require from the person making such return a detailed statement in writing setting forth a description and enumeration of the property and income in respect of which such return shall have been made, and of the estimated value thereof.

Penalty for not supplying particulars.

16. Any person who shall fail to make such statement as aforesaid for the space of one calendar month after receiving notice thereof in writing from the Collector of the district requiring him so to do, or in any such statement shall have made an under-estimate of the rate payable by him, he shall forfeit and pay any sum not exceeding twenty-five pounds, to be recovered in a summary way.

Particulars may be given in evidence.

17. When any of the property set forth in such detailed statement as aforesaid shall become the subject of any action or suit in which the person making such statement shall be a party, in which the value of such property shall be a material question, a copy of such statement showing the value of the property as estimated by the person making the return, certified under the hand of the Collector of the district, may be given in evidence by the opposite party.

Receipt for rate to be given.

18. Any person making any payment under the requirements of this Ordinance may demand a receipt for the same, and every Collector or other person receiving such payment is hereby required, upon demand made, to give such receipt accordingly.

Moneys to be accounted for monthly by Collector.

19. All moneys received by any Collector or other person under the authority of this Ordinance shall be accounted for and paid over monthly to the Colonial Treasurer or his agent, to the use of Her Majesty, her heirs and successors, for the public uses of the Colony and the support of the Government thereof.

Ordinance not to extend to property of aboriginal inhabitants.

20. Provided always that nothing herein contained shall be held to extend to the property or income of any aboriginal native of the Colony.

Appointment of Collectors.

21. It shall be lawful for His Excellency the Governor to appoint persons to act as Collectors of Rates leviable under this Ordinance, subject to the approval of Her Majesty; such Collectors shall be removable on reasonable cause by His Excellency the Governor.

Allowance for collection.

22. Be it further enacted, That there may be allowed to any Collector or Collectors who may be so appointed to collect the rate hereby imposed, for and in respect of all costs charges and trouble attending

Property Rate.

attending the collection thereof, any sum not exceeding five per cent. on the gross receipts of such collection, and that the sum so to be allowed may be deducted monthly by any such Collector from the gross proceeds of such collection, anything hereinbefore contained to the contrary notwithstanding.

23. All words in this Ordinance denoting a male person shall be taken to include a female also. Interpretation clause.

FORM OF RETURN.

PROPERTY RATE.

Name.

Place of abode.

Date.

I HEREBY SOLEMNLY DECLARE that the rate payable by me in respect of my property and income under the provisions of "*The Property Rate Ordinance*," Session IV., No. 2, and according to the scale in the Schedule to the said Ordinance annexed, does not exceed the sum of [*the sum in words at length*].

[*Or as the case may be.*]

I HEREBY GIVE NOTICE that I intend to make a composition in lieu of the rate payable by me in respect of my property and income during the ensuing twelve months.

SCHEDULE.

WHEN the property or income or both taken together of any person shall not exceed—

			RATE.				RATE.
£50	...	...	£0	£600	...	...	£6
100	...	...	1	700	...	...	7
200	...	...	2	800	...	...	8
300	...	...	3	900	...	...	9
400	...	...	4	1,000	...	...	10
500	...	...	5	Composition	...	...	£12

Militia.

ANNO OCTAVO

VICTORIÆ REGINÆ.

SESSION V. No. I.

MILITIA.

AN ORDINANCE for raising a Militia within the Colony. [25th March, 1845.]

Preamble.

WHEREAS it is expedient that the European population of New Zealand should be trained to the use of arms, so as to form an effective military force for the defence of the lives and property of Her Majesty's subjects within the Colony :

BE IT THEREFORE ENACTED by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

Power to Governor to call together Militia.

1. It shall be lawful for His Excellency the Governor to call together arm and array as a Militia such persons as are hereinafter mentioned, and cause them to be trained and exercised accordingly, at such times and places as shall seem meet, for any number of days not exceeding twenty-eight days in any one year.

And appoint officers.

2. It shall also be lawful for His Excellency the Governor to appoint a proper number of officers to train discipline and command the persons to be so armed and arrayed, according to the regulations to be from time to time made in that behalf, and also to appoint one proper person, who shall have served in some of the Queen's Regular Forces, to be Adjutant to such regiment or body of Militia which may be raised in any settlement within the Colony, who shall be paid any sum not exceeding eight shillings per diem.

And to regulate the formation of the Militia.

3. It shall also be lawful for His Excellency the Governor to cause the Militia to be formed and regulated in such manner as to His Excellency shall seem meet, in regard to the number of regiments battalions or other bodies, and the number of men of which each respectively shall consist.

And to erect and constitute Courts-martial.

4. It shall also be lawful for His Excellency the Governor to erect and constitute Courts-martial, as well as to grant his commission or warrant to the Officer Commanding for the time being any body of such Militia, such officer not being below the degree of a field-officer, to convene Courts-martial as occasion may require for the trial of offences committed by the forces under his command, whether the same shall have been committed before or after such officer shall have taken upon himself such command.

And to make regulations for training, &c.

5. It shall also be lawful for His Excellency the Governor from time to time to make such regulations respecting the training and exercise arms and accoutrements clothing and equipment of such Militia, and respecting all other matters connected therewith as may be required for promoting the efficiency of such Militia as a military force: Provided

Militia.

Provided always that the regulations so to be made shall not in any wise be repugnant to the provisions of this Ordinance.

6. In all cases of actual invasion or upon imminent danger thereof, and in all cases of rebellion or insurrection, or upon any imminent danger to the safety of any settlement, it shall be lawful for His Excellency the Governor or other the principal civil authority there present, in any settlement in which a Militia shall have been raised, to direct the Officer Commanding the Militia of such settlement with all convenient speed to draw out such Militia force, or such part thereof as the Governor or such civil authority shall judge necessary, and in such manner as shall be best adapted to the circumstances of the danger, and to lead the said forces into any part of the district in which such Militia shall have been raised: Provided always that neither the whole nor any part of the Militia to be raised in any settlement within the Colony shall on any account be carried or ordered to go beyond the distance of twenty-five miles from the Police Office of the district in which such Militia shall be raised.

And to call Militia into actual service.

7. Every man except as hereinafter excepted between the ages of eighteen years and sixty years, being a British subject and not an aboriginal native, who shall reside within the Colony, shall be liable to serve in such Militia: Provided that the Judges of the Supreme Court, all Members of the Legislative Council, all Clergymen Priests Ministers of Religion and Catechists, shall be exempt from serving in any such Militia.

Who liable to serve as Militiamen.

8. The Police Magistrate of every district or county which shall contain a European population of one thousand souls or upwards shall, as soon as conveniently may be after the passing of this Ordinance, and in the month of March in every succeeding year, call a special meeting of the Justices of the Peace residing within twenty-five miles of the Police Office, for the purpose of forming a Militia List. The Justices at such meeting (any two being a quorum) shall prepare a list in alphabetical order of all men residing within such limits as aforesaid who shall be liable under the provisions of this Ordinance to serve as Militiamen, setting forth the Christian and surname of each at full length, together with his place of abode calling or business. The Police Magistrate shall forthwith cause copies thereof to be affixed on the principal door of the Police Office, and in such other conspicuous places throughout the district as to him shall seem meet, and to such list and copies thereof shall subjoin a notice that all objections thereto will be heard and determined by such Justices at any time within ten days after the date of such notice.

Magistrates to form Militia List.

9. Such Justices shall have power, after hearing such objections, to strike out of the said list the names of all persons who shall not be liable to serve as Militiamen, and also of such as are afflicted by lunacy or unsoundness of mind, or deafness blindness lameness or by any other disorder that may render them unfit for active service in any such Militia, and also from time to time to add such names as may have been accidentally or improperly omitted.

Justices to correct list.

10. A copy of the list so corrected by the said Justices shall be transmitted by them forthwith to the principal civil authority of the county or district.

Copy of list to be sent to principal civil authority of the settlement.

11. Notice of the times and places to be from time to time fixed by His Excellency the Governor for training and exercise shall be posted at the door of the Police Office and other conspicuous places within the district fourteen clear days at least before the time to be so appointed as aforesaid, which shall be deemed sufficient notice to every Militiaman, and all such Militiamen shall duly attend accordingly.

Notice of time and place of training to be given.

12. Every

Militia.

Penalty for not appearing.

12. Every Militiaman (not labouring under any infirmity incapacitating him) who shall not appear at the time and place appointed for his being exercised (notice having been given as by this Ordinance required,) shall forfeit and pay any sum not exceeding twenty pounds, to be recovered in a summary way.

Penalty for not attending.

13. Every Militiaman who, having joined the regiment or body to which he belongs, shall desert or absent himself during the time of any such exercise, shall forfeit and pay any sum not exceeding twenty pounds, to be recovered in a summary way.

Notice to be given to Militiamen when called into actual service.

14. When the whole or any part of such Militia shall be ordered out into actual service as aforesaid, the person to whom such order shall be directed shall forthwith cause notice in writing to be given to the several Militiamen, or left at their usual places of abode, to attend at the time and place mentioned in such order.

Penalty for not joining.

15. If any Militiaman so directed to be drawn out (not labouring under any infirmity incapacitating him to serve as a Militiaman) shall not appear and march in pursuance of such direction, every such Militiaman shall be liable to be apprehended and punished as a deserter according to the provisions of any Act then in force for punishing mutiny and desertion, and for the better payment of the Army and their quarters, and of the Articles of War made in pursuance of the same.

Penalty for concealing Militiamen.

16. If any person knowingly shall harbour or conceal any such Militiaman when directed so to be drawn out, he shall for every such offence forfeit and pay any sum not exceeding twenty pounds, to be recovered in a summary way.

Oath to be taken.

17. Every Militiaman who shall appear at the time and place appointed for exercise, shall take an oath or make a solemn affirmation in the form following, namely:—

I, A.B., do sincerely promise and swear [*or do solemnly and sincerely declare*] that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, and that I will faithfully serve in the Militia in any part of this district until I shall be lawfully discharged,

and shall thereupon be enrolled. The aforesaid oath or affirmation shall be taken or made in the presence of the Senior Officer of Militia then present, who is hereby authorized to administer the same: Provided that if any Militiaman shall refuse to take such oath or to make such affirmation, he shall forfeit and pay any sum not exceeding twenty pounds, to be recovered in a summary way.

Penalty for selling or receiving arms &c.

18. If any Militiaman shall sell pawn or lose any of his arms clothes accoutrements or ammunition, or neglect or refuse to return the same in good order to his Captain or to the person appointed to receive the same, or if any person shall knowingly and wilfully buy take in exchange conceal or otherwise receive any Militia arms clothes accoutrements or ammunition whatever delivered for the Militia, every such offender shall forfeit and pay for every such offence any sum not exceeding ten pounds, to be recovered in a summary way.

Militia to be subject to Articles of War, &c.

19. During the time at which any such Militia shall be assembled for the purpose of being trained and exercised or for actual service, all things contained in any Act of Parliament which shall then be in force for punishing mutiny and desertion and for the better payment of the Army and their quarters, and in the Articles of War made in pursuance of such Act, shall be in force with respect to such Militia, and to all the officers, non-commissioned officers, drummers, and privates of the same, in all cases whatsoever, but so that no punishment shall extend to life or limb.

20. It

Appropriation.

20. It shall be lawful for any Officer Commanding and present with any detachment or division of Militia called out to exercise or on actual service, not being under the rank of Captain, to order when he shall think it necessary a regimental Court-martial to be held for the trial of any offence committed by any sergeant, corporal, drummer or private, under and during his command; and if a sufficient number of officers shall not be present to constitute such Court-martial, it shall be lawful for the Commanding Officer of the regiment to which any such detachment or division shall belong, upon application made to him by the Officer Commanding such detachment or division for that purpose, to order a sufficient number of officers of proper rank to attend for the purpose of assisting at such Court-martial, who shall forthwith attend the same and assist as members thereof.

Regimental Court-martial.

21. The sentence of every such Court-martial shall in every case be submitted to the Commandant of the regiment to which such detachment or division shall belong, (or in his absence from the district to the Senior Field Officer of the same,) for his approval thereof, who shall cause such sentence to be put in execution mitigated or remitted as he shall in his discretion think best for the service.

Sentence to be submitted to Commandant.

No. II.

AN ORDINANCE to appropriate the Revenue for the Year One thousand eight hundred and forty-five.

APPROPRIATION.

[1st April, 1845.]

WHEREAS it is expedient that such part of the General Revenue of New Zealand as is subject to the disposal of the Colonial Government should be from time to time appropriated by authority of the Legislative Council:

Preamble.

BE IT THEREFORE ENACTED by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

1. Out of such part of the General Revenue as aforesaid there may be issued and applied in manner hereinafter mentioned any sum or sums or money not exceeding the several sums hereinafter specified, that is to say,—

Certain sums to be applied to the service of the year 1845.

For defraying the charge of the Government of this Colony for the year one thousand eight hundred and forty-five, the sum of twenty-three thousand eight hundred and seventy-two pounds, as hereinafter particularly specified, that is to say,—

	£	s.	d.
1. His Excellency the Governor and Establishment	1,551	0	0
2. Colonial Secretary's Department and Printing Establishment	1,745	0	0
3. Law Officers of the Crown	535	0	0
4. Colonial Treasury	1,090	0	0
5. Council Office	545	0	0
6. Audit	340	0	0
7. Superintendent of the Southern Division and Establishment	850	0	0
8. Judicial, viz., Supreme Court and Coroners	2,660	0	0
9. Sheriffs			

Crown Grants.

	£	s.	d.
9. Sheriffs and Gaols	867	0	0
10. Magistrates and Police	3,009	0	0
11. Survey Establishment	1,400	0	0
12. Public Works Establishment, Tools, and Contin- gencies	1,420	0	0
13. Colonial Vessels	1,700	0	0
14. Harbour Establishments	1,270	0	0
15. Ecclesiastical Establishment... ..	1,190	0	0
16. Medical Department	300	0	0
17. Aborigines	1,900	0	0
18. General Contingencies	1,500	0	0
Amounting in the whole to the aforesaid sum of			
	£23,872	0	0

Treasurer to pay
moneys on order of
Governor.

2. And be it enacted, That the Colonial Treasurer shall issue and pay from time to time any sum or sums of money for the purposes hereinbefore mentioned not exceeding in the whole the sums respectively specified to such persons and in such portions as the Governor for the time being shall by any order or orders in writing signed by him from time to time direct, and such Treasurer shall in his accounts be allowed credit for all sums paid by him in pursuance of such orders, and the receipts of the persons to whom such sums shall have been so paid shall be to him a full discharge for the sum or sums for which such receipts shall have been given, and the amounts thereof shall be passed to his credit in account accordingly.

No. III.

CROWN GRANTS. AN ORDINANCE for imposing Fees on the delivery of Crown Grants in certain cases.

[3rd April, 1845.]

Preamble.

BE IT ENACTED by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

Crown Grants allowed to remain in the office of the Colonial Secretary for more than three months after being advertised as being ready for delivery, to be chargeable with a fee of 5s. a month.

1. Whenever any Crown Grant shall, after the first day of July next, have been advertised in any Government *Gazette* to be ready for delivery, and shall have remained in the office of the Colonial Secretary or in any other Government Office for more than three calendar months after the date of such *Gazette*, there shall before the delivery of any such grant be demanded from and paid by the grantee therein named, or other the person duly authorized to receive the same, the sum of five shillings for every month during which such grant shall have remained in the said office after the expiration of three calendar months from the date of the *Gazette* in which such grant shall have been so advertised as aforesaid; all such sum or sums to be appropriated to the use of Her Majesty, her heirs and successors, for the public uses of the Colony, and the support of the Government thereof.

Property Rate Repeal.

No. IV.

AN ORDINANCE to repeal "*An Ordinance for imposing a Rate upon Property, and for repealing 'The Customs Ordinance,' Session I., No. 3, and 'The Customs Amendment Ordinance,' Session III., No. 6.*"
[8th April, 1845.]

PROPERTY RATE
REPEAL.

WHEREAS by an Ordinance enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof (Session IV., No. 2), intituled "*An Ordinance for imposing a Rate upon Property, and for repealing 'The Customs Ordinance,' Session I., No. 3, and 'The Customs Amendment Ordinance,' Session III., No. 6,*" it is enacted that the said Customs Ordinance and the said Customs Amendment Ordinance be repealed; and it is thereby also enacted that there shall be levied in manner thereinafter mentioned, in respect of property and income, a yearly rate according to the scale in the Schedule to the said Ordinance annexed: And whereas it is expedient that the said recited Property Rate Ordinance (Session IV., No. 2) should be repealed, and that the duties imposed upon goods imported into the Colony, and all the provisions made for the regulation and protection of the Revenue of Customs by the said Customs Ordinance and the said Customs Amendment Ordinance, should be revived:

Preamble reciting
Property Rate Ordinance.

BE IT THEREFORE ENACTED by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

1. That the said recited Property Rate Ordinance shall be repealed, and that the said Customs Ordinance, Session I., No. 3, and the said Customs Amendment Ordinance, Session III., No. 6, shall henceforth be of the same force and effect to all intents and purposes as they respectively were at or immediately before the passing of the said recited Property Rate Ordinance.

Property Rate Ordinance repealed and Customs Duties revived.

2. Provided always that all arrears of rate and composition due under the provisions of the said recited Property Rate Ordinance on the thirtieth day of April, one thousand eight hundred and forty-five, and all penalties and forfeitures incurred on or before the said thirtieth day of April for a breach of any of the provisions of the said Ordinance, shall still be recoverable in manner therein described, anything hereinbefore contained to the contrary notwithstanding.

Arrears &c. of Property Rate still recoverable.

3. This Ordinance shall come into operation at the Port of Auckland on the day next following the passing hereof; at every other port of entry within the Colony on the day next following the receipt of a copy hereof by the principal officer of Customs at any such port, who is hereby required immediately upon the receipt thereof to give public notice of the same; and at all other places throughout the Colony on the ninth day of April, one thousand eight hundred and forty-five.

Commencement of Ordinance.

*Supplementary Appropriation.***No. V.****SUPPLEMENTARY
APPROPRIATION.**

AN ORDINANCE to make a further Appropriation of the Revenue for the Year One thousand eight hundred and forty-five. [19th April, 1845.]

Preamble.

Certain sums to be applied to the service of the year 1845.

BE IT ENACTED by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

1. In addition to the sum already voted for defraying the charge of the Government of this Colony for the year one thousand eight hundred and forty-five, there may be issued and applied for that purpose, in manner hereinafter mentioned, out of the General Revenue of the Colony, any sum or sums of money not exceeding the several sums hereinafter specified—

CUSTOMS.	Provided already.			Now Estimated.			Total.		
	£	s.	d.	£	s.	d.	£	s.	d.
AUCKLAND,—									
Collector ... ..	...	...	...	500	0	0	...	...	...
Landing Waiter ... ..	...	...	...	180	0	0	...	...	...
Clerk and Warehouse Keeper ... ..	...	...	...	125	0	0	...	...	...
Locker ... ..	...	...	...	80	0	0	...	...	...
Contingencies ... ..	...	...	...	30	0	0	...	...	...
Boat's Crew, already provided, see Estimate, "Harbour Establishment" ...	200	0	0	...	...	...	...	...	...
	200	0	0	915	0	0	1,115	0	0
WELLINGTON,—									
Sub-Collector ... ..	...	...	...	240	0	0	...	...	...
As Sub-Treasurer, already provided ...	60	0	0	...	...	...	...	...	...
Landing Waiter ... ..	...	...	...	88	0	0	...	...	...
As Harbour Master, already provided ...	92	0	0	...	...	...	...	...	...
Clerk and Warehouse Keeper ... ..	...	...	...	120	0	0	...	...	...
Locker ... ..	...	...	...	80	0	0	...	...	...
Contingencies ... ..	...	...	...	25	0	0	...	...	...
Boat's Crew, already provided	200	0	0	...	...	...	...	...	...
	552	0	0	1468	0	0	2,020	0	0
NELSON,—									
Sub-Collector ... ..	...	...	...	88	0	0	...	...	...
As Sub-Treasurer £20, Harbour Master £92	112	0	0	...	...	...	...	...	...
Landing Waiter ... ..	...	...	...	120	0	0	...	...	...
Contingencies ... ..	...	...	...	10	0	0	...	...	...
Boat's Crew, already provided	150	0	0	...	...	...	...	...	...
	814	0	0	1686	0	0	2,500	0	0
NEW PLYMOUTH,—									
Sub-Collector ... ..	...	...	...	104	0	0	...	...	...
As Harbour Master	46	0	0	...	...	...	...	...	...
Contingencies ... ..	...	...	...	10	0	0	...	...	...
Total	860	0	0	1800	0	0	2,660	0	0

Treasurer to pay moneys on order of Governor.

2. And be it enacted, That the Colonial Treasurer shall issue and pay from time to time any sum or sums of money for the purposes hereinbefore mentioned, not exceeding in the whole the sums respectively specified, to such persons and in such portions as the Governor for the time being shall by any order or orders in writing signed by him from time to time direct, and such Treasurer shall in his accounts be allowed credit for all sums paid by him in pursuance of such orders, and

Public Roads and Works.

and the receipts of the persons to whom such sums shall have been so paid shall be to him a full discharge for the sum or sums for which such receipts shall have been given, and the amounts thereof shall be passed to his credit in account accordingly.

No. VI.

AN ORDINANCE to empower Owners and Occupiers of Land within certain Districts to repair and maintain Highways and Public Works within the same, and to make and levy Rates for defraying the Expenses thereof. [19th April, 1845.]

PUBLIC ROADS AND
WORKS.

WHEREAS it is expedient that the owners and occupiers of land in certain districts should be empowered to make and levy rates upon land for the maintenance and repairs of highways and other public works, and that the same should be under the direction and control of a certain number of such owners and occupiers to be elected as a Board of Commissioners for that purpose, with necessary powers :

Preamble.

BE IT THEREFORE ENACTED by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows :—

I.—ELECTION OF DISTRICT COMMISSIONERS.

1. Every person who shall have to his own use a freehold estate in lands and tenements within any district to be formed as hereinafter mentioned, which lands and tenements shall not be let for a term of seven years or upwards, and every person duly appointed in writing as the proxy of any such person for the purposes of this Ordinance, and every lessee of lands and tenements within any such district for a term of seven years or upwards, shall, being duly enrolled in manner hereinafter mentioned, be qualified to vote at the election of such Board of Commissioners as aforesaid.

Qualification of
electors.

2. If the major part of the persons so qualified to become electors as aforesaid within any district shall apply in writing to His Excellency the Governor distinctly setting forth the boundaries of such district and requesting that the same may be declared to be a district within the provisions of this Ordinance, His Excellency may by Proclamation declare the same to be such district, and by such Proclamation shall prescribe a period within which all claims to the right of voting at the election of the first and every succeeding Board of Commissioners for such district shall be made.

Formation of dis-
tricts.

3. Every such claim shall be in writing according to the form to this Ordinance annexed, and shall be addressed to the Police Magistrate of the district for the time being.

Form of claims to
vote.

4. The Police Magistrate shall forthwith upon the receipt of such claims as aforesaid, in that and every succeeding year, cause the names of all persons who shall have proved such claims to him to be arranged in alphabetical order in a written or printed list, and to be posted up in some conspicuous place within the district, and shall add to such list a notice of the place and time of meeting for the purpose of proceeding under the provisions of this Ordinance.

List of claimants to
be published.

5. On

Public Roads and Works.

Annual meeting to be held.

5. On the first Tuesday in the month next but one succeeding the time for completion of the List of Electors, and on the same day in every succeeding year, at the time and hour fixed for such meeting in the notice so to be given as aforesaid, the major part of the electors of the district being present, a chairman shall be elected, who shall commence the business of the meeting by proposing for consideration whether any rate shall be levied for the ensuing year under the provisions of this Ordinance, which question shall be determined by a majority of the votes of the electors present at the time when the said question shall be put to the vote.

Business of the meeting.

Amount of rate to be fixed.

6. If it shall be determined that a rate shall be levied for the ensuing year, the meeting shall then proceed to determine in like manner the uniform sum per acre which may be levied and raised in manner hereinafter provided in the ensuing year.

And of tolls to be taken.

7. It shall also be determined by the meeting in like manner whether any tolls shall be imposed upon the passage of wheeled carriages along any road within the district, and also what shall be the amount thereof, and at what place or places such tolls shall be levied: Provided always that the amount of toll to be taken in any one day in respect of any wheeled carriage shall not exceed the whole amount of rate or rates actually levied during the preceding year in respect of any one acre of land, and shall under no circumstances exceed the sum of sixpence on any one day for any one such carriage.

Commissioners to be elected.

8. If the levying of a rate or the taking of tolls shall have been authorized as aforesaid, but not otherwise, the meeting shall proceed to nominate and in like manner to elect seven Commissioners, being electors and willing to act; and such Commissioners or any four of them shall form a Board, to be called the "Highway Commissioners for the District of _____," as the case may be, with authority to carry into effect the provisions of this Ordinance.

To continue in office for a year.

9. The Commissioners so elected shall continue in office for a year and until the next election of Commissioners: Provided always that any Commissioner so going out of office may be forthwith re-elected if then qualified as herein provided.

II.—POWERS AND DUTIES OF COMMISSIONERS.

Commissioners may make and repair roads.

10. The Board of Commissioners shall have power within the limits of the district to make and keep in repair roads streets causeways and bridges, and to excavate construct and maintain wells waterworks conduits sewers and the like, and to provide for the setting-up of toll gates or bars, the establishment of markets, and construction of market-places landing-places and other works of public utility.

And levy rates upon land.

11. For the purpose of raising the means for carrying into effect all or any of the powers hereby given to the Board of Commissioners, and for the defraying of all expenses incident thereto, the Board shall have power to make and levy in manner hereinafter provided a rate for the year at a certain sum per acre upon all land within the district, except as hereafter is excepted: Provided that the amount of the rate so levied shall not exceed such rate per acre as shall have been authorized at the annual meeting of electors as aforesaid.

Rates to be paid by occupier or owner.

12. The rate shall be paid by the occupier of such land, or in case there shall be no occupier then by the owner thereof: Provided always that it shall be lawful for any person who shall be liable to the payment of any rate under the provisions hereof to compound for the payment of such rate by the performance of work or labour upon any of the works which may be for the time being undertaken by such

Commissioners,

Public Roads and Works.

Commissioners, according to such scale and valuation and subject to such regulations in all respects as shall from time to time be made by the Commissioners for that purpose.

13. Previously to levying any such rate, the Commissioners shall cause a written or printed statement to be posted up in some conspicuous place or places within the district, setting forth the amount of rate to be levied, with a list of the names of the persons liable for the payment thereof, with the sum payable by each of such persons, and the number of acres in respect whereof the same shall be payable, and to such statement shall subjoin a notice that all objections thereto will be heard and determined by the said Commissioners at a time and place to be in such notice mentioned, such time being not less than one calendar month from the date of such notice, and the said Commissioners shall hear and determine such objections accordingly.

List of ratepayers to be published by Commissioners.

14. At the expiration of the time appointed for the hearing of such objections, the Commissioners shall appoint fit persons to collect the rate due, which shall on non-payment thereof be recoverable at the suit of any such Collector by summary proceeding before any Justice of the Peace having jurisdiction within the district, and shall be leviable by distress and sale.

Rates how to be levied.

15. In case it shall be impossible to levy the rate due by reason of the property rateable being unoccupied or otherwise, the arrears shall at any subsequent time, within seven years from the date of such rate becoming due, be leviable upon any goods which may be found upon such property.

Land to continue liable for unpaid rates.

16. The Commissioners shall once in every year publish and cause to be posted up in some conspicuous place or places within the district a statement of every sum so in arrear, and of the land in respect of which the same shall be due.

Statement of rates in arrear to be published by Commissioners.

17. In case of the non-payment of any tolls which may have been so authorized to be taken as hereinbefore provided, it shall be lawful for the Commissioners to levy the same by distress and sale.

Tolls how recoverable.

18. It shall also be lawful for the Commissioners to impose such dues as may be reasonable upon all persons making use of any market-place jetty wharf quay landing-place or other public work established or maintained under the authority hereof, and in case of the non-payment of such dues forthwith to levy the same by distress and sale.

Market dues may be imposed by Commissioners.

19. It shall also be lawful for the Commissioners to appoint and employ such agents as they shall find necessary for enabling them to carry into execution the provisions of this Ordinance, and to pay agents so to be appointed such remuneration as shall be reasonable.

Commissioners may appoint agents &c.

20. All moneys raised by any district rate, and all tolls and dues payable under the authority of this Ordinance, shall be applied in defraying the cost and expenses necessarily incurred in the exercise of the powers hereinbefore given to the Board of Commissioners, and of no other costs or expenses whatsoever.

Application of rates tolls and dues.

III.—PROCEEDINGS OF COMMISSIONERS.

21. No meeting of Commissioners for the purposes of this Ordinance shall be holden unless such meeting shall have been called by two Commissioners at least. Notice of the time and place of every such intended meeting, specifying the business proposed to be transacted thereat and signed by the Commissioners calling the same, to be left at the usual place of abode of every other Commissioner three clear days at least before such meeting.

Meetings of Commissioners how to be called.

22. All questions which shall come before such meeting shall be decided by the majority of the Commissioners who shall be present thereat.

All questions to be decided by a majority.

Fines for Assaults.

Minutes to be kept.

23. A minute of every Resolution agreed to at any such meeting shall be entered in a book to be kept for that purpose, and shall be signed by the said Commissioners who shall have agreed thereto.

Accounts to be kept and audited.

24. The Commissioners shall in a book to be kept by them for that purpose enter true accounts of all sums of money by them received and paid and of the several matters in respect whereof such sums shall have been received and paid. All such accounts, with all vouchers and papers relating thereto, together with a full abstract or balance sheet thereof, signed by three at least of the Commissioners, shall yearly at such general meeting as aforesaid be submitted to such meeting, and shall (as soon thereafter as conveniently may be) be examined and audited by two or more persons to be appointed for that purpose by such meeting.

Copy of balance sheet to be published.

25. A copy of such abstract or balance sheet shall also be posted up by such Commissioners at or before the commencement of such meeting as aforesaid, upon some conspicuous part of the place in which such meeting shall be held.

Moneys books &c. to be handed over to new Commissioners.

26. All moneys found by the Auditors to be due from the Commissioners under the provisions of this Ordinance, together with all such books of accounts vouchers and papers, shall be forthwith paid and delivered over to the Commissioners for the ensuing year.

Crown and native property not to be rated.

27. Provided always and be it enacted that no land belonging to the Crown or to any of the aboriginal inhabitants of the Colony shall be liable to be rated under the authority of this Ordinance.

No district to be included within any borough.

28. Provided also that in case any portion of any district shall be included within the boundaries of any borough hereafter to be incorporated, the portion so included shall thenceforth cease to form part of such district for any of the purposes of this Ordinance.

Interpretation clause.

29. In the construction of this Ordinance the word "person" shall be taken to include any body corporate or body of Trustees.

FORM OF CLAIM.

To Esq., Police Magistrate for the District of
I HEREBY give you notice that I claim to have my name enrolled as a voter for the election of the Board of Commissioners for the District of , [as landowner, lessee, or proxy for A.B., as the case may be.]

Dated the day of

[Signed.]

[Place of abode and business of Claimant.]

No. VII.

FINES FOR ASSAULTS.

AN ORDINANCE to provide for the application of Fines imposed in cases of Summary Conviction for Assault. [22nd April, 1845.]

Preamble.

WHEREAS it is expedient in cases of wanton and unprovoked assault, where the person assaulted shall have received some bodily injury, and where a fine shall be imposed and levied upon any party who shall have been summarily convicted for such offence, that a part of the fine so levied be awarded by way of compensation to the party injured :

BE IT THEREFORE ENACTED by His Excellency the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows :—

1. When

English Acts.

1. When any person shall be convicted before any Police Magistrate or any two Justices of the Peace of an assault, and it shall appear upon the evidence of a credible witness (other than the party assaulted) that such assault was wanton and unprovoked and attended with bodily injury to the person assaulted, and where in any such case a fine shall have been imposed upon the offender, it shall be lawful for such Police Magistrate or Justices as aforesaid, when it shall appear to him or them proper that compensation be made for the injury inflicted, to award to the party injured such portion of the fine so levied as to them shall seem meet: Provided always that the sum so to be awarded shall not in any case exceed one-half of the fine levied.

Power to Magistrates to award a portion of fines to the injured party.

No. VIII.

AN ORDINANCE for bringing into operation within the Colony certain Acts of the Imperial Parliament.

ENGLISH ACTS.

[22nd April, 1845.]

WHEREAS certain Acts of the Imperial Parliament specified in the Schedule hereunto annexed have been passed for the amendment of the law, and it is expedient that the same be adopted and brought into operation within this Colony:

Preamble.

BE IT THEREFORE ENACTED by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

1. The several Acts of the Imperial Parliament specified in the Schedule hereunto annexed shall be taken to extend to this Colony, and shall be applied therein in the administration of justice in like manner as Acts of Parliament passed before the establishment of the Colony are applied.

Certain Acts adopted.

2. This Ordinance shall come into operation on the first day of July, one thousand eight hundred and forty-five.

Commencement of Ordinance.

SCHEDULE OF ACTS REFERRED TO.

(1.) Stat. 4 and 5 Vict. c. 56, intituled "*An Act for taking away the Punishment of Death in certain cases, and substituting other Punishments in lieu thereof.*"

(2.) 6 Vict. c. 10, intituled "*An Act for removing doubts as to the Punishment which may be awarded under the provisions of an Act of the fourth and fifth years of Her present Majesty, for taking away the Punishment of Death in certain cases, for certain Offences therein specified.*"

(3.) 6 and 7 Vict. c. 85, intituled "*An Act for improving the Law of Evidence.*"

(4.) 6 and 7 Vict. c. 96, intituled "*An Act to amend the Law respecting Defamatory Words and Libel.*"

Arms Importation.

ANNO NONUS
VICTORIÆ REGINÆ.

SESSION VI. No. I.

ARMS IMPORTATION. AN ORDINANCE to empower the Governor of New Zealand to regulate the Importation and Sale of Arms Gunpowder and other Warlike Stores.

[13th December, 1845.]

Preamble.

WHEREAS certain tribes of the Native race of New Zealand have taken up arms against the Queen's sovereign authority : And whereas for the purpose of effectually subduing the present insurrection, and of preventing the recurrence of an armed resistance to the authority of Her Majesty, and of securing the peace and good order of the Colony, it is expedient that restrictions should on fitting occasions be placed on the importation and sale of arms gunpowder and other warlike stores within the same :

BE IT THEREFORE ENACTED by the Lieutenant-Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows, that is to say :—

Power to Governor to prohibit the importation of arms &c.

1. It shall be lawful for His Excellency the Governor from time to time as to him shall seem meet, by Proclamation, to prohibit throughout the Colony or within any district thereof (to be in such Proclamation defined) the importation or sale, or both the importation and sale, of arms gunpowder and other warlike stores.

And to regulate the sale thereof.

2. It shall also be lawful for His Excellency the Governor from time to time as to him shall seem meet, by Proclamation, to make provision for regulating and restricting throughout the Colony or within any district thereof (to be in such Proclamation defined) the importation or sale, or both the importation and sale, of arms gunpowder and other warlike stores.

Penalty on importer.

3. Every person who shall import or bring into the Colony any arms gunpowder or other warlike stores (whether the owner thereof or not), and who shall wilfully and knowingly, and contrary to the provisions of any such Proclamation as aforesaid, land or dispose of, or cause to permit to be landed or otherwise disposed of, such arms gunpowder or other warlike stores or any part thereof, shall for every such offence forfeit and pay any sum not exceeding five hundred pounds, to be recovered in a summary way. And any arms gunpowder or other warlike stores which shall have been imported and landed or otherwise disposed of contrary to the provisions of any such Proclamation as aforesaid shall be forfeited to Her Majesty, and may be seized by any Justice of the Peace, or peace officer, or by any officer of Her Majesty's Customs, or by any person duly authorized and appointed in writing by His Excellency the Governor.

Arms &c. to be forfeited.

4. The

Arms Importation.

- 4.** The master or person commanding the ship or vessel in which such arms gunpowder or other warlike stores shall have been imported, if he shall wilfully and knowingly, and contrary to the provisions of any such Proclamation as aforesaid, land or dispose of, or cause or permit to be landed or otherwise disposed of, such arms gunpowder and other warlike stores or any part thereof, shall also for every such offence forfeit and pay any sum not exceeding five hundred pounds, to be recovered in a summary way. And upon the conviction of any such master or person, such ship or vessel, with all her furniture or apparel, shall be forfeited to Her Majesty, and may be seized by any Justice of the Peace, or peace officer, or by any officer of Her Majesty's Customs, or by any person duly authorized and appointed by His Excellency the Governor.
- 5.** Every person who shall wilfully and knowingly, and contrary to the provisions of any such Proclamation as aforesaid, sell or dispose of any arms gunpowder or other warlike stores, shall for every such offence forfeit and pay any sum not exceeding five hundred pounds, to be recovered in a summary way. And all arms gunpowder and other warlike stores so unlawfully sold or disposed of shall be forfeited to Her Majesty, and may be seized in manner hereinbefore provided.
- 6.** It shall be lawful for any Justice of the Peace to enter and search, or to grant a warrant to any person or persons to enter and search, any house place ship or vessel where such Justice shall from information on oath have reasonable grounds to suspect any arms gunpowder or other warlike stores to be deposited for any purpose contrary to this Ordinance.
- 7.** In case of any conviction under the provisions of this Ordinance, where any person or persons shall appear to have been active in or towards the procuring of any such conviction, it shall be lawful for His Excellency the Governor to award to such person or persons such portion of the penalty recovered upon such conviction, but not exceeding in the whole one-half thereof, as to him shall seem meet.
- 8.** For the purposes of this Ordinance, the word "Governor" shall be taken to include the Lieutenant-Governor or the Officer Administering the Government of the Colony for the time being; and the word "vessel" shall be taken to include any boat barge punt or canoe.

Penalty on master of vessel.

Vessel &c. to be forfeited.

Penalty for unlawfully selling arms &c.

Arms &c. to be forfeited.

Power to search.

Reward for activity in procuring convictions.

Interpretation clause.

Naturalization.

ANNO DECIMUS
VICTORIÆ REGINÆ.

SESSION VII. No. I.

NATURALIZATION.

AN ORDINANCE for the Naturalization of certain Persons
in the Colony of New Zealand.

[8th October, 1846.]

Preamble.

WHEREAS the persons particularly described in the Schedule to this Ordinance annexed have recently settled in this Colony, and it is expedient that there should be removed from them (within this Colony) the disabilities to which aliens are by law subject:

BE IT THEREFORE ENACTED by the Lieutenant-Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

Persons described in Schedule to be naturalized.

1. All and singular the persons who are particularly described in the Schedule hereunto annexed shall be to all intents and purposes whatsoever within the Colony of New Zealand deemed and taken to be and to have been, from the date set opposite to their respective names in the said Schedule, natural-born subjects of Her Majesty, as if they had respectively been born within the realm of England.

Commencement of Ordinance.

2. This Ordinance shall not come into operation until it shall have received the Royal confirmation, and until such confirmation shall have been notified in the New Zealand Government *Gazette* by order of His Excellency the Governor for the time being.

SCHEDULE.

- August Adolph Albert Heesc, Wellington, 21st January, 1841.
- Johannes Kock, Wellington, 1st January, 1842.
- Charles Frederick Christian Kelling, Nelson, 1st September, 1844.
- John Fedor August Kelling, Nelson, 1st September, 1844.
- Johanna Kelling, Nelson, 1st September, 1844.
- Charles Ferdinand Robert Kelling, Nelson, 1st September, 1844.
- John Nicholas Beit, Nelson, 1st January, 1843.
- Jeanette Beit, Nelson, 1st January, 1843.
- Robert Beit, Nelson, 1st January, 1843.
- Richard Pearson Beit, Nelson, 1st January, 1843.
- Adolphine Victoria Beit, Nelson, 1st January, 1843.
- Samuel Brown, Auckland, 1st January, 1841.

*Constabulary.***No. II.****AN ORDINANCE to provide for the establishment and maintenance of a Constabulary Force.****CONSTABULARY.**

[9th October, 1846.]

FOR the purpose of providing for the establishment maintenance and discipline of an armed Constabulary Force: Preamble.

BE IT ENACTED by the Lieutenant-Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

1. It shall be lawful for His Excellency the Governor to cause a sufficient number of fit and able men to be embodied to serve as an armed police force, who shall be sworn before a Justice of the Peace to act as constables in and throughout the Colony for preserving the peace, and preventing robberies and other felonies, and apprehending offenders against the peace. Power to Governor to embody an armed Police Force.

2. It shall also be lawful for His Excellency the Governor, by warrant under his hand, to appoint Commissioners and Inspectors of such Police Force, or such other officers as he may deem expedient for the general superintendence and management of the said force, and such Commissioners, Inspectors, and other officers from time to time to displace and remove, and to appoint others in their place, as to him shall seem meet. And to appoint officers.

3. It shall also be lawful for His Excellency the Governor from time to time to make such regulation respecting the training arms and accoutrements clothing and equipment of such force and respecting all other matters connected therewith as may be required for promoting the discipline and efficiency thereof, and also to direct the employment and distribution of the said force as to him shall seem meet. And make regulations.

4. It shall be the duty of the Commissioners, Inspectors, and other officers of the said force to suppress all tumults riots affrays or breaches of the peace, and all public nuisances and offences against the law, in any part of the Colony where they may be on duty. Duty of officers.

5. The constables so sworn as aforesaid shall throughout the Colony have all such powers and privileges, and be liable to all such duties and responsibilities, as any constable may by law have or be liable to, and shall obey all lawful directions touching the execution of their office which they may from time to time receive from such Commissioner, Inspector, or other officer. General powers &c. of constables.

6. It shall be lawful for any such constable to apprehend all loose drunken idle disorderly persons whom he shall find disturbing the public peace, or whom he shall have just cause to suspect of any evil designs. Special power of constables.

7. For the purpose of securing obedience to the regulations from time to time to be made for promoting the discipline and efficiency of the said force, it shall be lawful for the Commissioner or Inspector to stop from the pay of any constable offending against any such regulation any sum not exceeding twenty shillings in respect of every such offence, or to cause such constable to be taken before any such Commissioner or any two Justices of the Peace; and every such constable, upon conviction of any offence against the regulations so to be made as aforesaid, shall forfeit and pay any sum not exceeding twenty pounds nor less than five shillings, to be recovered in a summary way; and shall in addition to such fine or in default of payment thereof be liable

Constabulary.

to be imprisoned for not less than one week nor more than six calendar months in any gaol or place of confinement within the Colony.

Power to
Commissioner or
Inspector to dismiss
constables.

8. It shall be lawful for the Commissioner or Inspector for the time being to suspend or dismiss from his employment any such constable whom he shall think remiss or negligent in the execution of his duty or otherwise unfit for the same; and when any such constable shall be so dismissed or shall otherwise cease to belong to said force, all powers and authorities vested in him by virtue of this Ordinance shall cease and determine.

Penalty for
constables taking
bribes &c.

9. If any such constable shall take a bribe or any gratuity whatever for suffering any person lawfully in his custody to escape, or shall wilfully neglect to execute any warrant intrusted to him, or to make any seizure, or who shall show favour to any person so in custody as aforesaid, every such constable shall forfeit and pay for every such offence any sum not exceeding twenty pounds, or be imprisoned and kept to hard labour for any period not exceeding six calendar months, as to the convicting Justice shall seem meet.

Penalty for desertion
&c.

10. If any such constable shall during the period for which he shall have engaged to serve in the said force desert from the same or refuse to serve therein, every such offender shall forfeit and pay for every such offence any sum not exceeding twenty pounds, to be recovered in a summary way.

Disposal of fines
penalties &c.

11. All fines or penalties which may be recovered by virtue of this Ordinance shall be given and paid one-third to the informer or prosecutor, if demanded, and the residue for the use of Her Majesty, her heirs and successors, for the public uses of the Colony and the support of the Government thereof: Provided always that when any constable belonging to the said force shall be entitled to the whole or a proportion of any forfeiture penalty or seizure under this or any other Ordinance in force for the time being, the amount or proceeds thereof shall go to a general fund to be distributed at the end of every year among the officers and men belonging to the said force in such proportions and according to such regulations as the Governor shall direct and determine; and in default of any such regulations and directions, the same shall be paid to the person entitled thereto immediately upon the recovery thereof.

Penalty for harbour-
ing constables.

12. If any victualler or licensed publican or other person shall knowingly harbour or entertain any constable belonging to the said force, or permit such constable to abide or remain in his house shop room or other place during any part of the time appointed for his being on duty elsewhere or after the hours appointed for closing public houses by "The Licensing Ordinance," No. 12, Session II., unless such constable shall have entered therein for the *bonâ fide* execution of his duty and shall remain there so long only as shall be requisite in that behalf, every such victualler publican or other person shall for every such offence forfeit and pay any sum not exceeding five pounds, to be recovered in a summary way.

Rewards for services
&c.

13. It shall be lawful for His Excellency the Governor to award to any of the constables belonging to the said force such sum of money as to him shall seem meet as a reward for extraordinary diligence or exertion, or as a compensation for wounds or severe injuries received in the performance of their duty, or as an allowance to such of them as shall be disabled by bodily injury received or shall be worn out by length of service.

Protection to
constables &c. acting
under this Ordinance.

14. For the protection of persons acting in the execution of this Ordinance, all actions and prosecutions to be commenced against any person for anything done in pursuance of this Ordinance shall be commenced within four calendar months after the fact committed and

not

Supreme Court Amendment.

not otherwise, and notice in writing of such action and of the cause thereof shall be given to the defendant one calendar month at least before the commencement of the action; and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action brought, by or on behalf of the defendant, together with the costs incurred up to that time; and if a verdict shall be given for the defendant, or the plaintiff be nonsuited, or discontinue any such action after issue joined, or if upon demurrer or otherwise judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and client; and though a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the Judge before whom the trial shall be shall certify his approbation of the action and of the verdict obtained thereupon.

15. For the purposes of this Ordinance, the word "Governor" shall be taken to include the Lieutenant-Governor or the Officer Administering the Government of the Colony for the time being. Interpretation.

No. III.

AN ORDINANCE to amend an Ordinance for establishing a Supreme Court, and to establish a Court of Appeals. [12th October, 1846.]

SUPREME COURT
AMENDMENT.

WHEREAS by an Ordinance enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof (Session III., No. 1), intituled "*An Ordinance for establishing a Supreme Court,*" it is enacted (sections 6 and 7) that "the Court shall also be an Instance Court of Vice-Admiralty, with such power and jurisdiction as belong to Courts of the like nature within the Colonial Possessions of Her Majesty;" and also that "the Court shall have cognizance of all crimes and offences committed within the jurisdiction of the Vice-Admiral of the Colony of New Zealand as fully and effectually as if the same had been committed on the land within the limits of the Colony:" And whereas by the said Ordinance (sections 13, 14, and 15) it is enacted that "there shall belong to the Court such Registrars and inferior officers for each of such districts as to the Judge or Judges of each of such districts shall appear necessary, subject to the approval of His Excellency the Governor; and that "the Registrars shall be appointed provisionally by His Excellency the Governor, and shall hold their offices during Her Majesty's pleasure;" and also that "the inferior officers of each district shall be appointed by the Judge or Judges of the respective districts, with the sanction of His Excellency the Governor, and shall be removable on reasonable cause by the Judge or Judges of the respective districts, with the sanction of His Excellency the Governor:"

Preamble reciting
secs. 6, 7, 13, 14, and
15 of Supreme Court
Ordinance.

BE IT ENACTED by the Lieutenant-Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

1. So much of the said Ordinance as is hereinbefore recited shall be and the same is hereby repealed. The said clauses
repealed.

2. There

Supreme Court Amendment.

Appointment of Registrars &c.

2. There shall belong to the said Court such Registrars and other officers as Her Majesty shall from time to time be pleased to appoint: Provided always that it shall be lawful for His Excellency the Governor to appoint such Registrars and other officers provisionally until Her Majesty's pleasure shall be known, and the Registrars and other officers so appointed from time to time to remove as to him shall seem meet.

Court of Appeals constituted.

3. For the purpose of providing a Court of Appeals within the Colony from the decisions of the Supreme Court thereof: Be it enacted that until there shall be within the Colony a sufficient number of Judges to constitute a Court of Appeals, the Governor for the time being, and the Executive Council of the said Colony (excepting the Attorney-General), shall be a "Court of Appeals" for the said Colony, and shall have power and authority to receive and hear appeals from the judgments of the said Supreme Court where the sum or matter in issue shall amount to one hundred pounds or upwards, or shall involve directly or indirectly any claim or question respecting any property or civil right of the said amount or value, and to affirm alter or reverse such judgments in whole or in part, or to dismiss the said appeal with costs as may be just: Provided always that upon every appeal to be brought before the said Court of Appeals from any judgment of the Supreme Court upon the verdict of a jury of twelve men, the said Court of Appeals shall not reverse alter or inquire into such judgments except only for error of law apparent on the record.

Notice of appeal to be given to adverse party.

4. No appeal shall be allowed in any case unless the appellant shall, within fourteen clear days after the day on which the judgment shall have been pronounced, give notice to the adverse parties of such appeal, and enter into sufficient security, to be approved by a Judge of the Supreme Court, for the costs of appeal.

Execution when stayed.

5. In all cases of appeal where the appellant shall, within such fourteen clear days as aforesaid, enter into sufficient security to be approved as aforesaid to satisfy or perform such judgment, in case the same shall be affirmed or the appeal dismissed, execution shall be stayed but not otherwise.

Notice of appeal to be lodged with Court of Appeals.

6. No appeal shall be entertained by the said Court of Appeals unless notice thereof shall have been lodged in the said Court of Appeals within two clear calendar months after the day on which the judgment appealed from shall have been pronounced, nor shall any appeal be heard by the said Court of Appeals unless the appellant shall bring his case to a hearing and be prepared to take the judgment of the Court thereon within three calendar months after the day last mentioned.

Supreme Court to execute judgments of Court of Appeals.

7. In all cases of appeal as aforesaid the Supreme Court shall conform to and execute all such judgments and orders as the said Court of Appeals shall make, in such manner as any original order judgment or decree of the said Supreme Court might have been executed.

Appeal to Her Majesty in Council.

8. In case the Court of Appeals shall affirm reverse alter or vary any judgment of the Supreme Court to be given or pronounced in respect of any sum or matter in issue of the amount or value of five hundred pounds or upwards, or involving directly or indirectly any claim or question respecting any property or civil right of the said amount or value; or in case the said Court of Appeals shall reverse alter or vary any judgment of the Supreme Court (whatever be the amount or value involved therein), in either of the said cases the persons feeling aggrieved by any judgment of the said Court of Appeals may, within fourteen clear days next after the day on which the same shall have been given or pronounced, apply to the said Court of Appeals

Sheriffs Office.

Appeals by petition for leave to appeal therefrom to Her Majesty in Council.

9. In case such leave to appeal be prayed by a party who shall be required to pay any sum of money or to perform any act, the said Court of Appeals shall direct either that the judgment appealed from be carried into execution or that the execution thereof be stayed pending the appeal to Her Majesty, as to the Court shall appear just.

Execution when to be stayed.

10. In case the Court of Appeals shall direct the judgment appealed from to be carried into execution, the party in whose favour the same shall be given shall, before the execution thereof, enter into sufficient security, to be approved by the said Court of Appeals, for the due performance of such judgment or order as Her Majesty in Council shall make thereupon.

Security to be taken when judgment carried into execution.

11. In case the Court of Appeals shall direct the execution of any such judgment to be stayed, the party against whom the same shall have been given shall in like manner enter into sufficient security, to be approved as last aforesaid, for the due performance of such judgment or order as Her Majesty in Council shall make thereupon.

Security to be taken when execution stayed.

12. In all cases of appeal to Her Majesty in Council the party appellant shall give sufficient security, to be approved as last aforesaid, for the effectual prosecution of such appeal and for the payment of all such costs as may be awarded by Her Majesty in Council to the party respondent. And in case such last-mentioned security shall be entered into within three clear calendar months after the date of such petition for leave as aforesaid, and not otherwise, the said Court of Appeals shall allow the appeal to be prosecuted.

Security for due prosecution of appeal.

13. In all cases where leave to appeal to Her Majesty in Council shall be granted, the said Court of Appeals shall certify and transmit to Her Majesty in Council a true and exact copy of all proceedings and judgments in the cause appealed from or relating thereto.

Court of Appeals to transmit copies of proceedings to Her Majesty in Council.

14. Provided always that nothing herein contained shall be construed to affect the power and authority of Her Majesty to admit an appeal to Her Majesty in Council from any judgment either of the said Supreme Court or of the Court of Appeals hereby constituted.

Power of Her Majesty to receive appeals not to be affected.

15. For the purposes of this Ordinance, the word "Judgment" shall be taken to include any final order judgment or decree, and the word "Governor" shall be taken to include the Lieutenant-Governor or the Officer Administering the Government for the time being.

Interpretation.

No. IV.

AN ORDINANCE to regulate the Appointment and the Duties of Sheriffs in the Colony of New Zealand.

SHERIFFS OFFICE.

[12th October, 1846.]

WHEREAS by an Ordinance enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof (Session III., No. 1), intituled "*An Ordinance for establishing a Supreme Court,*" provision is made for the appointment and duties of Sheriffs, and it is expedient that further provision be made for that purpose:

Preamble reciting No. 1, Session III.

Sheriffs Office.

BE IT THEREFORE ENACTED by the Lieutenant-Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

Secs. 18, 19, 20, and 21 repealed.

1. So much of the said Ordinance as relates to the appointment and duties of Sheriffs, that is to say, the sections 18, 19, 20, and 21, shall be and the same are hereby repealed.

Appointment of Sheriffs.

2. It shall be lawful for His Excellency the Governor from time to time by warrant under his hand to appoint provisionally, subject to Her Majesty's confirmation, fit persons to be Sheriffs of the several counties or districts (as the case may be) of the Colony. All persons now acting as Sheriffs or to be appointed by virtue hereof shall hold their offices during pleasure.

Their districts to be defined.

3. It shall also be lawful for His Excellency the Governor to define the districts within which the jurisdiction of the Sheriffs shall respectively be exercised, and the limits of such districts from time to time to alter as occasion may require.

Oath to be taken.

4. Each Sheriff shall upon his appointment take an oath before a Judge of the Supreme Court or some person specially appointed by such Judge, in the following form, faithfully to execute the duties of his office:—

I, A.B., do swear that I will truly and faithfully and to the best and utmost of my skill and knowledge discharge the duties of Sheriff of the District of _____ without fear favour or malice. So help me God.

Security to be given.

5. Each Sheriff shall from time to time give security for good behaviour in his office by bond to Her Majesty and her successors by himself and such sureties and in such reasonable sum or sums respectively as Her Majesty or her successors may think fit to require.

Sureties may withdraw.

6. Every such surety may withdraw from any liability for the future under any such bond by giving to the Attorney-General for New Zealand three calendar months' notice of his intended withdrawal, without prejudice nevertheless to any previous breach of the condition of such bond.

Duties &c. of Sheriffs.

7. Each Sheriff shall have such powers and privileges only and such duties and responsibilities only as a Sheriff by law hath or is liable to in England as a ministerial officer of one of Her Majesty's Courts at Westminster: Provided that no Sheriff shall be in any way concerned in any suit in any Court either as barrister, solicitor, or agent.

Service of process when Sheriff disqualified.

8. Whenever any process shall issue which the Sheriff ought not by law to execute, the Supreme Court shall authorize some other fit person to execute the same, and in every such case the cause of such special proceeding shall be entered upon the records of the Court.

Sheriffs to have charge of gaols &c.

9. Every Sheriff shall have the charge and superintendence of the gaols and the custody of all imprisoned debtors and criminals within his district: Provided that he shall not be liable to answer for the escape of any criminal imprisoned within the walls of any authorized gaol or house of correction unless such escape shall happen by or through his wilful neglect or default.

Their liability limited.

10. If any debtor in execution shall escape out of legal custody, the Sheriff, Bailiff, or other person having the custody of such debtor, shall be liable only to an action for damages sustained by the person or persons at whose suit such debtor was taken or imprisoned, and shall not be liable to any action of debt in consequence of such escape.

Monthly return to be made.

11. On the first Monday in every month each Sheriff shall make a return to the Colonial Treasurer or Treasurer of the district of all
fines

Coroners.

finer which, during the preceding month, he may have been ordered by any Judge of the Supreme Court to collect or which it may otherwise be his duty to collect. Such return shall show whether such fines have been collected or not, and shall also show the whole amount which may at the time of making the return remain due to the Sheriff on account of fines, and the names of the parties from whom such amount may be owing.

12. For the purpose of this Ordinance the word "Governor" shall be taken to include the Lieutenant-Governor or the Officer Administering the Government of the Colony for the time being. Interpretation.

No. V.

AN ORDINANCE to regulate the Appointment and Duties
of Coroners in the Colony of New Zealand.

CORONERS.

[15th October, 1846.]

WHEREAS it is expedient that provision should be made to regulate the appointment and duties of Coroners in the Colony of New Zealand: Preamble.

BE IT ENACTED by the Lieutenant-Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

1. It shall be lawful for His Excellency the Governor from time to time by warrant under his hand to appoint provisionally, subject to Her Majesty's confirmation, fit persons to be Coroners of the several counties or districts (as the case may be) of the Colony. All persons so to be appointed as aforesaid and all persons now acting as Coroners shall hold their offices during pleasure. Power of Governor to appoint Coroners.

2. It shall also be lawful for the Governor to define the districts within which the jurisdiction of the Coroners shall respectively be exercised, and the limits of such district from time to time to alter as occasion may require. And to define their districts.

3. Each Coroner shall upon his appointment take an oath well and faithfully to execute the duties of his office, which oath any Justice of the Peace is hereby authorized to administer. Oath to be taken.

4. Every person acting as Coroner, or to be appointed to that office under the authority of this Ordinance as aforesaid, shall have all such powers and privileges and be liable to all such duties and responsibilities as any Coroner by law hath or is liable to in England. Their powers and duties.

5. For the purpose of this Ordinance the word "Governor" shall be taken to include the Lieutenant-Governor or the Officer Administering the Government of the Colony for the time being. Interpretation.

Customs Amendment.

No. VI.

CUSTOMS
AMENDMENT.

AN ORDINANCE to authorize the Importation of Wine Duty Free for Military and Naval Officers serving in the Colony of New Zealand.

[15th October, 1846.]

Preamble.

WHEREAS it is expedient to allow wine intended for the consumption of military or naval officers serving on full pay in New Zealand to be imported into the Colony or taken out of bond for that purpose duty free :

BE IT THEREFORE ENACTED by the Lieutenant-Governor of New Zealand, with the advice and consent of the Legislative Council thereof, that—

Power to Governor to allow wines to be imported duty free.

1. It shall be lawful for the Governor of New Zealand to order any wines to be delivered from any vessel or taken out of bond free of duty on proof being adduced to the satisfaction of the said Governor that such wines are *bonâ fide* intended for the consumption of such military or naval officers serving on full pay as aforesaid.

Such wines if sold, except to military officers, to be forfeited.

2. If any of the said wines shall afterwards be sold in the said Colony except to any person or persons purchasing the same for the use of other military or naval officers serving in like manner in the said Colony, the same shall be forfeited and liable to seizure accordingly.

Retrospective operation.

3. All wines which may have been imported or taken out of bond since the fifth day of February, one thousand eight hundred and forty-six, for the purpose and with the authority aforesaid, shall be deemed to have been free of duty, anything in any Ordinance contained to the contrary notwithstanding.

Interpretation.

4. For the purpose of this Ordinance the word "Governor" shall to taken to include the Lieutenant-Governor or the Officer Administering the Government of the Colony for the time being.

No. VII.

AN ORDINANCE for the Regulation of Prisons.

[15th October, 1846.]

PRISONS.

Preamble.

WHEREAS it is expedient to make provision for the government and good management of prisons throughout the Colony :

BE IT ENACTED by the Lieutenant-Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows :—

Buildings now used as gaols to be public gaols.

1. All houses buildings enclosures or places now used as public gaols shall be and the same are hereby declared to be public gaols of the Colony.

Power to Governor to declare other buildings to be gaols.

2. It shall be lawful for His Excellency the Governor from time to time as to him shall seem meet, by Proclamation, to declare any other house building enclosure or place to be a public gaol, and from and after the publication of any such Proclamation such house building enclosure or place shall be deemed and taken to be a public gaol.

3. It

Prisons.

- 3.** It shall be lawful for any Judge of the Supreme Court to sentence any offender to be imprisoned, whether with or without hard labour, in any particular gaol in the Colony as to him shall seem meet. Judges may imprison in any gaol.
- 4.** Every public gaol within the Colony, unless otherwise provided, shall be taken for all purposes as being also a house of correction and a prison for debtors. Gaols to be also houses of correction.
- 5.** It shall be lawful for His Excellency the Governor from time to time to make such Rules and Regulations as to him shall seem fit touching the duties of the officers of every such public gaol, the classification diet instruction treatment and correction of the prisoners therein, and generally to prescribe all such rules as may be necessary for the good discipline of any public gaol and the safe custody of the prisoners therein. Power to Governor to make regulations.
- 6.** It shall be lawful for the Judges of the Supreme Court from time to time to make Rules and Regulations for the management of such gaols as now are or may hereafter be used for the imprisonment of debtors and for the control of the debtors therein. Like power to Judges for the management of debtors.
- 7.** All such Rules and Regulations as shall be made under the authority hereof shall be binding upon the officers of the gaol, and upon the prisoners and the debtors confined therein, as fully as if the same had been expressly enacted and set forth in this Ordinance. Regulations to be binding.
- 8.** For the purpose of giving effect to the Rules and Regulations hereby authorized to be made by the Governor or the Judges of the Supreme Court, it shall be lawful for such Governor and Judges, by any such Regulations, to enforce any penalty not exceeding twenty pounds for any offence against such Rules and Regulations, to be recovered in a summary way. Penalty for breach of Regulations.
- 9.** It shall be lawful for His Excellency the Governor to nominate and appoint one or more Justices of the Peace, who shall consent thereto, to be Visitors of each gaol within the Colony, who shall personally visit such gaol at least once a month, and oftener if occasion shall require. Governor may appoint Visiting Justices.
- 10.** It shall be lawful for the Sheriff of the district or the Visiting Justice of any public gaol to order any person who may have been sentenced to imprisonment without being sentenced to hard labour, and who shall not maintain himself, to be set to some work or labour the same being not severe: Provided that no such prisoner who has the means of maintaining himself shall have any claim to be supported at the public expense. Prisoners may be set to work.
- 11.** Any Visiting Justice shall have power to hear and determine all complaints touching any of the following offences, that is to say,— Disobedience of the Rules and Regulations of the prison, assaults by one person confined in such gaol upon another where no dangerous wound or bruise is given, profane cursing and swearing, any indecent behaviour and any irreverent behaviour at or during divine service or prayer, all which are hereby declared to be offences under this Act if committed by any description of prisoners whatsoever confined within any such gaol prison or house of correction; and the said Visiting Justice shall also hear and determine all complaints of idleness or negligence in work or wilful mismanagement of work, which are also hereby declared to be offences under this Act if committed by any prisoner under conviction for any crime; and if the party complained of shall be convicted of any of the offences aforesaid, it shall be lawful for the said Visiting Justice to sentence such party to be confined in a solitary cell on bread and water for any term not exceeding seven days. Powers of Visiting Justices to punish parties offending in prison.

12. In

Prisons.

Punishment for repeated offences, or offences not mentioned in previous clause.

12. In case any prisoner under sentence for any crime shall be guilty of repeated offences against the rules of the prison, or shall be guilty of any greater offence than hereinbefore mentioned, upon complaint thereof to two or more Justices of the Peace, of whom the Visiting Justice may or may not be one, such Justices shall have power upon oath to inquire into and to determine the matter of such complaint, and to order the offender on conviction to be punished by close confinement for any term not exceeding one calendar month, or by personal correction in case of prisoners convicted of felony or sentenced to hard labour.

Visiting Justices to make reports.

13. Such Visiting Justices shall once at least in every quarter of a year make a report in writing to His Excellency the Governor, or to such officer as he may appoint for such purpose, as the case may be, of the state and condition of the prison and of what repairs additions or alterations shall have been made or may be required, and of any abuse which they may have observed or of which they may have received information in the management of the prison, as well as of the general state of the prisoners as to morals discipline employment hard labour and observance of the rules in force for the time being for the government of the prison: Provided always that nothing herein contained shall affect the power of any Judge of the Supreme Court to visit and examine any such gaol at such times as he may think fit.

Power to all Justices to visit gaols.

14. It shall also be lawful for any Justice of the Peace for the Colony, whenever he shall think fit, to enter and examine any such gaol, and every gaoler turnkey or other person employed therein who shall refuse admittance to any such Justice of the Peace or offer to him any hindrance or obstruction shall, on conviction thereof before any other two Justices, forfeit and pay any sum not exceeding ten pounds, to be recovered in a summary way.

Penalty for introducing spirits &c. into gaols.

15. If any person shall bring or attempt to bring any wine or spirituous or fermented liquor into any gaol, it shall be lawful for the gaoler, turnkey, or any of their assistants to apprehend the offender, who upon conviction shall forfeit and pay any sum not exceeding twenty pounds, to be recovered in a summary way.

Aiding prisoners to escape.

16. If any person shall convey or cause to be conveyed into any gaol any mask or other disguise or any instrument or arms proper to facilitate the escape of any prisoner, and the same shall deliver or cause to be delivered to any prisoner in such gaol or to any other person therein for the use of such prisoner without the consent or privity of the keeper of the gaol, every such person shall be deemed to have delivered such mask or disguise instrument or arms with intent to aid and assist such prisoner to escape or attempt to escape; and if any person shall by any means whatsoever aid and assist any prisoner to escape from any gaol, every person so offending, whether an escape be actually made or not, shall be guilty of felony, and being convicted thereof shall be transported beyond the seas for any term not exceeding fourteen years.

Prisoners &c. may be removed from one gaol to another in certain cases.

17. Whenever it shall appear to the Governor to be necessary that the debtors or other prisoners or any of them confined in any gaol within the Colony should be removed from such gaol in order that the same may be repaired enlarged or rebuilt, or on account of any disease therein, or on account of the over-crowded state of such gaol, or for any of the purposes of this Ordinance, and due notice thereof in writing shall by order of the Governor be given to the Sheriff of the district, it shall be lawful for such Sheriff to remove such debtors and other prisoners or any of them to such other gaol or place of confinement within his jurisdiction as the Governor shall appoint.

18. When

Customs Amendment, No. 2.

18. When any such gaol as aforesaid shall be made fit for the reception and safe keeping of such debtors and other prisoners, it shall be lawful for the said Sheriff to remove back thereto all such debtors and other prisoners as shall then be in his custody.

And to be removed back.

19. Whenever the removal of debtors or other prisoners shall become necessary for any of the reasons aforesaid or from any other emergency, and it shall be impossible previous thereto to obtain such order as aforesaid, it shall be lawful for the Visiting Justices to issue an order to the keeper of such gaol to remove such debtors or other prisoners to such other gaol or place of confinement within his jurisdiction as shall be specified in such order: Provided that such removal shall be subject to such restrictions as to its duration as are hereby required and directed in similar cases of removal by order of the Governor, and that any such order of the Visiting Justices, together with a report of the causes thereof, shall be forthwith notified to the Governor and also to the Sheriff of the district: Provided also that no such removal shall be deemed or taken to be an escape.

In cases of emergency may be removed by order of Visiting Justices.

20. It shall be lawful for the Sheriff of any district to remove any prisoner whatever from any gaol under his control and management to any other gaol under his control or management, or in case of the illness of such prisoner to any hospital or infirmary, as occasion may require; and also for the purpose of transportation may remove any prisoner to any gaol whatsoever within the limits of the Colony: Provided that no such removal except as first above mentioned shall actually take place without the leave of a Judge of the Supreme Court on application made to him for that purpose.

Sheriff may remove prisoners from one gaol to another within his jurisdiction.

21. For the purpose of this Ordinance the word "Governor" shall be taken to include the Lieutenant-Governor or the Officer Administering the Government of the Colony for the time being, and the word "Gaol" shall be taken to include any prison for debtors and any house of correction.

Interpretation.

No. VIII.

AN ORDINANCE to amend "*The Customs Ordinance*," (Session I., No. 3,) and "*The Customs Amendment Ordinance*," (Session III., No. 6).

CUSTOMS AMENDMENT, No. 2.

[20th October, 1846.]

WHEREAS by an Ordinance enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, Session I., No. 3, and by an Ordinance enacted in like manner, Session III., No. 6, provision is made for the collection of certain duties on goods imported into and for the general regulation of the revenue of Customs in the Colony of New Zealand: And whereas it is expedient that further provision be made in that behalf:

Preamble reciting No. 3, Sess. I., and No. 6, Sess. III.

BE IT ENACTED by the Lieutenant-Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

1. It shall be lawful for His Excellency the Governor from time to time, by Proclamation, to appoint and define proper places within the several ports of the Colony to be legal quays or landing-places for

Power to Governor to proclaim landing-places.

Customs Amendment, No. 2.

for the lading and unloading of goods, and to define the portions of such quays and landing-places upon which particular goods shall be laden or unladen, and from time to time in like manner to alter and vary the places to be used for such quays and landing-places as occasion may require; and also in like manner to appoint the hours within which such goods shall be so laden or unladen, and to alter and vary the same as occasion may require: Provided always that nothing herein contained shall prevent the lading or unloading of any such goods at any other time with the permission of the principal officer of Customs.

Goods landed &c. contrary to Proclamation to be forfeited.

2. All goods liable to the payment of any duty of Customs which shall be laden or unladen in any port contrary to the provisions of any such Proclamation as aforesaid shall be forfeited.

Goods undervalued may be detained and sold.

3. And whereas by the said first recited Ordinance provision is made for ascertaining the true value of goods entered at value, and it is expedient to make further provision for the security of the revenue: Be it enacted that if, upon examination of any goods entered to pay duty according to the value thereof, it shall appear to the officers of Customs that such goods are not valued according to the true value thereof at the place of import, it shall be lawful for such officers to detain and secure such goods, and within seven days from the day on which the goods shall be finally examined by the proper officers by virtue of a duty-paid entry, to take such goods for the use of the Crown; and the Collector of Her Majesty's Customs shall thereupon cause the amount of such valuation, together with an addition of ten pounds per centum thereon and also the duties paid upon such entry, to be paid to the importer or proprietor of such goods in full satisfaction of the same, and shall dispose of such goods by sale for the benefit of the Crown.

Surplus to be divided.

4. If the produce of such sale shall exceed the sums so paid and all charges incurred by the Crown, one-half of the overplus shall be given to the officer or officers who shall have detained and taken such goods; and the money retained for the benefit of the Crown shall be paid to the Collector of Customs and shall be carried to account as duties of Customs.

Search for smuggled goods.

5. Upon an information on oath made before any Justice of the peace by any officer of Customs, that he believes (on certain reasonable grounds to be set forth therein) that any goods liable to forfeiture under any Ordinance relating to the Customs are in any particular house building or place, it shall be lawful for such Justice to grant a warrant to such officer of Customs to enter and search such house building or place, and thereupon it shall be lawful for such officer, taking with him a constable, to enter such house building or place in the day time, and to search for and to seize and secure any goods so liable to forfeiture, and in case of necessity to break open any doors chests or package for that purpose.

Goods for Colonial Government to be imported duty free.

6. And be it further enacted that notwithstanding anything in any Ordinance relating to the Customs contained, all goods wares and merchandise imported into the Colony as supplies for Her Majesty's Colonial Government, and at the public charge, shall be admitted to entry on importation without any duty being charged thereon.

Interpretation.

7. For the purpose of this Ordinance the word "Governor" shall be taken to include the Lieutenant-Governor or the Officer Administering the Government of the Colony for the time being.

Destitute Persons.

No. IX.

AN ORDINANCE for the Support of Destitute Families and Illegitimate Children. [26th October, 1846.] DESTITUTE PERSONS.

WHEREAS it is expedient to provide for the maintenance of destitute persons and illegitimate children by making the relatives of such person and the putative fathers of such children liable for their support : Preamble.

BE IT ENACTED by the Lieutenant-Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows :—

1. The father and grandfather, mother and grandmother, and the children of every destitute person not able to support himself by his own labour, shall, being of sufficient ability, be liable to support every such destitute person in manner hereinafter mentioned. Near relatives of destitute persons to be liable for their support.

2. On the information on oath of any respectable householder that any person is destitute and unable to support himself by his own labour, and that such person hath a father or other near relative as aforesaid within the Colony of sufficient ability to support such destitute person, it shall be lawful for any two Justices of the Peace to summon such father or other near relative and to hear and determine such information in a summary way. Mode of proceeding.

3. It shall be lawful for such Justices, on being satisfied that the father or other relative is of sufficient ability to support such destitute person, to make an order on such father or other relative for payment towards the support of such person of a sum of money at a rate not exceeding twenty shillings per week to such person at such times and in such manner as the said Justices may direct, and such order from time to time to suspend alter vary or determine as to them shall seem meet. Power to two Justices to make an order for support.

4. Every person who shall unlawfully and without reasonable cause for so doing desert his wife, or who shall unlawfully desert any of his children under the age of fourteen years, and shall leave such wife or children without means of support, shall for every such offence forfeit and pay any sum not exceeding five pounds for the first offence and any sum not exceeding ten pounds for a second or subsequent offence, to be recovered in a summary way. And it shall be lawful for any two Justices at their discretion to order any person so convicted also to pay towards the support of his wife or children, as the case may be, such sum of money at a rate not exceeding twenty shillings per week to such persons at such times and in such manner as the convicting Justices may direct. Persons deserting their wives or children to be liable to penalties.

5. On the complaint on oath made before any Justice of the Peace by the mother of any European or Half-caste illegitimate child, or on such complaint as aforesaid by any officer duly appointed to act in that behalf, that the father of such child hath refused to provide for its support, it shall be lawful for any two Justices to summon the party charged and to hear and determine such complaint in a summary way. Power to Justice to summon party charged as the father of an illegitimate child.

6. The parties being present, such Justices shall hear the evidence of the complainant and such other evidence as may be produced, and shall also hear any evidence tendered by the person alleged to be the father, and if the evidence of the mother shall be corroborated in some material particular by other testimony to the satisfaction of the said Justices, they may adjudge the man to be the putative father of such illegitimate child : Provided always that the evidence of the mother

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of any illegitimate child shall not be necessary for the making of any such adjudication as aforesaid.

And to make an order upon him for support of the child.

7. It shall also be lawful for such Justices, on being satisfied that any such putative father shall have refused to provide for the support of any such child, to make an order on the putative father for payment to the mother of the child, or to such other person as they may think fit, of a sum of money at a rate not less than two shillings nor more than ten shillings per week, at such times and in such manner as they may direct, for the support of such child: Provided always that in every case where it shall appear to the Justices that the mother of any such illegitimate child is able to contribute to its support, it shall be lawful for them to direct that she shall so contribute as well as the father in such proportions respectively and in such manner as such Justices shall think fit; and if in any such case it shall appear that the mother only is of such ability, it shall be lawful for the Justices to make an order in respect of her alone.

And to make an order for payment of additional sum for education &c.

8. In every case where the order on the putative father shall be made in favour of the Half-caste child, or in favour of any other person of the Native race, it shall be lawful for such Justices to make an order on the putative father for the payment of an additional sum to be applied at such times and in such manner as they may direct to the education of such child in the English language and in the duties of the Christian religion: Provided always that the sum to be paid as last aforesaid shall in no case exceed one-fourth of the sum to be paid as aforesaid for the support of the child, nor the whole sum to be paid as hereinafter provided, in composition for such sum: Provided also that when and so soon as any such child shall by order of such Justices be committed to the custody of any person of the European race, such additional sum shall cease to be paid.

Putative father may make composition.

9. It shall be lawful for the putative father of any illegitimate child, who by virtue of the provisions of this Ordinance shall become liable to contribute towards its support, to pay such a sum of money for that purpose, not less than ten pounds and not more than fifty pounds, in lieu of and as a compensation for such weekly payment as aforesaid as the said Justices shall deem reasonable: Provided always that in case the putative father or the mother as the case may be shall consent to place such child at any school which for the purposes of this present provision may be afforded by the Governor, it shall be lawful for the said Justices to receive from such putative father or the mother, as the case may be, any sum of money which may be sufficient to provide for the maintenance and education of such child therein, although the sum may not amount to the sum of ten pounds. For every sum of money so paid as such composition or as last aforesaid the putative father or the mother as the case may be shall be entitled to a receipt from the person to whom the same shall be paid, and every such payment shall be deemed and taken to be in full satisfaction and discharge of all liability on the part of such father or mother as the case may be for the future maintenance and support of any such child.

Custody of illegitimate children in certain cases.

10. In case of the death or insanity of the mother of any child in respect of whom any order as last aforesaid may have been made under the authority of this Ordinance, or in any other case, with the consent of the mother of any such child, it shall be lawful for any two Justices to appoint in writing some fit person who with his own consent shall have the custody of the child; and any two Justices may revoke the appointment of such person and may appoint another person in his stead as occasion may require; and every person so appointed to have the custody of any such child shall be empowered to

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to make application for the receiving of all payments becoming due under any such order as aforesaid in the same manner as the mother of such child might have done.

11. It shall be lawful for any two Justices with the consent of either of the parents, if living and within the limits of the Colony, but if otherwise then without such consent, to bind any child in respect of whose support any such order as aforesaid shall have been made and be then in force, and who shall have attained the age of fourteen years, as an apprentice, until such child shall attain the age of eighteen years, to any trade business or employment suitable to such child; and every such binding shall be as effectual in law as if the child had been of full age and had bound himself.

Children may be bound apprentices in certain cases.

12. Previously to executing any articles of apprenticeship such Justices shall inform themselves as fully as may be of the age of the child so to be bound as aforesaid, and shall cause the age of the child so ascertained to be inserted in the articles of apprenticeship, and the age so to be inserted shall thereupon for the purposes of this provision be taken to be the child's true age without further proof: Provided also that such Justices shall take care that in every such articles reasonable provision be made for the maintenance clothing and wages of the apprentice, and for the proper and humane treatment of such apprentice.

Age to be stated in articles of apprenticeship.

13. Upon the complaint of any master or mistress of the misbehaviour of any such apprentice, or upon the complaint of any such apprentice of ill-usage by the master or mistress, it shall be lawful for any Justice of the Peace to hear and determine the same in a summary way, and the party offending shall on conviction forfeit and pay any sum not exceeding five pounds.

Misbehaviour of apprentice and ill-usage of master.

14. If it shall appear to such Justice on any such complaint that there is or has been habitual ill-usage by the master or mistress, or incorrigible misconduct in the apprentice, it shall be lawful for such Justice to make an order cancelling the articles of apprenticeship.

Articles to be cancelled in certain cases.

15. In case of the death of any such master or mistress it shall be lawful for any two Justices of the Peace to assign any such articles of apprenticeship for the residue of the term then unexpired therein, or to cancel the same as to them shall seem meet.

Assignment of articles on the death of the master.

16. It shall also be lawful for any such Justices, on the application of any such master or mistress, to assign any such articles of apprenticeship to any other person if it shall appear to the said Justices to be for the benefit of the apprentice so to do: Provided that in every assignment the assignee shall be as much bound to perform the several covenants contained in any such deed as if he had been named therein.

And during lifetime.

17. In case the sum directed to be paid by any order made in pursuance of the provisions of this Ordinance shall be in arrear or unpaid for the space of one calendar month or upwards, it shall be lawful for any Justice of the Peace, on the application of the person entitled to receive the same, by warrant to cause any person making such default to be brought before any two Justices, and if such person shall fail to make payment of such arrears, the amount then due shall be determined by the said Justices and shall be recovered in a summary way: Provided always that if the sum to be paid in pursuance of any such order shall have been allowed by the person entitled to receive the same to be in arrear for more than thirteen weeks without making such application as aforesaid, the person liable to pay the same shall not be compelled to pay more than the amount due for thirteen weeks in discharge of the whole debt, and no warrant

Recovery of payments in arrear.

of

Destitute Persons.

of distress shall be issued for more than the amount of arrears for thirteen weeks' payment in discharge of the whole arrears.

Party liable for payment may be detained in custody.

18. If the amount of arrears so adjudged to be due as aforesaid shall not immediately be paid, it shall be lawful for such Justices at their discretion to order the person liable for the payment thereof to be detained in safe custody until return can conveniently be made to any warrant of distress to be issued for the levying of any such arrears, unless he shall give sufficient security to the satisfaction of the said Justices for his appearance before two Justices on the day which may be appointed for the return of such warrant of distress, such day not being more than seven days from the time of taking any such security.

Property of persons absconding liable for support of their wives and children.

19. In case it shall be made to appear upon oath to the satisfaction of any two Justices that any person hath quitted the Colony, or keeps himself concealed or away from his usual place of abode, and hath left his wife or children without means of support, or that such person is so absent with the intent to avoid the payment of any sum of money he may have been ordered to pay under the authority of this Ordinance, it shall be lawful for any two Justices, by warrant under their hands, to authorize some person to receive so much of the rents and profits of the real estate of such person, and to sell such portion of his personal estate as the said Justices may from time to time direct, not exceeding the rate hereinbefore provided, and to appropriate the money so received towards the support of the wife or children of such person as the case may be in such manner as to the said Justices shall seem meet: Provided always that nothing herein contained shall be construed so as to interfere with the just rights claims or remedies of any person to whom the person so quitting the Colony or keeping concealed or away from his usual place of abode may be indebted: Provided also that the receipt of the person so authorized as aforesaid shall be a good discharge to any tenant or other person for all moneys paid by him and acknowledged in such receipt to be paid.

Persons about to abscond may be arrested.

20. In case any person who may be bound by any such order as aforesaid shall attempt to remove from the Colony, it shall be lawful for any two Justices of the Peace, on the application of any officer appointed by the Governor to act in that behalf, to cause such person to be arrested and to be detained in safe custody until he shall give security, to the satisfaction of such Justices, for the due performance of such order, or shall make a composition for the same as hereinbefore provided: Provided always that no such arrest shall be made unless the person applying for the same shall make a direct and positive affidavit, to the satisfaction of such Justices, that such order is then in force and unsatisfied, and that he believes that the person bound thereby is about to remove from the Colony, and shall also show in such affidavit that there is probable cause for such belief.

False statements.

21. Every person who shall wilfully make any false mis-statement on oath or affirmation in any proceeding before any Justice of the Peace under the provisions of this Ordinance shall be deemed guilty of a misdemeanour.

Parties aggrieved &c. may appeal.

22. If any person shall feel aggrieved by any conviction or order to be made under the authority of this Ordinance, and shall, within five days after such conviction or the making of such order, give notice of appeal to the party on whose information or complaint such conviction or order may have been made, and also within seven days give sufficient security, by recognizance or otherwise, for the payment of costs to the satisfaction of some one Justice of the Peace, it shall be lawful for the person so feeling aggrieved as aforesaid to appeal to the General Quarter Sessions of the Peace to be holden after the period of
fourteen

Weights and Measures.

fourteen days next after the making of the said order, and the Justices in such Quarter Sessions assembled shall thereupon hear and determine such appeal, and shall order such costs to be paid by either party as to them shall seem fit. Every such appeal, except so far as otherwise herein provided, shall be made in manner and subject to the conditions prescribed for regulating appeals by the Summary Proceedings Ordinance, Session II., No. 5: Provided always that if there shall be no Court of General Quarter Sessions having jurisdiction over the county or district in which any such conviction or order shall be made, it shall be lawful for the party aggrieved to appeal to the Supreme Court.

23. For the purposes of this Ordinance every word importing the masculine gender shall extend and be applied to a female, as well as a male, except where the context excludes such construction. Interpretation.

No. X.

AN ORDINANCE for establishing Standard Weights and Measures, and for the prevention of the use of such as are false and deficient. [26th October, 1846.]

**WEIGHTS AND
MEASURES.**

WHEREAS it is necessary to provide against the use of fraudulent weights and measures in the Colony of New Zealand, and for that purpose to establish certain standards by which all other weights and measures may be regulated, and to prohibit the use of any other weights and measures than such as shall agree with such standards: And whereas certain weights and measures of the standard now in force and use in the United Kingdom of Great Britain and Ireland, denominated Imperial Weights and Measures (a Schedule whereof is hereunto annexed), are about to be imported into the Colony for the purposes of this Ordinance: Preamble.

BE IT ENACTED by the Lieutenant-Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

I.—STANDARDS TO BE ESTABLISHED.

1. The several standard weights and measures so to be imported as aforesaid shall be deposited in some convenient place to be appointed by the Governor, to be therein safely kept, and shall be and are hereby declared to be the standard weights and measures of the Colony of New Zealand. Standard weights and measures established.

2. It shall be lawful for His Excellency the Governor to cause copies and models of the several weights and measures so to be deposited as aforesaid to be carefully made, and upon every such copy or model being verified upon oath before such Governor and approved of by him, to cause a stamp or mark to be legibly impressed or engraven thereon to show that the same hath been so verified and approved, and such mark or stamp shall consist of such letters and figures as are commonly used to signify Her Majesty's name or mark, together with S.W. or S.M., signifying standard weight or standard measure as the case may be, and the weight or measure of such copy or model. Copies and models to be made.

*Weights and Measures.***And deposited.**

3. Such copies or models, after having been so verified approved and marked, shall be deposited with such persons as the Governor shall for that purpose appoint, and shall by them respectively be safely kept for the purpose of reference as hereinafter directed.

And verified every five years.

4. Such persons as aforesaid shall at least once in every five years bring and present or forward all such copies and models to be compared and verified with the standard weights and measures so to be deposited as aforesaid, and unless such copies and models be so from time to time verified, the same shall be insufficient for conviction on charges of use of false weights and measures.

If destroyed to be replaced.

5. In case any of the said standard weights or measures or of the copies or models thereof shall be lost destroyed defaced or otherwise injured, another weight or measure shall be provided, with the approbation of the Governor, of the same weight or measure as the weight or measure so lost destroyed defaced or otherwise injured, and the same shall thereupon be deemed to be a true and genuine weight or measure to all such and the like intents and purposes as the weight or measure which shall have been lost destroyed defaced or injured.

To be accessible to the public for comparison.

6. Any person who may be desirous of comparing or adjusting any weights or measures shall have access to all such copies or models so to be deposited as aforesaid, at all reasonable times, on payment of such fees as are hereinafter mentioned; and it shall be the duty of the respective persons to be appointed by the Governor as aforesaid for the safe keeping of such copies or models of the standard weights and measures, for the purposes of reference, to compare every such weight or measure as shall be brought before them respectively with such copies or models as aforesaid.

Fee for comparing.

7. For every such examination of any such weights and measures the person authorized as aforesaid who shall make the same shall be entitled to demand and receive of the person who shall cause the same to be made, the sum of threepence for every weight or measure so compared and no more.

Weights &c. brought to be compared to be stamped under certain regulations.

8. Every person to be appointed by the Governor as aforesaid, for the safe keeping of approved copies and models, shall on every weight and measure by him compared and found true affix a proper mark or stamp to be in that behalf appointed by the Governor, and such person and all other persons acting in the execution of this Ordinance shall observe and conform to the following regulations, namely:—

Regulations.

1. No weight and measure shall be stamped or marked unless it express the same denomination of weight or measure as one of the standards.

2. No unstamped and unmarked weight or measure shall be legal for the purposes of sale or any other commercial transaction excepting glass vessels earthenware vessels and casks.

3. Every iron weight shall have only one leaden plug for adjustment as little larger on the surface than the appointed stamp or mark as may be practically necessary to receive its impression.

4. Every weight shall be distinctly marked with words or figures denoting the value of the weight which it professes to represent.

5. Every measure of capacity or length made of wood or metal shall be distinctly marked with words or figures denoting the capacity or length which it professes to represent.

5. Every false weight weighing-machine or measure in the possession

Weights and Measures.

possession of any tradesman or other person shall render him liable to a separate penalty.

9. And whereas the use of weights made of soft materials affords facility to fraud, no weights made of lead or pewter or of any mixture thereof shall be stamped or used: Provided always that nothing herein contained shall prevent the use of lead or pewter or of any mixture thereof in the manufacture of weights if they be wholly and substantially cased with brass copper or iron, and be legibly stamped or marked "Cased," or shall prevent the insertion of such a plug of lead or pewter into weights as shall be *bonâ fide* necessary for the purpose of adjusting them or of fixing thereon the stamps hereinbefore mentioned.

Weights not to be made of lead or pewter.

II.—TRUE AND STAMPED WEIGHTS, ETC., ONLY TO BE USED.

10. It shall not be lawful for any person to bargain sell or deliver in payment barter or exchange any goods wares merchandise or other thing by any other weights or measures than by such as shall agree with the said standard weights or measures or the copies or models thereof as aforesaid (except as hereinafter excepted) nor so to bargain sell or deliver by any steel-yard or spring-balance or by any unstamped or unmarked weight or measure: Provided always that nothing herein contained shall apply to contracts or bargains for the sale exchange or delivery of any goods wares merchandise or other things *bonâ fide* entered into before this Ordinance shall come into operation, but that all goods wares merchandise and other things so contracted and bargained for as last aforesaid may be sold and delivered according to the ratio or proportion which the weights and measures in use in the Colony at the time such contracts or bargains shall have been made shall bear to the standard weights and measures established by this Ordinance.

Goods not to be sold by false or unstamped weights &c.

11. In every sale barter or exchange of any goods or things by measure (except as hereinafter mentioned), the measure shall be stricken off with a round stick straight and of the same diameter from end to end.

Goods sold by measures to be stricken off.

12. And whereas the heaped measure is liable to considerable variation: Be it therefore enacted, That the heaped measure shall be abolished, and all bargains sales and contracts which shall be made by the heaped measure after this Ordinance shall come into operation shall be null and void.

The heaped measure abolished.

13. And whereas some articles heretofore sold by heaped measure are from their size and shape incapable of being stricken, and from their nature and quality may not conveniently be sold by weight: Be it therefore enacted, That all such articles may henceforth be sold by a bushel measure or by any multiple or by some aliquot part fitted in all parts as nearly to the level of the brim as the size and shape of the article sold will admit: Provided that nothing herein contained shall prevent the sale by weight of any article heretofore sold by heaped measure.

Articles heretofore sold by heaped measures how to be sold.

14. Provided always that nothing herein contained shall be deemed or taken to extend or apply to the sale of medicines or precious metals, precious stones, or to the weights and measures *bonâ fide* used for the sale thereof and for no other purpose.

Ordinance not to apply to sale of medicines &c.

15. And be it further enacted, That nothing in this Ordinance contained shall be deemed or taken to apply to the weights and measures now used by Her Majesty's officers in this Colony for ascertaining any rates or duties payable to Her Majesty, her heirs and successors, upon the importation into the said Colony of any goods wares merchandise or other thing, or upon spirits distilled therein,
unless

Nor to Her Majesty's Customs.

Weights and Measures.

unless Her Majesty's pleasure shall be first heard and signified; and as soon as conveniently may be thereafter, it shall be lawful for the Governor to cause accurate Tables to be prepared and published in order that the several rates and duties may be adjusted and made payable according to the respective standards of weight and measure to be established by this Ordinance; and immediately upon the publication of such Tables, the several rates and duties thereafter to be collected by Her Majesty's said officers shall be collected and taken according to the calculations in the Tables so to be prepared and published as aforesaid.

III.—INSPECTORS.

Inspectors to be appointed.

16. It shall be lawful for the Governor to appoint fit persons who shall have power to examine balances weights and measures within the Colony. Every such person shall upon his appointment take an oath well and faithfully to execute the office in him reposed by virtue of such appointment, which oath any Justice of the Peace is hereby empowered to administer: Provided always that no maker of or seller of weights or measures, or person employed in the making or selling thereof, shall be appointed an Inspector of Weights and Measures under the provisions of this Ordinance.

Inspectors to enter into bond.

17. Every Inspector shall upon his appointment forthwith give security to the satisfaction of the Governor for the due and punctual performance of the duties of his office, and for the safety of the stamps and copies of the standard weights and measures committed to his charge, and for their due restoration and surrender to such persons as may be appointed to receive them by the Governor or other person or persons by whom he may have been appointed in manner aforesaid, immediately on his removal or other cessation from office.

Power to Inspectors to enter into shops &c.

18. It shall be lawful for such Inspector to enter in the day time any shop house mill store out-house or other places near to such shop house mill store or out-house, and to enter into or inspect the stall or standing-place of any person or persons within his district who shall sell by retail and by weight or measure any wares provisions goods or merchandise or any liquid or dry goods or other articles whatsoever, and into the cart wheelbarrow or basket of any hawker or vendor of any such articles, and then and there to search for view and examine all balances and all weights and measures of length and capacity therein.

And to seize false and unstamped weights, &c.

19. It shall also be lawful for such Inspector to seize any false balance and any false or unstamped weights or measures, not being according to the standards or the copies or models thereof and not being stamped or marked as hereinbefore provided, which shall be found upon any such search as aforesaid, and to detain the same to be produced before any two or more Justices of the Peace; and such Justices are hereby authorized and required to inquire into hear and determine in a summary way all informations matters and things touching such seizures or in any wise relating thereto.

IV.—PENALTIES.

For injuring copies &c.

20. If any person shall falsify or wilfully injure any copy or model so to be deposited as aforesaid, every such offender shall forfeit and pay for every such offence the sum of fifty pounds.

For refusing to compare weights.

21. If any person to be appointed as aforesaid for the safe keeping of such copies or models shall neglect or refuse to compare any weights or measures at all such reasonable times as he shall be thereunto required, every person so offending shall, if to the convicting Justices

Weights and Measures.

Justices it shall seem fit, forfeit and pay any sum not exceeding ten pounds nor less than ten shillings.

22. Every person in whose house shop mill or store out-house premises stall or standing-place cart wheelbarrow or basket any false or deficient balance or any unstamped or unmarked weight or measure shall be found upon any such search as aforesaid, shall forfeit and pay for every such balance weight or measure any sum not exceeding ten pounds nor less than five shillings, as to the convicting Justices shall seem meet. And all such false or deficient unstamped or unmarked weights and measures shall upon the conviction of any such person be forfeited, and shall be broken or otherwise disposed of as such Justices shall direct.

For having in possession false or unstamped weights.

23. If any person shall wilfully obstruct hinder resist or in any wise oppose any person appointed under the authority hereof to view and examine such balances weights and measures in the execution of his office, or if any person selling or retailing by weight or measure shall refuse to produce his balances weights or measures in order to be viewed or examined, every person so offending shall for every such offence forfeit and pay any sum not exceeding twenty pounds nor less than forty shillings as the convicting Justices shall adjudge.

For obstructing Inspectors.

24. If any person shall bargain sell or deliver in payment barter or exchange any goods wares or merchandise or other thing by any other weights or measures than by such as shall agree with the said standard weights or measures or the copies or models thereof as aforesaid (except as herein excepted), or shall so bargain sell or deliver by any steel-yard or spring-balance, or by any unstamped or unmarked weight or measure, every person so offending shall for every such offence forfeit and pay the sum of forty shillings.

For selling by false or unstamped weights &c.

25. If any person shall sell any articles by the heaped measure, he shall forfeit and pay for every such sale any sum not exceeding forty shillings.

For selling by heaped measure.

26. The penalties hereby imposed shall be recovered in a summary way before any two Justices of the Peace, who shall cause one moiety of every penalty which shall be paid by virtue of any such conviction to be awarded to the person who shall sue for the same.

Penalties how to be recovered and applied.

27. It shall be lawful for His Excellency the Governor from time to time, by Proclamation, to appoint and define the towns or districts to which the operation of this Ordinance shall extend, and from time to time in like manner to alter their limits and to revoke such Proclamation as to him shall seem meet; and the provisions of this Ordinance shall not be construed to apply in any respect whatever to any town or district not appointed and defined by His Excellency the Governor in the manner aforesaid.

Governor to appoint and define towns &c.

28. Nothing in this Ordinance contained shall be construed to prevent the use of weigh-bridges in the weighing of hay bark and such other rough goods as are usually weighed in that manner, nor to prevent the use of steel-yards in the weighing of goods not exposed for sale in the ordinary course of trade: Provided that no such steel-yard be used within the limits of any town which shall be brought under the operation of this Ordinance.

Weigh-bridges and steel-yards may be used &c.

29. This Ordinance shall come into operation from and immediately after the passing thereof so far as regards the deposit of standards, the verification of copies and models, and the appointment of persons for carrying this Ordinance into execution, and in all other respects the said Ordinance shall come into operation on a day being two calendar months from and after the first notification in the New Zealand Government *Gazette* of the appointment of any such person.

Commencement of Ordinance.

*Fees on Crown Grants.***Interpretation.**

30. For the purposes of this Ordinance, the word "Governor" shall be taken to include the Lieutenant-Governor or the Officer Administering the Government of the Colony for the time being.

SCHEDULE.**LIST OF STANDARD WEIGHTS AND MEASURES TO BE DEPOSITED AS HEREINBEFORE PROVIDED.**

STANDARD WEIGHTS.		STANDARD MEASURES OF CAPACITY.	
Fifty-six pounds.	Four ounces.	One bushel.	One half gallon.
Twenty-eight pounds.	Two ounces.	One half bushel	One quart.
Fourteen pounds.	One ounce.	One peck.	One pint.
Seven pounds.	Eight drams.	One half peck.	One half pint.
Four pounds.	Four drams.	One quarter peck.	One gill.
Two pounds.	Two drams.	One gallon.	One half gill.
One pound.	One dram.		
Eight ounces.			

Standard Measuring Rod.

No. XI.**FEEs ON CROWN GRANTS.**

AN ORDINANCE to repeal "*The Crown Grants Ordinance*," Session V., No. 1, and to impose Fees for the delivery of all Crown Grants.

[3rd November, 1846.]

Preamble reciting No. 3, Session V.

WHEREAS by an Ordinance enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof (Session V., No. 3), intituled "*An Ordinance for imposing Fees on the delivery of Crown Grants in certain cases*," fees are imposed upon the delivery of every Crown Grant which shall have been allowed to remain in the office of the Colonial Secretary or in any other Government office for more than three calendar months at the rate of five shillings a month: And whereas it is expedient that a fee should be charged on the delivery of all Crown Grants but without reference to the time which they may have been allowed to remain in such offices as aforesaid:

BE IT ENACTED by the Lieutenant-Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

Recited Ordinance repealed.

1. The said recited Ordinance shall be and the same is hereby repealed.

Fee of twenty shillings to be paid on the delivery of all Crown Grants.

2. Before the delivery of any Crown Grant, there shall be demanded from and paid by the grantee therein named or other the person duly authorized to receive such grant the sum of twenty shillings, and no other fees for or in respect of the preparation of any such grant shall be payable thereon, anything in the said recited Ordinance contained to the contrary notwithstanding.

Fees to be paid to the Colonial Treasurer.

3. All fees received under the authority of this Ordinance shall be paid to the Colonial Treasurer to the use of Her Majesty, her heirs and successors, for the public uses of the Colony and the support of the Government thereof.

Supreme Court Rules.

No. XII.

SUPREME COURT
RULES.

AN ORDINANCE to confirm certain Rules, Forms, and Tables of Fees touching the Practice of the Supreme Court. [5th November, 1846.]

WHEREAS by an Ordinance enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof (Session III., No. 1), intituled "*An Ordinance for establishing a Supreme Court*," it is amongst other things enacted that it shall be lawful for the Judges of the Court from time to time to make rules for regulating the time and place for holding the Court, and the practice and pleadings upon all indictments informations suits and other proceedings therein, the proceedings of the Sheriffs and other ministerial officers, the admission of barristers and solicitors, the fees and poundage to be paid to any officer, costs of suit and the taxing thereof, and all matters relating to the business of the Court, and such Rules from time to time to alter or revoke: And whereas it is also further enacted that the Rules to be made under the authority aforesaid shall be submitted to the Governor in Council, and upon being approved shall have the same force and effect as if they had been inserted in the said recited Ordinance until the termination of the sitting of the Legislative Council next following their approval by the Governor in Council: And whereas in exercise of the powers to them given by the said recited Ordinance the Judges of the Supreme Court have settled and approved the Rules, Forms, and Tables of Fees hereunto annexed, and the same have been approved by the Governor in Council, and it is expedient that such Rules, Forms, and Tables of Fees should be confirmed:

Preamble reciting
Ordinance Session
III., No. 1.And that Rules have
been made by the
Judges.

1. Be it therefore enacted by the Lieutenant-Governor of New Zealand, with the advice and consent of the Legislative Council, That the said Rules, Forms, and Tables of Fees shall be and the same are hereby confirmed.

The said Rules con-
firmed.

RULES, FORMS, AND TABLES OF FEES.

BARRISTERS AND SOLICITORS.

1. Every solicitor of the Supreme Court shall enter his name and his place of abode or some other place where he may be served with summonses orders rules notices and other proceedings in a book to be kept for that purpose at the office of the Registrar or Deputy Registrar, and shall make the like entry as often as he shall change his place of abode or other such place as aforesaid.

2. Every solicitor residing in any town or settlement other than Auckland and Wellington shall give notice to the Registrar of Auckland or Wellington or to both (if requisite) of the appointment of any person to act as agent for such solicitor, and such Registrar shall cause an entry to be made in the book mentioned in the foregoing Rule.

3. Every barrister who shall practice as a solicitor under the provisions of the Supreme Court Ordinance, Session III., No. 1, sec. 17, shall in all such matters as belong to his practice as a solicitor be subject to the control of the Court in like manner as solicitors are by law subject thereto.

4. It shall be competent for any barrister or solicitor of the Supreme Court to act as a perpetual Commissioner for taking the acknowledgments of married women under the Statute 3 and 4 William IV. c. 74, (the Act for the abolition of fines and recoveries,) upon payment to the Registrar of such fee as may be required by the Rules of the Court.

COMMENCEMENT OF SUIT.

5. The 12th Rule shall be deemed to apply to any complaint or demand of a civil nature within the ecclesiastical jurisdiction of the Court.

6. Where

Supreme Court Rules.

6. Where a plaintiff shall reside beyond the limits of the Colony, it shall be sufficient to file a written warrant or authority in the following form:—

I, the attorney of , under a power of attorney dated the day of , do hereby, &c. [as in Form No. 3].

At the time of filing such warrant or authority, the power of attorney therein mentioned shall be exhibited to the Registrar.

SERVICE OF PROCESS.

7. The 19th Rule shall be deemed to extend to the service of notices or other proceedings in any cross action or suit relating to the same property or arising out of the same instrument or transaction as the original suit.

8. In all applications to a Judge of this Court under Rules 21 and 22, it shall be necessary for the plaintiff or some other person to swear that at the time of making the application the defendant still keeps out of the way and cannot be personally served with process.

ARREST.

9. When a defendant shall be arrested under the 26th Rule the writ of summons, if not already served, shall be served at the time at which the writ of arrest is executed.

10. In all cases in which according to the practice of the Courts of Equity in England a party would be entitled to a writ *ne exeat regno*, the party so entitled shall proceed in the manner prescribed by the 26th Rule, and the writ, with such alterations as the circumstances of the case may render necessary, shall be in the Form No. 8.

IRREGULARITIES.

11. All objections on the ground of irregularity or insufficiency of the writ of summons, or particulars of demand or service thereof, shall be made when the cause shall be called on the appearance day and not afterwards. Notice in writing, specifying the irregularity or insufficiency complained of, shall be served on the plaintiff or his solicitor two clear days at least before such appearance day.

PLEADING.

12. The explicit particulars of set-off required by the 30th Rule shall be delivered to the plaintiff or his solicitor four clear days before the appearance day, and not to the Registrar at the time of pleading the same as required by the said Rule.

13. Where a defendant pleads a set-off exceeding in amount the sum claimed by the plaintiff, he shall be at liberty to add to his particulars of set-off a notice that he claims to recover the excess; and if the Jury shall find that the sum due by the plaintiff to the defendant exceeds the sum due to the plaintiff, the defendant shall be entitled to judgment and execution accordingly.

14. In an action of a bill of exchange or promissory note a partial failure of consideration may be pleaded, although the amount sought to be deducted shall be unliquidated and not in the nature of a debt certain.

UNDEFENDED CAUSE.

15. The 43rd Rule shall be deemed to extend to actions brought for the recovery of an account stated by the plaintiff and defendant and signed by the defendant.

DISCOVERY.

16. The 57th Rule, relating to discovery, shall be extended to any party or intended party to a suit or action in the Supreme Court who would be entitled, according to the practice of the Superior Courts at Westminster, to file a bill in equity against the opposite party for a discovery.

EXAMINATION DE BENE ESSE.

17. The examination of a witness *de bene esse* may be taken before a Judge in the manner prescribed by the 57th Rule, or under a Commission, as the case may require.

EXECUTION.

18. The following Rule is substituted for Rule 64:—If any party against whom a verdict shall have been found shall desire to obtain a new trial, he shall move accordingly at the next sitting of the Court for the hearing of motions for a rule calling on the opposite party to show cause why a new trial should not be granted. Such motion may be made on circuit, but cause must be shown at Auckland or Wellington. If no such motion be made, or if the rule be refused, execution may issue forthwith. Writs of execution shall be in one other of the Forms Nos. 13 and 14 in the Appendix.

19. The provisions of the 1 and 2 Vict. c. 110, sec. 13, relative to the mode in which a judgment creditor shall proceed to obtain a sale of lands bound by the judgment, are substituted for the 65th Rule.

MOTIONS AND AFFIDAVITS.

20. The 68th Rule shall be confined to rules which are absolute in the first instance, and shall not be deemed to extend to rules to show cause. No affidavit shall be read in answer to any affidavit in support of the motion unless it shall have been filed in the Registrar's office during office hours on the day preceding.

21. Where

Supreme Court Rules.

21. Where a party would be entitled to move for a common injunction, he shall proceed by motion in the cause to stay proceedings therein, upon proper affidavit.

FINES.

22. The following is substituted for the 73rd Rule:—Cause must be shown on affidavit filed one clear day at least before the day fixed for showing cause. If sufficient cause be not shown, the Judge shall direct the Registrar or Deputy Registrar forthwith to issue a writ in the Form No. 17 to enforce payment of such fine or of such part thereof as to the Judge may seem meet.

SPECIAL JURIES (ADDITIONAL).

23. The 75th Rule shall not be construed to interfere with the practice as to certifying for costs in special jury cases, in conformity with the usage of the Superior Courts of Common Law at Westminster.

INJUNCTION.

24. In order to obtain an injunction to prevent irreparable injury or damage to property, or to restrain waste, or for any of the purposes to which a special injunction is by law applicable, it shall be necessary to apply to the Court or a Judge thereof upon an affidavit setting forth the circumstances out of which the plaintiff's right to such injunction may arise and the nature of the injury apprehended by him, and showing reasonable grounds for such apprehension.

25. Any defendant or other person against whom an injunction shall operate may move the Court to dissolve the same upon affidavit. Notice of such motion shall be given to the opposite party two clear days at least before the day appointed for the hearing thereof.

FEE PAYABLE TO THE REGISTRAR.

26. Appointment as perpetual Commissioner, under 3 and 4 Wm. IV., c. 74, £1.

SHERIFF'S FEES.

Fees shall be payable to the Sheriff and Sheriff's Officer according to the Table following, that is to say,—

	£	s.	d.
For every warrant or writ of arrest	0	4	0
For every arrest, if within five miles of the Court House...	0	10	0
For every arrest, if beyond five miles of the Court House ..	1	0	0
For warrant to bailiff on writ of execution against goods ...	0	4	0
Taking possession under writ of execution and making inventory ...	0	5	0
If inventory exceed two folios, for each folio above two ...	0	0	6
Poundage at the English rate			
(In case of execution against goods, the poundage to be calculated upon the actual proceeds of the execution.)			
Drawing advertisement of sale (if required) and inserting same ...	0	5	0
Paid for advertisement			
Replevin bond	0	15	0
Inventory annexed thereto, per folio	0	0	6
Warrant to restore goods replevied	0	4	0
Return to any writ	0	2	0
Warrant on writ of execution against the person	0	4	0
For receiving money under the Statute upon deposit after the arrest ...	0	10	3
For bail bond on amount of debt, £1 per cent.			
Assignment of bail bond	0	5	0
For every sale by auction under execution, where the property sold does not produce £300, 5 per cent.; £400, 4 per cent.; £500, 3 per cent.; and where it exceeds £500, 2 per cent.			
Bond of indemnity	1	10	0
Attending to strike special jury	0	15	0
Summoning jury in civil cases (for each party)	0	6	0
(To be paid immediately after the swearing of the jury.)			
Summoning jury in criminal cases, for each juror	0	1	6

FEES TO SHERIFF'S OFFICER.

	£	s.	d.
Service of writ of summons within one mile from the Court House ...	0	2	0
Mileage beyond that distance, per mile one way	0	1	0
Summons on each juror within one mile from the Court House ...	0	0	4
For conveying defendant to gaol from place of arrest, per mile ...	0	1	0
Bailiff for executing warrant in writ of arrest or execution, if the distance does not exceed five miles	0	10	0
			If

Appropriation.

	£	s.	d.
If beyond that, per mile	0	0	6
For each man left in possession, per day	0	4	0

IN the exercise of the powers to us given by the Supreme Court Ordinance, (Session III., No. 1, sec. 25,) the foregoing Rules, Forms, and Tables of Fees, have been settled and approved.

WILLIAM MARTIN, C.J.
H. S. CHAPMAN, J.

No. XIII.

APPROPRIATION.

AN ORDINANCE to appropriate the Revenue for the Year
One thousand eight hundred and forty-seven.

[6th November, 1846.]

Preamble.

WHEREAS it is expedient that such part of the general revenue of New Zealand as is subject to the disposal of the Colonial Government should be from time to time appropriated by authority of the Legislative Council:

BE IT THEREFORE ENACTED by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

Certain sums to be applied to the service of the year 1847.

1. Out of such part of the general revenue as aforesaid there may be issued and applied in manner hereinafter mentioned any sum or sums of money not exceeding the several sums hereinafter specified, that is to say,—

For defraying the charge of the Government of this Colony for the year one thousand eight hundred and forty-seven, the sum of thirty-four thousand three hundred and twenty-two pounds nine shillings, as hereinafter particularly specified, that is to say,—

	£	s.	d.
1. Superintendent of Southern Division and Establishment	888	0	0
2. Colonial Secretary's Department	290	0	0
3. Colonial Treasurer's Department	1,217	0	0
4. Audit Department	465	0	0
5. Surveyor-General's Department	1,523	12	6
6. Public Works Department	405	2	0
7. Customs Department	2,460	0	0
8. Harbour Department	1,612	15	0
9. Police Department	9,883	19	6
10. Medical Department	180	0	0
11. Militia	191	12	6
12. Supreme Court Department	1,499	15	0
13. Law Officers	606	5	0
14. Local Courts	260	0	0
15. Crown Prosecutions	350	0	0
16. Police Magistrates' Department	1,680	12	6
17. Sheriffs and Gaols	1,128	15	0
18. Coroners	80	0	0
19. Miscellaneous	4,300	0	0
20. Public Works	4,800	0	0
21. Roads at Nelson	500	0	0

Amounting in the whole to the aforesaid sum of **£34,322 9 0**

2. And

Customs.

2. And be it enacted that the Colonial Treasurer shall issue and pay from time to time any sum or sums of money for the purposes hereinbefore mentioned, not exceeding in the whole the sums respectively specified, to such persons and in such portions as the Governor for the time being shall by any order or orders in writing signed by him from time to time direct, and such Treasurer shall in his accounts be allowed credit for all sums paid by him in pursuance of such orders, and the receipts of the persons to whom such sums shall have been so paid shall be to him a full discharge for the sum or sums for which such receipts shall have been given, and the amounts thereof shall be passed to his credit in account accordingly.

Treasurer to pay moneys on order of Governor.

3. For the purposes of this Ordinance the word "Governor" shall be taken to include the Lieutenant-Governor or the Officer Administering the Government of the Colony for the time being.

Interpretation.

No. XIV.

AN ORDINANCE to alter certain Duties of Customs.

CUSTOMS.

[6th November, 1846.]

WHEREAS by an Ordinance enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, (Session III., No. 6,) intituled "*An Ordinance to amend an Ordinance enacted by the Governor and Council of New Zealand, (Session I., No. 3,) to repeal certain Acts of the Governor and Council of New South Wales, to make provision for the collection of certain Duties on Goods imported into and for the general regulation of the Revenue of Customs in the Colony of New Zealand and its dependencies,*" provision is made amongst other things for imposing duties of Customs on goods wares and merchandise imported into and landed in the Colony of New Zealand as the same are respectively described and set forth in the "Table of Duties of Customs" to the said recited Ordinance annexed: And whereas it is expedient that the scale of duties to be imposed on the importation of goods wares and merchandise be amended as follows:—

Preamble reciting No. 6, Sess. III.

1. Be it therefore enacted by the Lieutenant-Governor of New Zealand, with the advice and consent of the Legislative Council thereof, that so much of the said recited Ordinance as relates to the amount of duties to be imposed on goods wares and merchandise imported into and landed in the Colony of New Zealand, shall be and the same is hereby repealed.

Part of recited Ordinance repealed.

2. In lieu of the said duties there shall be raised levied collected and paid unto Her Majesty, her heirs and successors, for the public uses of the Colony, upon goods wares and merchandise which shall be imported into the Colony of New Zealand and landed at any port or place therein after this Ordinance shall come into operation, the several duties of Customs as the same are respectively inserted described and set forth in figures in the table to this Ordinance annexed, denominated "A Table of Duties of Customs."

New duties imposed.

3. The duties of Customs hereby imposed shall be raised levied collected and paid in like manner as if the said duties had been imposed by the Ordinance (Session I., No. 3,) to provide for the collection of duties

How to be levied and paid.

Police Magistrates and Native Exemption Repeal.

duties imposed on goods imported into and for the general regulation of the revenue of Customs in the Colony of New Zealand and its dependencies, and subject also to all such provisions and regulations as may for the time being be in force under and by virtue of any local Ordinance for the collection of and for the general regulation of the revenue of Customs in the Colony of New Zealand.

Commencement of Ordinance.

4. This Ordinance shall come into operation at the port of Auckland on the day next following the passing hereof; at every other port of entry within the Colony on the day next following the receipt of a copy hereof by the principal officer of Customs at any such port, who is hereby required immediately upon the receipt thereof to give public notice of the same; and at all other places throughout the Colony on the fifteenth day of December next.

TABLE OF DUTIES OF CUSTOMS.

	£	s.	d.
On spirits, for every gallon Imperial measure of such spirits not exceeding the strength of hydrometer proof, and so in proportion for spirits of a greater strength (all cordials, sweetened spirits, and liqueurs being rated as proof spirits), at the rate of, for every gallon Imperial measure	0	5	0
On cigars, cheroots, and snuff, at the rate of, for every pound weight thereof	0	2	0
On other manufactured tobacco, at the rate of, for every pound weight thereof	0	1	0
On all other tobacco, at the rate of, for every pound weight thereof	0	0	9
On all guns, weapons of any description, gunpowder or munitions of war, lead and shot, at the rate of, for every hundred pounds in value thereof	30	0	0
On wine, at the rate of, for every hundred pounds in value thereof	20	0	0
On all beer, porter, cider, and perry, at the rate of, for every hundred pounds in value thereof	15	0	0
On all goods, wares, and merchandise not otherwise charged with duties of Customs and not hereinafter set forth as free of duty, being the growth produce or manufacture of the United Kingdom, or of any British possession, at the rate of, for every hundred pounds in value thereof	10	0	0
On all goods, wares, and merchandize, not otherwise charged with duties of Customs and not hereinafter set forth as free of duty, being the growth produce or manufacture of any Foreign State, at the rate of, for every hundred pounds in value thereof	12	10	0

FREE OF DUTY.

- Bottles of common glass, imported full.
- Bullion and coin.
- Horses, mules, asses, sheep, cattle, and all other live stock and live animals.
- Seeds, bulbs, and plants.
- Printed books, not being account books.

No. XV.

POLICE MAGISTRATES
AND NATIVE
EXEMPTION REPEAL.

AN ORDINANCE to repeal "*The Police Magistrates Ordinance*" and "*The Native Exemption Ordinance.*"

[7th November, 1846.]

Preamble reciting
No. 4, Sess. II., and
No. 18, Sess. III.

WHEREAS an Ordinance was enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, (Session II., No. 4,) intituled "*An Ordinance for extending the Powers of Police Magistrates;*" and an Ordinance was in like manner enacted (No. 18, Session III.) intituled "*An Ordinance to exempt in certain cases the Aboriginal Native Population of the Colony from the ordinary process and operation of the Law:*" And whereas it is expedient that the said Ordinances should be repealed:

BE IT THEREFORE ENACTED by the Lieutenant-Governor of New Zealand,

Resident Magistrates Courts.

Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

1. The said recited Ordinances shall be and the same are hereby repealed.

Recited Ordinances repealed.

2. This Ordinance shall come into operation throughout the Colony on the first day of May, one thousand eight hundred and forty-seven, or as to either or both of the said recited Ordinances on such earlier day and either throughout the Colony or within any district or districts thereof as His Excellency the Lieutenant-Governor shall by Proclamation direct and appoint.

Commencement of Ordinance.

No. XVI.

AN ORDINANCE to provide for the establishment of Resident Magistrates Courts, and to make special provision for the Administration of Justice in certain cases. [7th November, 1846.]

RESIDENT MAGISTRATES COURTS.

WHEREAS it is expedient that provision be made for the more simple and speedy administration of justice in the Colony of New Zealand, and for the adaptation of the law to the circumstances of both races:

Preamble.

BE IT ENACTED by the Lieutenant-Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

I.—RESIDENT MAGISTRATES.

1. For the purposes hereinafter mentioned there shall be appointed a fit number of persons, being Justices of the Peace, who shall be and be called Resident Magistrates.

Power to Governor to appoint Resident Magistrates.

2. Every such Resident Magistrate shall be appointed by Her Majesty, her heirs and successors, and shall hold his office during Her Majesty's pleasure: Provided that it shall be lawful for the Governor to appoint any such Resident Magistrate provisionally until Her Majesty's pleasure shall be known; and in case any Resident Magistrate shall, by reason of sickness absence suspension from office or other cause, be unable to discharge the duties of his office, it shall be lawful for the Governor to appoint a fit person, being a Justice of the Peace, to act in the place of such Resident Magistrate as long as such inability as aforesaid shall continue.

Tenure of office.

3. Every Resident Magistrate so to be appointed as aforesaid shall have all such powers of dealing summarily with cases of assault and of admitting to bail persons charged with felony as may by law be exercised by any two Justices of the Peace, and also all such powers as are by any local Ordinance given to any two Justices of the Peace.

May admit to bail &c.

II.—SUMMARY JURISDICTION IN CERTAIN CASES.

4. When any person shall be charged with larceny, and where the value of the property stolen shall not exceed twenty shillings, and where the circumstances of the case shall appear to any such Resident Magistrate or to any Justice of the Peace to be of so trivial a nature as to be unfit for prosecution, it shall be lawful for him to dismiss the case although a felony may have been proved.

Trivial cases may be dismissed.

Resident Magistrates Courts.

Certain charges of larceny may be dealt with summarily.

5. When any person shall be charged with larceny, and where the value of the property stolen shall not exceed twenty shillings, it shall be lawful for any such Resident Magistrate, upon being satisfied of the value of such property, at his discretion to hear and determine such charge, and in case of conviction to sentence the offender to be imprisoned for any period not exceeding six calendar months. Such adjudication shall not be invalidated although it should subsequently be proved that the value of such property exceeded the aforesaid limits.

If party make confession he may be dealt with summarily.

6. Where any person shall be charged with larceny where the value of the property stolen shall not exceed five pounds, if such party shall, after hearing the information and evidence against him, voluntarily confess the offence, it shall be lawful for any such Resident Magistrate at his discretion to take such confession and to sentence the offender to imprisonment for any period not exceeding twelve calendar months.

III.—COMMITMENT, AND SUMMARY CONVICTION, ETC., OF NATIVES IN CRIMINAL CASES.

Committal of Natives.

7. And whereas it may be desirable that special provision be made for the administration of justice in criminal cases where persons of the Native race are concerned: Be it enacted that, except within the limits of any town, no person of the Native race shall be apprehended under any warrant or be committed to prison except upon a warrant or committal signed by any such Resident Magistrate.

In summary proceedings.

8. No information or complaint against any person of the Native race shall be heard or determined in a summary way except before such Resident Magistrate.

If Native make confession he may be dealt with summarily.

9. When any person of the Native race shall be charged with larceny or with receiving stolen goods, and shall, after hearing the information and evidence against him, voluntarily confess the same, it shall be lawful for any such Resident Magistrate at his discretion to take such confession and to sentence the offender to be imprisoned for any period not exceeding two years.

Natives convicted of theft may pay four times value of property stolen.

10. In case any person of the Native race shall be convicted upon any charge of theft or of receiving stolen goods in a summary way before the Resident Magistrate as aforesaid, every such person may after such conviction, by permission of the Court and at any time before sentence passed, pay into the Court four times the value of the goods so stolen or received as aforesaid: Provided that if the goods so stolen or received as aforesaid shall have been restored by the person so convicted, such person may, by permission of the Court and at any time before sentence passed, pay into the Court either four times the value of the goods so stolen or received as aforesaid, or such less sum as to the Court shall seem fit. If such payment shall be so made as aforesaid, or if security for such payment shall be given to the satisfaction of the Court, no sentence shall be passed, but the person so convicted and making such payment or giving such security as aforesaid shall be discharged from custody, and shall be in the same condition in all respects as if he had received sentence and undergone his punishment in the ordinary course of law: Provided always that for the purposes of this present provision such Court shall have power to delay passing sentence in any such case for any period not exceeding eight days.

Value in certain cases to be awarded to owner.

11. Where any such payment as last mentioned shall have been made, and it shall appear that restitution of the goods charged to have been stolen or received as aforesaid has not been or cannot be made, the Court shall have power, upon application then made by the owner

of

Resident Magistrates Courts.

of such goods or his representatives, to award to such owner or representatives such part of the sum so paid into Court as aforesaid as shall be equal to the sworn value of such goods together with such costs as to the Court shall seem reasonable. The sum so paid into Court, or in either of the cases last mentioned the residue thereof, shall be duly accounted for and paid over to the Colonial Treasurer or Treasurer of the county or district for the use of Her Majesty, her heirs and successors, for the public uses of the Colony and for the support of the Government thereof.

IV.—SUMMARY JURISDICTION IN CIVIL CASES BETWEEN NATIVE AND EUROPEAN.

12. In every case of any claim or demand whatsoever of a civil nature, in which either party (but not both plaintiff and defendant) shall be of the Native race, and where the debt or damages claimed shall not exceed one hundred pounds, it shall be lawful for the Resident Magistrate, together with any one or more Justices of the Peace, upon proof of personal service of a summons upon the defendant, to hear and determine any such case by way of summary proceeding. And in any such case as aforesaid, where the debt or damage claimed shall not exceed twenty pounds, it shall be lawful for any such Resident Magistrate alone to hear and determine such case in a summary way.

Jurisdiction and mode of proceeding.

13. In every such case the said Resident Magistrate together with any one or more Justices of the Peace, or the said Resident Magistrate alone, as the case may be, shall have full power and authority to give such judgment between the parties as he or they shall find to stand with equity and good conscience, and to prescribe such terms and conditions as to the time and mode of satisfying such judgment as he or they shall deem just and reasonable. And in the hearing of every such case the said Resident Magistrate together with any one or more Justices of the Peace, or the said Resident Magistrate alone, as the case may be, shall be at liberty to receive or require any such evidence as to him or them shall appear fit whether the same shall be strictly legal evidence or not.

Judgment and evidence.

14. The judgment of such Resident Magistrate together with any one or more Justices of the Peace, or the said Resident Magistrate alone, as the case may be, as aforesaid, shall be final on all questions, nor shall any case be removed on behalf of either party into any Superior Court, by *certiorari* or otherwise, in any stage of the proceeding.

Judgment to be final.

15. Every such judgment may be enforced in the same manner as any order for payment of money made by any Justice of the Peace in any summary proceeding.

And how to be enforced.

16. In any such case it shall be lawful for such Resident Magistrate together with any one or more Justices of the Peace, or the said Resident Magistrate alone, as the case may be, at his or their discretion to demand and take any fees not exceeding the fees following, that is to say,—

Fees may be taken.

For every summons, any sum not exceeding	...	3s.
For every hearing, any sum not exceeding	...	6s.
For entering judgment or order	...	3s.
For every distress warrant or warrants to apprehend	6s.	
For officer executing such warrant	1s. in the pound upon the sum levied or received, or for which the body is taken in execution.	

17. It shall be lawful for any Justice of the Peace to refuse to do any act in respect of which any fee shall be demandable unless such fee be first paid.

And may be required to be prepaid.

Resident Magistrates Courts.

And to be paid to
Colonial Treasurer.

18. All fees which shall have been demanded and taken under the authority hereinbefore given, shall be paid to the Colonial Treasurer or Treasurer of the county or district as the case may be.

V.—ARBITRATION COURTS FOR NATIVE CASES.

Courts of Arbitration
their constitution
and jurisdiction.

19. And whereas for the settling of disputes and differences of a civil nature between persons of the Native race it is expedient to provide a more simple and expeditious procedure in such cases than that of the ordinary Courts of Law: Be it therefore enacted that it shall be lawful for any Resident Magistrate or any person appointed by His Excellency the Governor to act in that behalf, assisted by two Native Assessors, one to be chosen by each of the parties and to be appointed as hereinafter mentioned, to act as a Court of Arbitration, with power to hear and determine summarily all claims and demands whatsoever of a civil nature arising between persons of the Native race.

Appointment of
Assessors.

20. For the purpose of providing a sufficient number of persons fit to act as Assessors, it shall be lawful for His Excellency the Governor to select and appoint as such Assessors so many persons in each tribe or division of a tribe as he shall think fit. The persons so selected shall be men of the greatest authority and best repute in their respective tribes, and who shall be willing to act as such Assessors.

Their powers and
mode of proceeding.

21. Such Resident Magistrate, or other person as aforesaid, and Assessors, shall possess the same powers as to the hearing and determining of the cases last mentioned, the admission of evidence, and the enforcing of their judgment therein, as are hereinbefore given in cases where only one of the parties shall be of the Native race.

Cases how to be de-
termined.

22. Every such case shall be determined by the two Assessors (where agreed in their judgment therein), but in case of a difference of opinion, then by the judgment of the Resident Magistrate or other person as aforesaid and of one of the Assessors: Provided always that so long as such difference of opinion shall continue such judgment shall be recorded only, but that no act shall be done or proceeding taken to carry such judgment into execution until both the Assessors and the Resident Magistrate or other person as aforesaid shall concur therein.

Security may be re-
quired for obedience
to award.

23. In order to secure obedience to the award of such Court, it shall be lawful for the Resident Magistrate or other person as aforesaid, before entering upon the hearing of any complaint or demand, to require such security, either by deposit or otherwise, from the parties or either of them as he shall deem fit.

Payment of Assessors.

24. In every case in which the judgment of the Court shall have been carried into execution to the satisfaction of the Resident Magistrate or other person aforesaid, it shall be lawful for His Excellency the Governor to pay to each of the Assessors any sum not exceeding five pounds.

VI.—SUMMARY JURISDICTION IN CIVIL CASES GENERALLY.

Jurisdiction.

25. In every case of any claim or demand whatsoever of a civil nature, in which neither of the parties shall be of the Native race, and where the defendant shall reside beyond the distance of ten miles from the office of any Court of Requests, and where the debt or damage claimed shall not exceed twenty pounds, it shall be lawful for any such Resident Magistrate or any two or more Justices of the Peace to hear and determine the same by way of summary proceeding.

Mode of proceeding
&c.

26. Such Resident Magistrates or any two or more Justices of the Peace shall possess the same powers as to the hearing and determining of the cases last mentioned, the admission of evidence, the enforcing of their judgment, and the requiring of the payment of fees, as are hereinbefore

Cattle Trespass Repeal.

hereinbefore given in cases where one of the parties shall be of the Native race.

27. If any person shall wilfully insult such Resident Magistrate or Justice of the Peace whilst sitting in Court and acting in the execution of this Ordinance, or shall in any other manner be guilty of any wilful contempt in the face of the Court, it shall be lawful for such Resident Magistrate or Justice of the Peace, by warrant under his or their hands, to commit the person so offending to any common gaol for any term not exceeding one calendar month.

May commit for contempt of Court.

VII.—MISCELLANEOUS.

28. And whereas by various Ordinances now in force within the Colony certain acts are required to be done by and certain powers are given to Police Magistrates: Be it enacted that all such acts and powers may hereafter be done and exercised by any Resident Magistrate or any other person whom His Excellency the Governor shall from time to time designate or appoint for that purpose.

Duties required to be done by Police Magistrates may be performed by persons appointed by the Governor.

29. For the purposes of this Ordinance the word "Governor" shall be taken to include the Lieutenant-Governor or the Officer Administering the Government of the Colony for the time being.

Interpretation.

30. This Ordinance shall come into operation throughout the Colony on the first day of May, one thousand eight hundred and forty-seven, or on such earlier day, and either throughout the Colony or within any district or districts thereof, as His Excellency the Lieutenant-Governor shall by Proclamation direct and appoint.

Commencement of Ordinance.

No. XVII.

AN ORDINANCE to repeal "*The Cattle Trespass Ordinance*" and "*The Cattle Trespass Amendment Ordinance*," and to provide for the Summary Recovery of Compensation for Damage done by Cattle Trespassing. [10th November, 1846.]

CATTLE TRESPASS
REPEAL.

WHEREAS an Ordinance was enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, (Session II., No. 16,) intituled "*An Ordinance to provide for the Summary Recovery of Compensation for Damage done by Cattle Trespassing*:" And whereas a like Ordinance was enacted (Session III., No. 14,) intituled "*An Ordinance to amend an Ordinance to provide for the Summary Recovery of Compensation for Damage done by Cattle Trespassing*:" And whereas it is expedient that the said Ordinances be repealed, in order that the enactments therein contained may be amended and consolidated into one Ordinance:

Preamble reciting No. 16, Sess. II., and No. 14, Sess. III.

BE IT THEREFORE ENACTED by the Lieutenant-Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

1. The said recited Ordinances shall be and the same are hereby repealed.

Recited Ordinances repealed.

2. Whenever any cattle shall trespass on land which shall be substantially fenced and shall do any damage thereon, it shall be law-

Compensation for damage to land substantially fenced.

Arms.

ful for any two Justices of the Peace, upon application of the person suffering such damage, to hear and determine the case in a summary way, and on being satisfied as to the amount of such damage by the oath or solemn affirmation as the case may require of two witnesses competent from practical knowledge or otherwise to estimate the same, to award to the party sustaining such damage any sum not exceeding twenty pounds by way of compensation for the same.

And in certain cases although the land be not substantially fenced.

3. In case the person sustaining any such damage shall be of the Native race, it shall be lawful for the said Justices in like manner to award compensation although the land trespassed upon shall not be substantially fenced: Provided always that it shall be lawful for His Excellency the Governor by Proclamation from time to time to declare certain districts within which persons of the Native race shall not be entitled to recover compensation unless the land trespassed upon shall be substantially fenced, and the limits of such districts from time to time to alter as occasion may require, and also, if he shall see fit, to revoke the Proclamation by which any such district shall have been declared.

Penalty for cattle wandering in public streets.

4. If any cattle shall be found wandering at large in any street or public place within the limits of any town or village which shall be proclaimed by the Governor to come within the operation of this present provision, the owners thereof shall forfeit and pay for every head of cattle so wandering any sum not exceeding five shillings, to be recovered in a summary way: Provided always that any town or village which may already have been proclaimed to come within the operation of the said first recited Ordinance shall be deemed and taken to come within the operation of this present provision from and immediately upon the passing of this Ordinance.

Interpretation.

5. For the purposes of this Ordinance the word "Governor" shall be taken to include the Lieutenant-Governor or the Officer Administering the Government of the Colony for the time being, and the word "Cattle" shall be taken to include horned or neat cattle horses mules asses sheep goats and swine.

Commencement.

6. This Ordinance shall come into operation on the first day of January, one thousand eight hundred and forty-seven.

No. XVIII.

ARMS.

AN ORDINANCE to regulate the Removal and the Making and Repairing of Arms Gunpowder and other Warlike Stores within the Colony of New Zealand.

[12th November, 1846.]

Preamble.

WHEREAS provision hath been made for regulating the importation and sale of arms gunpowder and other warlike stores, and it is expedient that restriction should also be placed on the removal making and repairing of the same:

BE IT ENACTED by the Lieutenant-Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

Arms &c. not to be removed without a license.

1. It shall not be lawful for any person to remove or cause to be removed from any one part of the Colony of New Zealand to any other

Native Land Purchase.

other part of the said Colony, either by inland carriage or coastways, any arms or other warlike stores or any gunpowder exceeding the weight of two pounds without a license for removing and carrying the same granted by some Justice of the Peace: Provided always that nothing herein contained shall extend or be construed to extend to prevent any person from carrying arms for the defence of his person or for sporting as by law he might before the passing of this Ordinance.

2. Every person who shall remove or cause to be removed any such arms gunpowder or other warlike stores contrary to the provisions of this Ordinance, shall for every such offence forfeit and pay any sum not exceeding fifty pounds nor less than five pounds, to be recovered in a summary way.

Penalty for removing.

3. It shall be lawful for any Justice of the Peace, upon information on oath, to search for and seize, or to grant a warrant to any person to search for and seize, and for any officer of the Navy on full pay, harbour master, officer of Customs, police officer or constable, or for any other person acting in his or their aid and assistance, without such information on oath, to search for and seize all such arms gunpowder and other warlike stores which shall be in progress of removal or shall be removed without such license, or without producing such license on demand of any such person as aforesaid. And all such arms gunpowder and other warlike stores so to be seized as aforesaid shall be forfeited to Her Majesty.

Arms &c. on removal may be searched for and seized.

4. No person shall make construct amend or repair any arms gunpowder or other warlike stores without a license to be for that purpose granted under the authority of His Excellency the Governor.

No person to repair arms &c. without a license.

5. Every person who shall make construct amend or repair any arms gunpowder or other warlike stores without having obtained such license, shall for every such offence forfeit and pay any sum not exceeding fifty pounds nor less than five pounds.

Penalty.

6. Provided always that nothing herein contained shall extend to prevent the removal or the making or repairing of arms gunpowder and other warlike stores by or on account of the New Zealand police force, or by or on account of Her Majesty's land or sea forces.

Not to prevent the repairing of arms for Her Majesty's land or sea forces &c.

7. For the purposes of this Ordinance the word "Governor" shall be taken to include the Lieutenant-Governor or the Officer Administering the Government of the Colony for the time being.

Interpretation.

8. This Ordinance shall come into operation on the first day of January, one thousand eight hundred and forty-seven.

Commencement.

No. XIX.

AN ORDINANCE to provide for the Prevention, by Summary Proceeding, of Unauthorized Purchases and Leases of Land. [16th November, 1846.]

NATIVE LAND PURCHASE.

WHEREAS it is essential to both the peaceable and prosperous colonization of New Zealand that the disposal of land therein should be subject to the control of the Government of the Colony; and to that end the right of pre-emption in and over all lands within the Colony hath been obtained by treaty and is vested in Her Majesty, her heirs and successors; and all lands alienated without the sanction of the Crown by any person of the Native race to any person not of the same race do by virtue of such alienation vest in the Crown as

Preamble.

part

Native Land Purchase.

part of the domain lands thereof: And whereas divers persons have without the sanction of the Crown entered into contracts for the purchase use or occupation of lands, which private contracts are not and in most cases cannot be made with due regard to the validity of title to the land comprised therein, and are often defective by reason of a want of a clear understanding by the parties to the contract of the terms and meaning thereof: And whereas by such secret and irregular purchases not only is the law sought to be evaded but the general tranquillity of the Colony is liable to be seriously endangered; for the purpose therefore of providing a speedy and effectual remedy for the evils aforesaid:

BE IT ENACTED by the Lieutenant-Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

Persons purchasing land from the Natives.

1. If any person shall, after the passing of this Ordinance, purchase or by writing or otherwise agree to purchase any estate or interest in land from any person of the Native race, or shall by writing or otherwise agree with any such person for the purchase of the right of cutting timber or other trees, or of the right of mining, or of the right of pasturage, or for the use or occupation of land. And also if any person who shall not hold a license from the Government for that purpose shall after the passing of this Ordinance be found using or occupying any land not comprised within a grant from the Crown, either by depasturing any sheep or cattle thereon, or by residing thereon, or by erecting any house or building thereon, or by clearing enclosing or cultivating any part thereof, or who shall be found without such license aforesaid to have cut timber or other trees thereon or to have gotten any mineral therefrom. Every such person shall, upon conviction of any of the offences hereinbefore mentioned, forfeit and pay any sum not less than five pounds nor more than one hundred pounds, to be recovered in a summary way: Provided that no person shall be convicted of any of the offences aforesaid except on the information or complaint of the Surveyor-General or of some other officer duly authorized in that behalf by His Excellency the Governor.

Or occupying &c. Native land without a license.

Liable to penalties.

Penalty for second offence.

2. If any person so convicted as aforesaid shall for the space of one calendar month continue in possession or occupation of such land, or otherwise persist in the unlawful act for which he shall have been so convicted, every such person shall, upon conviction of any such further offence, upon such information or complaint as aforesaid, forfeit and pay any sum not less than five pounds nor more than one hundred pounds, to be recovered in a summary way.

Summary proceeding not to affect any other remedy.

3. Provided always that nothing herein contained shall be construed to take away or affect any proceeding which might by law be had against any person for any of the offences aforesaid before the passing of this Ordinance.

Beward for activity in procuring conviction.

4. In case of any conviction under the provisions of this Ordinance, where any person or persons shall appear to have been active in or towards the procuring of any such conviction, it shall be lawful for His Excellency the Governor to award to such person or persons any portion of the penalty recovered upon such conviction, but not exceeding in the whole one-half thereof, as to him shall seem meet.

Interpretation.

5. For the purpose of this Ordinance the word "Governor" shall be deemed to include the Lieutenant-Governor or the Officer Administering the Government of the Colony for the time being.

Sessions of the Peace.

No. XX.

AN ORDINANCE for establishing Courts of Sessions of
the Peace. [18th November, 1846.]SESSIONS OF THE
PEACE.

FOR the purpose of providing for the establishment of Courts of Sessions of the Peace: Preamble.

BE IT ENACTED by the Lieutenant-Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

I.—CONSTITUTION OF COURTS.

1. For the purposes hereinafter mentioned it shall be lawful for His Excellency the Governor by Proclamation from time to time to constitute and define certain districts, and the limits of such districts from time to time to alter as occasion may require, and also if he shall see fit to revoke the Proclamation by which any such district shall have been constituted. Districts to be defined.

2. Within any such district as aforesaid there shall be holden Courts of Sessions of the Peace at such times and places as the Governor shall by Proclamation from time to time appoint. Within which Courts of Sessions of the Peace shall be holden.

3. The said Courts shall be Courts of Record, and shall be holden before any two or more Justices of the Peace of the territory, whereof the Chairman or Deputy Chairman hereinafter mentioned shall be one: Provided always that every Judge of the Supreme Court of the Colony shall be and be deemed *ex officio* a Justice of the Peace for the territory, and may act as such without taking any other oaths than such as he shall have taken as Judge. Which shall be Courts of Record.

4. It shall be lawful for the Governor from time to time to nominate and appoint during pleasure any Justice of the Peace possessing competent knowledge of the law to be Chairman of any such or of any two or more of such Courts; and in case of the illness temporary incapacity or absence from the Colony of the Chairman of any such Court, to appoint any Justice to be Deputy Chairman of such Court, who during such illness temporary incapacity or absence and no longer shall be deemed and taken to be the Chairman of such Court for the time being to all intents and purposes: Provided always that in case of illness or unavoidable absence it shall be lawful for the Chairman under his hand and seal, with the consent of the Governor, to appoint a Deputy Chairman being a Justice of the Peace to act for him at the Court then next ensuing and no longer or otherwise; and every such Chairman or Deputy Chairman shall have and exercise such and the same power and authority as a Chairman of General and Quarter Sessions in England: Provided always that no Resident Magistrate or Police Magistrate shall in any case be appointed to act as such Chairman of any such Court. Chairman to be appointed.

5. It shall also be lawful for the Governor from time to time to appoint Clerks and such other ministerial officers as may be necessary for executing the business of the said Courts, and such Clerks and other officers from time to time to displace and remove and to appoint others in their place as to him shall seem meet: Provided always that in case of the absence of any such officer from any sitting of such Court it shall be lawful for the Chairman thereof to appoint some other fit person to act at such sitting in the place of the officer so absent. Clerks and other officers.

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II.—JURISDICTION AND POWERS OF THE COURTS.

Powers of Courts to inquire of and to hear &c. felonies &c.

6. The said Courts shall have the same power and authority to inquire of and to hear and determine all felonies and indictable misdemeanours committed within their respective districts which the Courts of General or Quarter Sessions of the Peace for any county in England have, that is to say, they shall have power and authority to inquire of and to hear and determine all felonies and indictable misdemeanours committed within their respective districts, except treason murder or other capital felony or any felony which, when committed by a person not previously convicted of felony, is punishable by transportation beyond the seas for life, or any of the following offences, that is to say,—

- (1.) Misprision of treason.
- (2.) Offences against the Queen's title, prerogative, person, or Government.
- (3.) Offences subject to the penalties of *præmunire*.
- (4.) Blasphemy and offences against religion.
- (5.) Administering or taking unlawful oaths.
- (6.) Perjury and subornation of perjury.
- (7.) Making or suborning any other person to make a false oath affirmation or declaration punishable as perjury or as a misdemeanour.
- (8.) Forgery.
- (9.) Unlawfully and maliciously setting fire to crops of corn grain or pulse, or to any part of a wood coppice or plantation of trees, or to any other heath gorse furze or fern.
- (10.) Bigamy and offences against the laws relating to marriage.
- (11.) Abduction of women and girls.
- (12.) Endeavouring to conceal the birth of a child.
- (13.) Offences against any provision of the laws relating to bankrupts and insolvents.
- (14.) Composing printing or publishing blasphemous seditious or defamatory libels.
- (15.) Bribery.
- (16.) Unlawful combinations and conspiracies except conspiracies or combinations to commit any offence which such Justices have jurisdiction to try when committed by one person.
- (17.) Stealing or fraudulently taking injuring or destroying records or documents belonging to any Court of Law or Equity, or relating to any proceeding therein.
- (18.) Stealing or fraudulently destroying or concealing wills or testamentary papers, or any document or written instrument being or containing evidence of the title to any real estate, or any interest in lands tenements or hereditaments.

Courts may remand certain cases for Supreme Court.

7. Provided always that if it shall appear to any such Court that any felony or indictable misdemeanour of which it may have cognizance ought, from its nature or magnitude or any legal difficulty which it may present, to be tried before the Supreme Court, it shall be lawful for such Court to leave the case for trial before the Supreme Court, and to take recognizances for the appearances of the parties and witnesses thereat, which recognizances shall, as soon as may be, be returned to the Supreme Court.

Powers of Courts &c. not provided for &c.

8. In all other respects not hereinbefore provided for, every such Court shall have and exercise such and the same jurisdiction power and authority as any Court of General or Quarter Sessions of the Peace in any County in England has and exercises.

9. The

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9. The said Courts shall also have power and authority to take cognizance of all such appeals and other matters and things as may have been or which may hereafter be assigned to Courts of Sessions of the Peace by any local Ordinance.

Power to hear appeals.

10. A writ of error may be sued out for the purpose of having any judgment of any such Court upon any indictment brought before it reversed by the Supreme Court, in every case and under the same circumstances in which such writ may be sued out in England for the purpose of reversing any judgment of any Court of General or Quarter Sessions of the Peace in any county in England upon any indictment brought before it.

Writ of error may be sued out.

11. All indictments orders and judicial proceedings whatever may be removed by *certiorari* from any such Court to the Supreme Court in every case and under the same circumstances in which indictments orders and judicial proceedings in any Court of General or Quarter Sessions of the Peace in any county in England may be removed by *certiorari* to the Court of Queen's Bench.

Indictments &c. may be removed by *certiorari*.

12. In any case in which the Justices at Sessions are Judges of fact as well as of law, if they shall feel a difficulty in the application of the law to facts, it shall be lawful for them at their discretion to put those facts into a special case for the opinion of the Supreme Court or any Judge thereof, and to confirm or quash the order or conviction before them subject to such opinion.

Justices may refer special cases to Judges of Supreme Court.

13. The said Courts shall also have power to administer to any of Her Majesty's Justices of the Peace the usual oaths and affirmations required by law to be taken by Magistrates on their appointment, and every person now or hereafter to be appointed a Justice of the Peace for the territory and who shall not have taken the oath of allegiance and the oath of office as heretofore taken before a Judge of the Supreme Court shall, before acting as a Justice of the Peace, take such oaths, or, if a Quaker or other person authorized by law to make an affirmation instead of an oath, shall affirm to the effect of such oaths before any such Court of Sessions of the Peace or before any Judge of the Supreme Court, and no person shall be deemed qualified to act as such Justice until he shall have taken such oaths or made such affirmation as aforesaid.

Courts to administer oaths of office to Justices.

14. It shall be lawful for the Chairman of each of such Courts, and he is hereby required fourteen days at least before the sitting of any such Court, to issue a precept to the Sheriff of the district, requiring him to summon jurors to attend at the next following Court at such time and place as shall be therein mentioned. Such precept shall not require more than twenty-four nor less than fifteen persons fit to serve as grand jurors, nor more than thirty-six nor less than twenty-four persons duly qualified to serve as petit jurors, to attend the said Court at any one Session thereof.

Chairman to issue precept to Sheriff to summon jurors.

15. Every such precept and every subpoena commanding the attendance of witnesses at any Sessions of the Peace shall be issued in the name of Her Majesty, tested in the name of the Chairman, and signed by the Clerk of the Court or other officer appointed for that purpose.

Form of precept.

16. The Sheriff in the district in which any Court of Sessions shall be holden shall be attendant upon and execute the same duties in respect of such Court as Sheriffs in England are required to do in respect of Courts of Quarter Sessions, or as near thereto as circumstances may admit and require.

Sheriffs to attend Courts.

17. Every such Court shall have power to adjourn its sittings from time to time, and if the required number of Justices shall not be present at the time and place appointed for the holding of any Court

Power of adjournment.

of

Lunatics.

of Sessions, a single Justice of the Peace (whether he be a Chairman or not) shall be a lawfully constituted Court for the purpose of opening such Court and of adjourning the same and respiting all recognizances until such further day as such Justice then and there shall cause to be proclaimed.

Process.

18. For the purpose of enforcing the attendance of jurors, witnesses, and others, the production of books and writings, and for the summary punishment of contempts of Court, every such Court shall have the like powers as the Supreme Court may exercise by any law in force for the time being: Provided that the process for the recovery of the amount of any fine or recognizance forfeited at any Sessions shall be signed by the Chairman or by two Justices attendant thereat.

Court may make rules.

19. It shall be lawful for the said Courts from time to time to make rules for regulating the practice forms of proceedings and the fees to be taken therein, and touching all other matters relating to the business of such Court, and such rules from time to time to alter or revoke: Provided that the same shall not be repugnant to any of the provisions hereinbefore contained: And provided also that all rules to be made under the authority hereof shall, as soon as may be after the making thereof, be submitted to the Governor for his confirmation or disallowance, and upon the disallowance of such rules or any of them the same shall thereupon cease to be in force.

Interpretation.

20. For the purposes of this Ordinance the word "Governor" shall be taken to include the Lieutenant-Governor or the Officer Administering the Government of the Colony for the time being.

No. XXI.

LUNATICS.

AN ORDINANCE to make provision for the Safe Custody of and Prevention of Offences by Persons dangerously Insane, and for the Care and Maintenance of Persons of Unsound Mind.

[18th November, 1846.]

Preamble.

WHEREAS it is expedient to make provision for the safe custody of and prevention of crime being committed by persons insane:

BE IT THEREFORE ENACTED by the Lieutenant-Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

Dangerous lunatics may be apprehended and kept in custody.

1. If any person shall be discovered and apprehended under circumstances denoting a derangement of the mind and a purpose of committing suicide or any crime for which if committed such person would be liable to be indicted, it shall be lawful for any two Justices of the Peace before whom such person may be brought to call to their assistance any two legally qualified medical practitioners, and if upon view and examination of such person and upon proof on oath by the said medical practitioners to the effect that in their opinion such person is a dangerous lunatic or a dangerous idiot, and on any further proof the said Justices shall be satisfied that such person is a dangerous lunatic or a dangerous idiot, then it shall be lawful for the said Justices by warrant under their hands and seals to commit such person to some gaol house of correction or public hospital, there to be kept in strict custody until such person shall be discharged by an order of two

Justices

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Justices of the Peace, one whereof shall be one of the Justices who has signed such warrant, or by one of the Judges of the Supreme Court, or until such person shall be removed to some public colonial lunatic asylum by order of His Excellency the Governor as hereinafter provided.

2. Every such person while in such custody as aforesaid shall have the liberty of seeing his or her friends and legal advisers at all reasonable times; and nothing herein contained shall prevent any relative or friend from taking such insane person or dangerous idiot under his own care and protection, provided he enter into sufficient recognizance for the peaceable behaviour or safe custody of such dangerous lunatic or idiot before two Justices of the Peace, the Court of Sessions, or before one of the Judges of the Supreme Court.

But may have access to their friends.

3. It shall be lawful for the Governor, by warrant under his hand, to direct that any person so kept in custody by any such warrant as aforesaid, or any person who may be in any prison or place of confinement, except for debt or under any civil process, and in respect of whom it shall be certified by two legally qualified medical practitioners that such person is insane, shall be removed to such public colonial lunatic asylum as the said Governor shall appoint.

And may be placed in a lunatic asylum.

4. Every person so removed as aforesaid shall remain under confinement in the asylum to which he may have been removed until it shall be certified to the Governor by two such practitioners as aforesaid that such person has become of sound mind, whereupon the said Governor is hereby authorized and required, if such person shall remain subject to be continued in custody, to issue his warrant to the keeper or other person having the care of any such asylum, directing that such person be remitted to the prison or other place of confinement from which he may have been taken, or if the period of imprisonment or custody of such person shall have expired, or if such person shall not be under any sentence of imprisonment, that such person shall be discharged: Provided always that nothing herein contained shall prevent the relatives guardians or friends of any insane person or idiot from removing such person, with the sanction of His Excellency the Governor, from any public colonial lunatic asylum, upon their giving sufficient security for the safe custody of such insane person or idiot in manner hereinbefore mentioned.

Until he shall recover.

5. In case it shall be certified to the Governor by two such practitioners as aforesaid that any person committed to prison for trial for any offence is insane or is an idiot, it shall be lawful for such Governor if he shall think fit in like manner to order that such person shall be removed to such lunatic asylum as he shall appoint, unless in the meantime admitted to bail by some legal authority until the sitting of the Court at which such person should be tried or indicted according to the due course of law, and that such person shall then be remitted to the custody of the keeper of the gaol or other person in whose custody such person may have been under the terms of the original committal, in order to his being indicted and tried for such offence or otherwise disposed of according to law: Provided always that every such person while so detained in such lunatic asylum shall have the same liberty of seeing his friends and legal advisers at all reasonable times which he would have had in the gaol or prison from which he may have been removed.

Persons in prison and being insane may also be removed to an asylum.

6. In all cases where it shall be given in evidence upon the trial of any person charged with any treason murder felony or misdemeanour, that such person was insane at the time of the commission of such offence, and such person shall be acquitted, the jury shall be required to find specially whether such person was insane at the time of the

Persons acquitted on ground of insanity may be kept in strict custody.

Lunatics.

commission of such offence, and to declare whether such person was acquitted by them on account of such insanity. And if they shall find that such person was insane at the time of committing such offence, the Court before whom such trial shall be had shall order such person to be kept in strict custody in such gaol or place of confinement and in such manner as the Court shall seem fit until the Governor's pleasure shall be known; and it shall thereupon be lawful for the Governor to give such order for the safe custody of such person during his pleasure in such place and in such manner as to the Governor shall seem fit.

Persons proved not to be insane to be liberated.

7. If it shall appear to any two legally qualified medical practitioners present at an examination of any person in custody that such person is not insane or a dangerous idiot, and that such person may be suffered to go at large with safety, it shall be lawful for such practitioners and they are hereby required to give a certificate to that effect signed by them to the Visiting Justice, or in his absence to the keeper of the gaol or house of correction in which such person is in custody, who is hereby required to transmit the same forthwith to the Governor for the time being, who shall order the liberation of such person from custody unless he shall be detained therein for some other cause by due process of law.

Visitors of lunatic asylums may be appointed.

8. It shall be lawful for the Governor to nominate and appoint some fit person or persons to be visitor or visitors of such lunatic asylum within the Colony, and the said visitor or visitors to remove and displace and to appoint another or others in his or their stead. The persons so appointed shall visit such asylums and make reports thereon at such times and in such manner as the Governor shall from time to time direct and appoint.

Persons insane but not dangerously so may be placed in a lunatic asylum.

9. And whereas it is also desirable to provide for the care and maintenance of persons who are insane but not dangerously so: Be it enacted that it shall be lawful for the Governor, on the application of one or more of the relatives or guardians or friend of any insane person (which application shall be sanctioned in writing by one of the Judges of the Supreme Court), and on receiving the certificate of two legally qualified medical practitioners that they have examined and found such person to be of unsound mind, to direct and order, if he think it proper so to do, that such person be received in such lunatic asylum as he the said Governor shall appoint.

Costs of maintenance &c. to be defrayed by Colony.

10. When any insane person shall be committed to any gaol or hospital as aforesaid for the purpose of being received into such lunatic asylum as the said Governor may appoint, the removal to and from and maintenance in the said asylum of such insane person shall, until further provision be made, be at the expense of the Colony.

Relations &c. of a lunatic may pay such costs out of his estate.

11. Provided always, and be it further enacted, that it shall be lawful for the Superintendent of any such asylum, in all cases where any lunatic or idiot shall be possessed of sufficient means to defray the expense of his or her maintenance in any such asylum, to agree with any relative guardian or friend of any such lunatic or idiot for his or her maintenance whilst detained therein.

Limitation of action.

12. No action shall be brought against any person or persons on account of any act matter or thing done or to be done or commanded by such person or persons in carrying the provisions of this Ordinance into effect, unless such action be commenced within three calendar months after the cause of action or complaint shall have arisen; and in any such action the general issue may be pleaded and the special matter given in evidence.

Who to be deemed legally qualified medical practitioners.

13. For the purposes of this Ordinance no person shall be deemed a legally qualified medical practitioner unless such person shall have proved

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proved to the satisfaction of two Justices of the Peace that he is a Doctor or Bachelor of Medicine of some University, or a Physician or Surgeon, licensed or admitted as such by some College of Physicians or Surgeons in Great Britain or Ireland, or a member of the Company of Apothecaries of London, or who is or has been a Medical Officer, duly appointed and confirmed, of Her Majesty's sea or land service.

14. Provided that nothing herein contained shall be construed to prevent a writ *de lunatico inquirendo* from being sued out of the Supreme Court by any person or persons having a lawful right to do so, for the purpose of having the fact of the insanity or idiocy of any person not dangerously insane or idiotic tried by due course of law,

Writ of de lunatico inquirendo may issue in certain cases.

15. For the purposes of this Ordinance the word "Governor" shall be taken to include the Lieutenant-Governor or the Officer Administering the Government of the Colony for the time being.

Interpretation.

No. XXII.

AN ORDINANCE to authorize Compensation in Colonial Debentures to be made to certain Claimants to Land in the Colony of New Zealand.

LAND CLAIMS.

[18th November, 1846.]

WHEREAS by a Proclamation bearing date the tenth day of October, one thousand eight hundred and forty-four, it was proclaimed and declared that the Queen's right of pre-emption would be waived over limited portions of land in the Colony of New Zealand on certain terms and conditions in the said Proclamation set forth; and it was amongst other things provided that "all transactions with the sellers, all risks attendant on misunderstandings, on sales made improperly, or on incomplete purchases, must be undertaken by the buyers;" and further, that no Crown Grant would be issued in respect of any such land to any person or persons who should be found to have contravened the regulations in such Proclamation contained: And whereas numerous purchases are alleged to have been made from persons of the Native race of lands over which the Queen's right of pre-emption hath been waived in pursuance of the provisions of the said Proclamation, but no Crown Grant of any such land can be safely issued until it shall be ascertained that such alleged purchases have been made from the true Native owners of such land, and that the rights of all persons thereto have been extinguished, and that the terms and conditions prescribed by the said Proclamation have been duly complied with: And whereas due investigation in this behalf cannot be completed without great expense and delay, and the persons claiming to have made such purchases as aforesaid may in some cases be willing to forego all further claims in respect thereof on receiving compensation for their outlay therein:

Preamble.

For the relief of such persons, be it enacted by the Lieutenant-Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

1. It shall be lawful for His Excellency the Governor, by warrant under his hand, to appoint a fit person to act as a Commissioner for examining and reporting upon all claims to compensation to be preferred

Power to Governor to appoint Commissioners.

Land Claims.

preferred pursuant to the provisions hereinafter contained, and such Commissioner to displace and remove and to appoint another in his place as to the Governor shall seem meet.

Who shall take an oath.

2. Every such Commissioner shall upon his appointment take an oath well and faithfully to execute the office in him reposed by virtue of such appointment, which oath any Justice of the Peace is hereby authorized to administer.

Claims to compensation to be forwarded to the Colonial Secretary.

3. Every person who shall be desirous of taking advantage of the provisions of this Ordinance shall within twelve calendar months after the passing hereof give notice in writing to the Colonial Secretary of his intention so to do, and in such notice shall state the amount of outlay incurred by such claimant in respect of such purchase, or in relation thereto, or in the improvement of such land as hereinafter mentioned.

And to be referred to the Commissioners.

4. Every such claim shall, as soon as conveniently may be, be referred to the Commissioner so to be appointed as aforesaid, who shall proceed with all convenient dispatch to investigate and report upon the same: Provided always that the said Commissioner shall not investigate any such claim as aforesaid unless the person making the same shall have duly complied with the terms and conditions prescribed by the said recited Proclamation, and by the Notice to Land Claimants published in the *Government Gazette* of the fifteenth day of June, one thousand eight hundred and forty-six.

Notice of hearing.

5. It shall be lawful for such Commissioner to notify in the *New Zealand Government Gazette* the day appointed by him for inquiring into any claim, and such notification shall be a sufficient warning to the parties interested therein.

Subjects of inquiry.

6. The said Commissioner shall in every case inquire into and set forth, as far as it shall be possible to ascertain the same,—

- (1.) The price or consideration, with the sterling value thereof, paid to the Native sellers for the land alleged to have been purchased.
- (2.) The amount paid by the claimant (if any) for the deed of conveyance or agreement for purchase and other expenses attending such purchase.
- (3.) The amount of expenses incurred by the claimant in maps plans and surveys.
- (4.) And the outlay (if any) incurred by the claimant in the cultivation or fencing of the land, or in the erection of buildings or other improvements thereon.

Mode of proceeding.

7. In the hearing examining and reporting on any such claims as aforesaid, the said Commissioner shall be guided by the real justice and good conscience of the case, and shall direct himself by the best evidence he can procure or which shall be laid before him.

Commissioner to report.

8. As soon as conveniently may be after hearing any such claim the said Commissioner shall make a report thereof in writing to the Governor, setting forth the name and address of the claimant, the situation and extent of the land alleged to have been purchased, the evidence adduced in proof of the outlay found to have been incurred under the several heads of expenditure hereinbefore mentioned, together with the total amount in respect of such outlay to which the said Commissioner shall find such claimant to be entitled, pursuant to the provisions of this Ordinance.

Debentures to be issued for amount of compensation allowed

9. Upon the confirmation of any such report by the Governor, a notification of such confirmation shall be forthwith published in the *New Zealand Government Gazette*, and the claimant named therein shall be entitled to receive from the Colonial Treasurer a debenture for the amount named in such report. Every such debenture shall bear interest

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interest at the rate of five pounds per centum per annum, and be payable half yearly; the principal of such debentures shall be charged upon and payable out of any revenue arising within the District of Auckland which Her Majesty's Government shall in that behalf direct and appoint, and the interest to accrue due thereon shall be charged upon and payable out of the revenue of Customs to be from time to time raised levied collected and paid at the Port of Auckland.

10. Upon the receipt of any such debenture by the person named therein, all right title interest claim and demand of such person in and to the land in respect of which such debenture shall have been issued shall be extinguished, and so much of such land as shall not be sold to such claimant as hereinafter provided shall thereupon be deemed and taken to become part of the demesne land of the Crown, saving always the rights which may hereafter be substantiated thereto by any person of the Native race.

Claimant's title to land to be extinguished.

11. If any such claimant as aforesaid who shall have entered into occupation or taken actual possession of such land either by cultivating fencing or erecting some buildings on the same before the passing of this Ordinance shall be desirous of purchasing the whole or any part thereof, and shall signify such his desire to the Colonial Secretary in writing at any time within three calendar months after the passing hereof, it shall be lawful for His Excellency the Governor to effect a sale of the land to such claimant by private contract at the rate of one pound per acre: Provided always that in every such purchase the claimant shall be allowed credit for the amount found to have been paid by him under the first three heads of expenditure as hereinbefore mentioned, and that in addition thereto such claimant shall not in any case be required to pay any greater sum than at the rate of ten shillings an acre.

Land in certain cases may be sold by private contract.

12. In case such claimant shall be desirous of purchasing the whole of the land claimed by him as aforesaid, it shall not be necessary for the said Commissioner to inquire the costs incurred in the purchase of such land, or in effecting improvements thereon, as hereinbefore provided.

Claimant may purchase the whole of his land in certain cases.

13. In case of any such sale as aforesaid the debenture so issued to such claimant shall be received by the Colonial Treasurer as cash in or towards payment for any land so to be purchased by such claimant; and in case the amount of the debenture tendered in payment for such land shall exceed the amount for which the same shall have been sold, the person tendering such debenture shall be entitled to a new debenture for the amount of the balance.

Debentures to be received as cash in certain cases.

14. And whereas by the terms of the said recited Proclamation, and also by the terms of a Proclamation bearing date twenty-sixth March, one thousand eight hundred and forty-four, it was provided that one-tenth part of the land so to be purchased should be set apart for public purposes: And whereas such reservations cannot in many cases be conveniently made: Be it enacted that it shall also be lawful for the Governor on such application to be made within three calendar months from the passing hereof by the claimant for that purpose as aforesaid, to effect a sale thereof to him by private contract at the rate of one pound an acre: Provided always that the purchase money for any such land shall not be paid for by any such debenture but in cash only.

Claimant to pay £1 in cash in lieu of reserved tenths.

15. For the purposes of this Ordinance the word "Governor" shall be taken to include the Lieutenant-Governor or the Officer Administering the Government of the Colony for the time being.

Interpretation.

Native Force.

ANNO UNDECIMUS

VICTORIÆ REGINÆ.

Session VIII. No. I.

NATIVE FORCE.

AN ORDINANCE to provide for the Government and Discipline of Troops to be raised in the Colony of New Zealand. [10th August, 1847.]

Preamble.

WHEREAS a body of troops for the Queen's service may be raised in the Colony of New Zealand either partly or wholly from amongst Her Majesty's subjects of the Native race: And whereas it is expedient that, until such troops shall become liable to martial law by being placed under the command of an officer having a commission immediately from Her Majesty, special provision be in the meantime made in that behalf:

BE IT THEREFORE enacted by the Lieutenant-Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

Native force to be subject to Mutiny Act &c.

1. All things contained in any Act of Parliament which shall for the time being be in force within the Colony of New Zealand for punishing mutiny and desertion and for the better payment of the army and their quarters, and in the Articles of War made in pursuance of any such Act, shall be in force with respect to such body of troops and to all the officers, non-commissioned officers, drummers, and privates of the same being mustered and in pay in all cases whatsoever in like manner as if the same formed part of the body of forces specially referred to in any such Act of Parliament.

Provisions of Articles of War &c. to be printed in English and Maori.

2. Provided always that an abstract of the provisions of the said Act of Parliament and Articles of War, in so far as they are intended to apply to the Native force herein referred to, shall be printed in the Maori and English languages and published in the Government Gazette, and a copy thereof be furnished to each Native before being enlisted in such force.

No. II.

GUNPOWDER.

AN ORDINANCE to prohibit the keeping of Gunpowder exceeding a certain Quantity.

[10th August, 1847.]

BE IT ENACTED by the Lieutenant-Governor of New Zealand, with the advice and consent of the Legislative Council thereof:

1. That

Gunpowder.

1. That no person being a dealer in gunpowder shall have or keep at any one time more than fifty pounds weight of gunpowder, and not being such dealer more than fifteen pounds weight of gunpowder, in any house storehouse warehouse shop cellar yard wharf building or place other than some public powder magazine, except by license granted to him for that purpose under the authority of His Excellency the Governor. The keeping of powder beyond a certain quantity prohibited.
2. If any person shall have or keep any such gunpowder contrary to the provisions of this Ordinance he shall forfeit and pay for every such offence any sum not exceeding twenty pounds, to be recovered in a summary way, and all the gunpowder beyond the quantity hereby allowed to be kept, and the barrels or packages in which such gunpowder shall be contained. Penalty.
3. It shall be lawful for any Justice of the Peace, on reasonable cause assigned upon oath by any person or persons, to issue a warrant under his hand for searching in the daytime any house storehouse warehouse shop cellar yard wharf ship vessel or place in which gunpowder is suspected to be kept contrary to the provisions of this Ordinance. Justice may issue search warrant.
4. All gunpowder found upon such search to be kept contrary to the provisions hereof, and also the barrels and packages in which the same may be contained, shall be immediately seized by the person making such search and removed to some place of safety and there detained until it shall be adjudged on a hearing before any two Justices of the Peace whether the same shall be forfeited, and the person seizing such gunpowder shall not be liable to any suit for such detention or for any loss or damage which may happen to the same other than from his own wilful act of neglect. Powder kept illegally may be seized.
5. In case of any conviction under the provisions of this Ordinance, when any person shall appear to have been active in or towards the procuring of any such conviction, it shall be lawful for His Excellency the Governor to award to such person a portion of the penalty recovered upon such conviction, but not exceeding in the whole one-half thereof, as to him shall seem meet. Reward for activity in procuring conviction.
6. No person of the Native race shall be convicted of any such offence as aforesaid except on the information or complaint of some officer duly authorized in that behalf by His Excellency the Governor. In the case of Natives.
7. Provided always that nothing herein contained shall extend to the keeping of gunpowder at any public powder magazine, or by or on account of the New Zealand police force, or by or on account of Her Majesty's land or sea forces. Not to extend to powder magazines &c.
8. For the purposes of this Ordinance the word "Governor" shall be taken to include the Lieutenant-Governor or the Officer Administering the Government of the Colony for the time being. Interpretation.
9. This Ordinance shall come into operation on the fifteenth day of September next in the town of Auckland, and elsewhere throughout the Colony on the first day of January, one thousand eight hundred and forty-eight. Commencement.

Sale of Spirits to Natives.

No. III.

SALE OF SPIRITS TO
NATIVES.

AN ORDINANCE to prohibit the Sale &c. of Spirits and to regulate the Sale &c. of other Intoxicating Liquors to persons of the Native race.

[12th August, 1847.]

Preamble.

WHEREAS it is expedient as far as may be practicable to limit the use of intoxicating liquors amongst the Native inhabitants of New Zealand, but so nevertheless that the provisions to be made in that behalf be framed with the assent or so as to secure the concurrence of the said Native people therein :

BE IT THEREFORE ENACTED by the Lieutenant-Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows :—

Sale &c. of spirits to
Natives prohibited.

1. That it shall not be lawful for any person whomsoever either to sell or to supply or to give any spirituous liquor or mixed liquor part whereof is spirituous in any quantity whatever to any person of the Native race.

Sale &c. of wine &c.
limited.

2. It shall not be lawful for any person whomsoever either to sell or to supply or to give any wine or any fermented liquor or mixed liquor part whereof is fermented in any quantity respectively which shall produce intoxication to any person of the Native race.

Penalty.

3. If any person shall sell supply or give any such spirituous liquor wine or fermented liquor contrary to the provisions of this Ordinance, he shall forfeit and pay for any such offence any sum not exceeding ten pounds, to be recovered in a summary way, over and above any penalty which may be incurred for the sale of any such liquor without a license.

Penalty not to be re-
coverable for spirits
supplied medicinally.

4. Provided always that no penalty shall be recoverable for supplying spirituous liquor to any person of the Native race in case it shall be satisfactorily proved that the spirituous liquor so supplied was administered medicinally.

Governor may modify
or suspend.

5. It shall be lawful for the Governor from time to time to modify or alter or to suspend the operation of any of the provisions of this Ordinance which it may appear to him, from the state of Native feeling on the subject or otherwise, to be impracticable or inexpedient to carry into immediate operation, and to substitute for any provision which may be so suspended any other provision or provisions better adapted to give effect to the purposes of this Ordinance and to secure the concurrence of the Native inhabitants of the Colony therein.

Commencement.

6. This Ordinance shall come into operation in such districts and at such times as the Governor for the time being shall by Proclamation from time to time appoint.

No. IV.

SAVINGS BANKS.

AN ORDINANCE to provide for the Management of Savings Banks. [21st September, 1847.]

FOR the purpose of providing for the management of Savings Banks and for the receipt and security of the money deposited therein :

BE

Savings Banks.

BE IT ENACTED by the Lieutenant-Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

I.—OFFICERS OF THE BANK, THEIR APPOINTMENT AND DUTIES.

1. The Governor of New Zealand for the time being shall be the President of every Savings Bank within the Colony proclaimed by him to come within the operation of this Ordinance. Governor to be President.
2. The management of the affairs of every such Bank shall be vested in not less than four or more than thirty-six Trustees, to be nominated by the Governor, of whom one shall be styled "Vice-President," to be elected by a majority of such Trustees present at a meeting to be convened for that purpose. Vice-President and Trustees to be nominated by the Governor.
3. Such Trustees or any of them may from time to time be removed from office and be reappointed, or others or another may be appointed in their or his place in case of any such removal or of any vacancy as the Governor shall from time to time think fit; and every such nomination reappointment or fresh nomination of any such Trustee shall be signified by the publication of an order to that effect in the Government *Gazette*. And be removable by him.
4. All acts matters and things (save as hereinafter excepted) which the said Trustees are by any of the provisions of this Ordinance authorized or required to do, shall and may be done by any four of such Trustees: Provided always that such four Trustees be for such purpose assembled at a meeting whereof due notice shall have been given to all the said Trustees. Number of Trustees to form a quorum.
5. At all meetings of the said Trustees the Senior Trustee in the order of appointment present shall preside as chairman, and shall not only vote as a Trustee but shall also in case of the equality of votes have a casting vote. Chairman.
6. It shall be lawful for the Vice-President and the majority of the Trustees of any such Savings Bank, subject to the approval of the Governor, to appoint fit persons to be Accountants of any such Bank and of any branch thereof, and from time to time to remove from office any such Accountant and to reappoint him or to appoint another in his place in case of any such removal or of any vacancy as such Vice-President and Trustees shall think fit; and any such appointment reappointment or fresh appointment of any such Accountant shall be signified by the publication of a notice to that effect in the Government *Gazette*. Accountant.
7. It shall also be lawful for such Vice-President and the majority of such Trustees (subject to such approval as aforesaid) to appoint such salaries as they may deem fit to be paid to such Accountants, regard being had to the nature and extent of the duties to be performed and to the responsibility which may respectively attach to them. Salary.
8. Every such Accountant shall give security for the due and faithful discharge of the duties of his office by bond, with two or more sureties to be approved by the said Vice-President and such majority of Trustees, which sureties shall join with the said Accountant in such bond, and they and he shall bind themselves jointly and severally to the Vice-President and Trustees of the Savings Bank in such penal sum as shall be named by the said Trustees and be approved by the Governor. Security to be given by Accountant.
9. It shall also be lawful for any such Vice-President and the majority of such Trustees, subject to such approval as aforesaid, to appoint Clerks and such other subordinate officers as they in their discretion shall think necessary for the execution of the several duties hereby reposed in them. Clerks.

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Their salary.

10. It shall also be lawful for such Vice-President and Trustees, out of the interest received by them on moneys lent out as hereinafter directed, to pay the salary so appointed to be paid to the Accountant of any such Banks as hereinbefore provided, and such other salaries to the Clerks and subordinate officers as the said Vice-President and the Trustees with the consent and approbation of the Governor shall think fit and allow, and also such incidental charges and expenses as shall be necessarily incurred in conducting the business and keeping the accounts of any such Savings Bank, and which shall be allowed and approved by the Governor.

Trustees &c. to make rules.

11. It shall also be lawful for the Vice-President and the majority of the Trustees of any such Bank to make such rules and regulations for the conduct and management of such Bank as to them shall seem meet, and from time to time to revoke alter and modify such rules and regulations respectively: Provided always that no such rules or regulations or any revocation alteration or modification thereof shall be deemed valid or be acted upon until the same shall have been submitted to the Governor for his approval, and shall have been confirmed and allowed by him under his hand.

Rules to be recorded in Supreme Court.

12. All such rules and regulations which shall be so confirmed and allowed as aforesaid shall be forthwith transcribed on parchment and deposited with the Registrar of the Supreme Court, and the said transcript shall be filed by such Registrar and preserved amongst the records of the said Court without any fee or reward in respect thereof, and a copy of the same shall be kept in the said Bank, open to the inspection of the depositors during the hours of business.

Rules to be binding on depositors.

13. The rules and regulations so deposited shall be binding on the several members and officers of such Bank and upon all depositors therein and their representatives, all of whom shall be deemed to have full notice thereof; and the transcript thereof so deposited as aforesaid, or a true copy thereof examined with the original and proved to be a true copy, shall be received as evidence of such rules and regulations respectively as aforesaid; and every copy of such transcript so deposited as aforesaid shall be made without fee or reward except the actual expense of such copy.

Liability of Trustees how limited.

14. The Trustees of any such Bank shall not be answerable or accountable for the other or others of them, but each and every of them only for his and their own acts receipts neglects or defaults respectively; and the said Trustees or any of them shall not be amenable or accountable for any banker broker or other person with whom or in whose hands or custody any part of the moneys of such Bank shall or may be deposited or lodged for safe custody or otherwise in the execution of the trusts hereby in them reposed, or for the insufficiency or deficiency of any security or securities in or upon which any moneys shall be placed out or invested, or for the defect of title or value of any lands, nor for any other misfortune loss or damage which may happen in the execution of the aforesaid trusts or in relation thereunto, except the same shall happen by or through their own wilful default respectively.

No Trustee &c. to be depositor &c.

15. No person being a Trustee or District Trustee or Treasurer of any such Bank, or being in any wise concerned in the management thereof, shall be allowed to deposit any sum or sums of money therein nor to borrow any money therefrom nor to derive any benefit from any deposit made in such Bank, nor shall act in the capacity of Accountant or Clerk, or District Accountant or Clerk, of such Bank, nor receive directly or indirectly any salary allowance profit or benefit whatsoever from the funds of the said Bank.

Penalty.

16. If any person being a Trustee or District Trustee or Treasurer

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of any such Bank shall offend in any one of the particulars hereinbefore mentioned, he shall forfeit and pay for such offence the sum of one hundred pounds, to be sued for in the Supreme Court by any person having money deposited in the said Bank to the amount of thirty pounds; and such penalty shall be paid, one-half to Her Majesty, her heirs and successors, for the public uses of the Colony and the support of the Government thereof, and one-half to the informer.

17. If any person holding any office in such Bank or any branch thereof, and having in his hands or possession any moneys or effects belonging to the said Bank, or any deeds or securities relating to the same, shall become bankrupt or insolvent or shall make any assignment of his lands goods chattels or effects for the benefit of his creditors, or against whose lands goods chattels or effects any execution attachment or other process shall have issued, or if any such officer shall die, then and in any such case it shall be lawful for any two or more of the Trustees of any such Bank respectively to apply to such officer, or to his assignees, or to the Sheriff or other person executing such process, or to his executors or administrators, or to any other person or persons having legal right as the case may require, and to demand that such moneys or effects belonging to the said Bank, and all deeds securities or papers relating to the same, shall be paid over or delivered up to the said Trustees or to such persons as they shall appoint, and the party or parties so applied to and having the same shall within forty days after such demand as aforesaid deliver over to such Trustees or to any person or persons whom they may appoint to receive the same all effects or other things belonging to such Bank, and all deeds securities or papers relating to the same, and shall pay out of the assets or effects of such person all sums of money belonging or due by such officer to the said Bank before any other of the debts of the said officer shall be paid or satisfied or before the money directed to be levied by such process as aforesaid be paid over to the party issuing such process as the case may be, and all assets goods chattels and effects shall be bound to the payment and discharge thereof accordingly.

Bank to have prior claim on assets of officers.

18. The Trustees of such Bank or any four of them shall, within one calendar month after the close of every year, cause a balance sheet to be prepared containing a true statement of the receipts and payments on account of such Bank during the past year, and of the balance of money deposited as hereinafter provided, and of all sums of money which may in any manner be due to the Trustees of such Banks as such Trustees as aforesaid, and shall certify that they have counted the cash in hand, and have to the best of their belief ascertained the correctness of the said account or balance sheet, which they have subscribed with their names, and shall within ten days after such subscription cause the same to be laid before the Governor for the time being for his approval, and shall also cause the same after being approved by him to be published in the *Government Gazette*.

Trustees to prepare balance sheet.

II.—DEPOSITS, INTEREST, ETC.

19. It shall be lawful for any one or more of such Trustees together with the Accountant, or in the event of his absence for any two or more of such Trustees, at such time and place as shall be fixed by such rules and regulations as aforesaid, and at no other time or place whatsoever, to receive from any person or persons in the way of deposit any sum or sums of money not being of value less than one shilling, nor by one or by successive deposits exceeding the sum of fifty pounds in any one year exclusive of interest, nor of one hundred pounds in the whole, to the credit of any one account except as hereinafter provided, and the amount of the money so received shall be

Amount of deposits limited.

entered

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entered in a book (to be provided for that purpose) to the credit of the party making such deposit or to the credit of such other person as he may appoint: Provided always that no sum or sums of money shall be paid by way of deposit into any Bank which shall be established under this Ordinance by any person whatsoever without disclosing his or her name, together with his or her profession occupation calling and residence, to the person receiving the same, and such name profession occupation calling and residence shall forthwith be entered by the person receiving such deposit in the books wherein the entry of the said deposit is hereinbefore directed to be made: Provided always that nothing herein contained shall prevent the said Trustees from receiving from any person of the Native race, by one or more deposits, any greater sum than one hundred pounds, provided that the excess above each sum shall not bear interest as hereinafter provided.

Deposits how to be first disposed of.

20. The amount of such deposits and all other sums of money received into any such Bank shall with all convenient speed be deposited in such place as shall be approved of by the Vice-President and a majority of the Trustees, and the same shall be there placed to the credit of such Bank in an account to be intituled "the account of the Vice-President and Trustees of the Savings Bank," and no money so paid into such account shall be withdrawn without the written order of two or more Trustees, countersigned by the Accountant or the person (for the time being) acting in that capacity, being first had and obtained.

Notice of withdrawal of deposits.

21. It shall be lawful for the depositor of any sum or sums of money in any such Bank, or for any person duly authorized by such depositor, or for his executor or other lawful representative, to claim and receive back such sum or sums of money together with the interest due thereon or any part thereof in the manner and upon the conditions following, that is to say,—

If the sum or sums so required to be repaid shall not exceed five pounds, the claimant thereof shall, on some day appointed for the meeting of the Trustees, deliver or cause to be delivered to them or to their Accountant a notice signed with his name declaring his intention to withdraw such sum from the Bank at the expiration of seven days from the date of the said notice.

If the sum to be withdrawn shall exceed five pounds but be not more than twenty pounds, then fourteen days' notice shall be given in like manner.

If the sum to be withdrawn shall exceed twenty pounds but be not more than fifty pounds, then twenty-one days' notice shall be given in like manner; and if the sum to be withdrawn shall exceed fifty pounds, then twenty-eight days' notice shall be given.

Rate of interest.

22. Any person depositing with the said Trustees by one or more payments any sum not less than twenty shillings, or the person on whose account such deposits may have been paid and to whose credit they are placed in the books of any such Bank, shall be entitled to receive interest upon the same at the rate of five pounds by the year for every hundred pounds and in the same proportion for any shorter time: Provided that no interest shall be allowed on any sum less than one pound or on odd shillings or pence, and that the interest shall be calculated by months, omitting odd days, but that any sums deposited within the first seven days of a month shall be entitled to bear interest for the whole of that month.

From what source to be paid.

23. The said Trustees may and shall pay such interest as aforesaid out of the interest received by them on sums lent out as herein provided:

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vided: Provided always that if the moneys so received by the said Trustees, after paying therefrom the salaries charges and expenses of any such Bank, shall be insufficient to pay interest on deposits at the rate aforesaid, the sum or sums required to make up such deficiency shall be payable, by warrant under the hand of the Governor for the time being, out of the general revenue of the Colony or Province in which such Bank may be situated.

24. It shall be lawful for the Trustees of any such Bank or a major part of them, at a general meeting to be held in the month of January in every year, with the consent and approbation of the Governor, to reduce the rate of interest hereinbefore prescribed: Provided always that no such reduction in the rate of interest shall be made until after three calendar months' notice be given by advertisement to be published in the *Government Gazette*.

Rate of interest may be reduced.

25. Interest subject to the rules and regulations aforesaid shall be added to and incorporated with the sum which may be then standing in the books of the said Bank to the credit of each party, and shall bear interest subject to the rules aforesaid from the first day of the said month of January, and interest shall be allowed to him upon the total sum so long as the same shall remain deposited in such Bank: Provided always that nothing in this Ordinance contained shall entitle any person, by one or by successive deposits, to place in the charge of the Trustees of such Bank any sum exceeding one hundred pounds in the whole.

Interest when to be added to credit of depositor.

26. If at the close of any year a surplus over and above one hundred pounds shall remain after such interest and all such salaries charges and expenses as aforesaid shall have been paid, including any debt due to the Colonial Government in respect of advances made by the said Government in aid of the funds of any such Bank for the payment of interest as hereinbefore provided, the said Trustees may and shall cause such surplus to be divided among and placed to the credit of the several persons having deposits in such Bank in proportions corresponding with the amount of the respective sums standing to their credit at the close of the preceding year and with the number of months in such year during which such sums may have remained inserted in the names of the several depositors.

Dividends.

27. And whereas by reason of the funds of such Bank being invested in manner herein provided the Trustees of the said Bank may without the assistance of the Government be unable to meet the demands made upon them from time to time by depositors desirous of withdrawing their deposits, be it further enacted that it shall be lawful for the Governor to guarantee the repayment of any loan which it may be necessary for the Trustees to negotiate in order to meet the demands of such depositors: Provided that no loan or loans outstanding at any time and so guaranteed shall exceed the sum of one thousand pounds without the previous advice and consent of the Colonial Legislature.

Governor may guarantee loans.

III.—DEPOSITORS.

28. In case the Trustees of any such Bank shall receive any deposit of money from or for the use and benefit of any person under the age of twenty-one years, it shall be lawful for the said Trustees to pay such person his share and interest in the funds of the said Bank in the manner and upon the conditions herein appointed in the case of other depositors, and the receipt of such person shall be a sufficient discharge for any money paid to him as aforesaid notwithstanding his incapacity or inability in law to act for himself.

Infants may be depositors.

29. In case any deposit shall have been made in any such Bank by any married woman without notice of her marriage, or in case any

Deposit made by a woman who shall subsequently marry,

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or by a married woman, may be paid upon the receipt of such woman unless notice given.

Friendly Societies &c. may become depositors.

On death of depositors, deposits not exceeding £20 how to be disposed of.

If deposit exceed £20.

deposit shall have been made by any woman who shall marry subsequently to making such deposit, it shall be lawful for the Trustees of such Bank to pay any sum of money in respect of any such deposit to any such woman unless the husband of such woman or his representatives shall give to such Trustees notice in writing of such marriage and shall require payment to be made to him or them.

30. It shall be lawful for the said Trustees of any such Bank by order of the Governor to receive any sum or sums of money (although such sum shall exceed one hundred pounds) which may have been or may hereafter be received and deposited in any Savings Bank or Friendly or other Society within the Colony from the Treasurer or Trustees of such Bank or Society or other person competent to pay the same, and to place the same in any such Bank in the name or names of the person or persons to whom such money so to be transferred shall respectively belong, and to give credit in the books and accounts of such Bank to such persons for the several and respective sums to which they may be entitled at the time of such transfer, and to pay interest for the same at and after the same rate as if such sums had been originally deposited in any such Bank by the several individuals to whom the same shall respectively belong.

31. In case any depositor in the funds of any such Bank shall die leaving a sum of money in such Bank, which with the interest thereon shall not exceed in the whole twenty pounds, it shall be lawful for the said Trustees and they are hereby authorized, in case they shall be satisfied that no will was made and left by such deceased depositor, and that no letters of administration will be taken out of the goods and chattels of such depositor, to pay the same at any time after the decease of such depositor, according to the rules and regulations of such Bank; and in the event of there being no rules and regulations made in that behalf, then the said Trustees are hereby authorized to pay out of such sum of money all just debts due or owing by such deceased depositor, and to defray the expenses of his funeral, so far as the said sum of money shall extend, and to pay and divide the surplus (if any) to and amongst the person or persons entitled to the effects of the deceased intestate, according to the Statute of Distributions.

32. In case any depositor shall die leaving any sum or sums of money in the funds of any such Bank, or there shall be any dividends or interest due thereon belonging to him at the time of his death, which said several sums shall exceed in the whole the sum of twenty pounds, the same shall not be paid to any person or persons claiming to be the representative next of kin or creditor of such depositor unless such person deliver or cause to be delivered to the said Trustees or to the Accountant of such Bank a notice in writing, signed with his name in the presence of two credible witnesses, setting forth the grounds upon which he claims to be entitled to receive the said sum of money belonging to such depositor at the time of his death or any part thereof: Provided always that the said notice shall have been previously published thrice or oftener in the *Government Gazette* and in some one or more of the newspapers of the Colony at the discretion of the Trustees, and three calendar months at least shall have elapsed subsequently to such last publication before payment be made in satisfaction of any claim or demand: Provided also that if any creditor of the deceased whose debt shall not exceed the sum of ten pounds shall put in his claim to be paid, it shall be lawful for the said Trustees to pay the same without such public notice as aforesaid: Provided always that the above regulations shall not be taken to interfere with the legal title and claim of any representative of such depositor deceased who shall
procure

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procure probate of the will of the same or letters of administration of his effects, or with the action of the official administrator.

33. If any payments shall be made from the funds of any such Bank by the Trustees thereof as hereinbefore directed, and the party claiming and receiving the same shall afterwards be proved not to be the lawful representative of the depositor so deceased as aforesaid, or otherwise not entitled to the same, such payment shall be valid against any demand of any other person or persons as representative or representatives of the said deceased depositor or any other person or persons whomsoever, nevertheless such lawful representative or representatives or other person or persons shall have remedies for such moneys so paid as aforesaid against the person or persons who shall have so wrongfully received the same.

Such disposal valid against person lawfully entitled.

IV.—INVESTMENT OF DEPOSITS.

34. At any meeting or meetings to be for that purpose appointed by the Trustees of any such Bank, it shall be lawful for the Trustees attending thereat, not being less than four, to discount at a rate of interest not less than eight pounds per cent. per annum any bill of exchange or promissory note for any amount not exceeding one hundred pounds, provided the same shall bear the names of not less than two persons not being Trustees of the said Bank, to be approved by such Trustees so attending as aforesaid or the major part of them, and be payable at a period not exceeding three calendar months from the time when the same shall be discounted.

Bills may be discounted.

35. It shall also be lawful for any number of the said Trustees, not being less than four, attending any meeting convened for the purpose, to lend any sum or sums of money upon security by mortgage of any lands and hereditaments of an estate of inheritance in fee simple in the Colony of New Zealand: Provided that such lands and hereditaments be free from all incumbrances and shall not be at a greater distance than twenty miles from the town in which such Bank may be situated, and that wherever the same shall be or become liable to the dowry of the wife of the mortgagor thereof she shall join in such mortgage for the purpose of releasing the same, and that no such loan shall exceed the amount of five hundred pounds to any one person: Provided always that not more than one-third of the entire funds of any such Bank shall be invested on mortgage security as aforesaid.

Or deposits may be invested in mortgages.

36. It shall also be lawful for any number of the said Trustees, not being less than four, attending any such meeting as aforesaid, to cause any proportion of the funds of any such Bank at their discretion, with the approval of the Governor, to be invested in Government securities in the Colony of New Zealand, or to be deposited in any Bank or Banks in the Colony at such rate of interest as may be agreed upon between the Directors of any such Banks and such Trustees as aforesaid.

Or in Government securities, or in Colonial Bank.

V.—SECURITIES AND REMEDIES.

37. All lands and hereditaments so mortgaged to any such Bank as aforesaid shall be conveyed to the Vice-President thereof for the time being in fee simple, subject to a proviso for redemption on payment of all principal money and interest, and to a power of sale in default of payment of principal money and interest.

Real estate &c. to be vested in Vice-President.

38. All bonds mortgages warrants of attorney and other securities which shall be taken in the name of any person as Vice-President of any such Bank for and on account of the same, shall and may be put in suit and be sued and prosecuted at law or in equity in the name of the Vice-President for the time being in whose name the same may have been taken, or in the name of any person who shall have succeeded

Bonds &c. may be put in suit in name of Vice-President.

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succeeded to that office at the time such proceedings be instituted, notwithstanding that the name of any such succeeding Vice-President be not inserted in such bond mortgage warrant of attorney or other such security as an obligee, mortgagee, assignee, or payee.

Death of Vice-President not to abate action &c.

39. The death resignation removal or other act of any such Vice-President in whose name any such security as aforesaid shall be put in suit, shall not abate any action suit or other proceeding had thereon, but the same may be continued where it left off, and be prosecuted and carried on in the name of any person who may have succeeded to that office or may be or become the Vice-President of the said Bank for the time being.

Legal estate &c. to vest in name of Vice-President without conveyance.

40. The legal estate in all lands and tenements belonging or mortgaged to any such Bank shall become vested in such new Vice-President as aforesaid to all intents and purposes immediately upon the recording of the memorial of the name of such new Vice-President in the Supreme Court as herein directed, and so on *toties quoties* whenever any new appointment of Vice-President for the time being of any such Bank shall take place, and such new memorial shall be enrolled and recorded in the Supreme Court as herein directed.

All moneys securities &c. to be vested in Vice-President.

41. All moneys goods chattels and effects whatsoever, and all securities for money and obligatory instruments and evidences or muniments and other effects whatever, and all rights and claims belonging to any such Bank, shall be vested in the Vice-President for the time being for the use and benefit of the respective depositors therein according to the provisions of this Ordinance; and after the death resignation or removal of any such Vice-President, shall vest in the succeeding Vice-President for the same estate and interest as the former Vice-President had therein, and subject to the same trusts without any assignment or conveyance whatever: Provided always that all sums of money paid on the redemption of any lands and hereditaments may be received by any one Trustee, together with the Accountant for the time being of any such Bank, and all receipts and other acquittances for the same may be signed by any one Trustee together with the said Accountant in the name of and for and on behalf of the said Vice-President, and such receipts and acquittances so signed as aforesaid shall be deemed and taken to be as valid at law and in equity as if the same had been signed by the Vice-President of the said Bank.

Vice-President to bring actions &c.

42. The Vice-President of every such Bank may institute any action suit prosecution and other proceedings at law and in equity, by and on behalf of such Bank or wherein such Bank may be concerned, against any person or persons, body politic or corporate, and whether such person or persons shall be a Trustee or officer of the said Bank or otherwise.

Actions &c. to be carried on in name of Accountant.

43. Every such action suit prosecution and proceedings shall be commenced or instituted and carried on in the name of the Accountant of such Bank for the time being as the nominal plaintiff complainer or petitioner for and on behalf of the said Bank, and all actions suits and proceedings as aforesaid to be commenced instituted or prosecuted against any such Bank shall be defended by the said Vice-President, but the same shall be commenced instituted and prosecuted against the said Accountant for the time being of such Bank as the nominal defendant for and on behalf of the said Bank.

In case of prosecution for fraud &c. name of Accountant to be used.

44. All prosecutions for fraud upon or against any such Bank, or for embezzlement robbery or stealing the bills notes bonds moneys goods chattels effects or property of the said Bank, or for any other offence against the said Bank, shall or may be so commenced or instituted and carried on in the name of the said Accountant for the
time

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time being of the said Bank; and in all indictments and informations it shall be lawful to state the property of any such Bank to be the property of the said Accountant for the time being; and any offence committed with intent to injure or defraud the said Bank shall and lawfully may in any prosecution on account of the same be stated or laid to have been committed with intent to injure and defraud such Accountant, and any offender or offenders may thereupon be lawfully convicted of any such offence.

45. No such suit action or prosecution shall be discontinued or abated by the death of such Accountant, or by his resignation or removal from office which he held at the time when such action suit or prosecution was commenced, but the same shall and may be proceeded with in the name of any person who may be or become Accountant of such Bank for the time being, and such person shall pay or receive like costs as if such action or suit had been commenced in his name for the benefit of or to be reimbursed from the funds of the said Bank.

Action &c. not to abate on death of Accountant.

46. Provided always that the said Vice-President or Accountant being the plaintiff complainant petitioner or defendant in any action suit petition or other proceedings as aforesaid on behalf of any such Bank, shall not prevent or affect the competency of any such Vice-President or Accountant so as to prevent him from being a witness in any such action suit petition or other proceeding, in the same manner as he might have done if his name had not been made use of as such plaintiff complainant petitioner or defendant in any such action suit petition or other proceeding.

Vice-President and Accountant not prevented giving evidence.

47. A memorial of the name of the Vice-President and a memorial of the name of the Accountant for the time being of every such Bank, in the form or to the effect for that purpose set forth in the Schedule hereunto annexed, signed by at least four of the said Trustees of such Bank, shall respectively be recorded upon oath in the Supreme Court within thirty days after such Bank shall have been proclaimed to come within the operation of this Ordinance as aforesaid; and when and as often as any Vice-President shall be appointed by the said Governor as hereinbefore directed, or any Accountant of any such Bank shall be newly elected Accountant thereof, a memorial of the name of such newly appointed Vice-President or of such newly elected Accountant, in the same form or to the same effect as the above-mentioned memorial, signed by such newly appointed Vice-President or such newly elected Accountant as the case may be and by four of the said Trustees of such Bank at the time of the appointment of such Vice-President or of the election of such Accountant, shall in like manner be recorded upon oath in the said Court within thirty days next after such Vice-President shall be appointed or such Accountant shall be so elected as the case may be.

Memorial of names of Vice-President and Accountant to be recorded.

48. Until a memorial of the name of the Vice-President or of the Accountant for the time being be recorded in the manner herein directed, no action suit or other proceeding shall be brought by any such Bank in the name of the Vice-President or of the Accountant of the said Bank as aforesaid under the authority of this Ordinance.

Until so recorded, name of Vice-President &c. not to be used.

49. Provided always that in any action to be brought in the names of the said Vice-President or Accountant of the said Bank by virtue of this Ordinance, the plaintiff therein shall not be non-suit nor shall a verdict be given against him for want of proof of the record of such memorial or memorials as hereinbefore mentioned; but in case the defendant in any such action shall make it appear on such trial that no such memorial or memorials has or have been recorded, then a non-suit shall be entered in such action.

Proof of memorial being recorded unnecessary.

Savings Banks.

Disputes to be referred to arbitration.

50. If any dispute shall arise between any such Bank or any person or persons acting on behalf thereof and any individual depositor therein, or any executor administrator next of kin or creditor of any deceased depositor, or any person claiming to be such executor administrator next of kin or creditor, then and in every such case the matter so in dispute shall be referred to the arbitration of two indifferent persons, one to be chosen and appointed by the Trustees of the said Bank and the other by the party with whom the dispute arose; and in case the arbitrators so appointed shall not agree, then such matter in dispute shall be referred in writing to an umpire, having no interest in such matter or in the said Bank, to be elected by the said arbitrators previously to entering upon the consideration of the matter referred to them; and whatever award order or determination shall be made by the said arbitrators or by the said umpire shall be binding and conclusive on all parties, and shall be final to all intents and purposes without any appeal.

VI.—DISTRICT TRUSTEES.

Governor may appoint District Trustees.

51. And whereas it may be expedient to extend to country districts the operation of this Ordinance: Be it therefore enacted that it shall be lawful for the Governor from time to time as occasion may require to appoint proper persons to act as Trustees in connection with any such Bank for such districts as to the said Governor shall seem meet, to be signified by the publication of an order to that effect in the *Government Gazette*.

To receive deposits from country depositors.

52. Such Trustees shall be appointed for the receipt respectively of deposits in such Bank, in order that the same may be transmitted to and be invested by the Vice-President and Trustees of the said Bank for the benefit of country depositors in like manner and subject to the same regulations as hereinbefore provided concerning other depositors.

District Accountant to be appointed.

53. It shall be lawful for the Vice-President and Trustees of such Bank to appoint a Clerk or Accountant for any such district as aforesaid, who shall give reasonable security to the satisfaction of such Vice-President and Trustees that he will duly account for such moneys of depositors as shall come to his hands.

To receive deposits.

54. Such Clerk or Accountant shall in the presence of, and not otherwise of, one or more of such District Trustees, receive deposits from persons residing within his district at such times and places as the District Trustees shall appoint, and give proper vouchers to the parties depositing the sums signed by him and by any one of the Trustees who may be present at the receipt thereof.

And to remit the same to Bank.

55. It shall be the duty of such District Clerk or Accountant, and he is hereby required at such times and in such manner as the Trustees of such Bank may direct, to remit all sums of money so deposited to the Accountant of such Bank, together with an account, verified by one or more of the District Trustees respectively, of the names residences and description of the depositors and of the sums received by such District Clerk or Accountant as aforesaid, in order that such depositors may be entitled to the benefit of this Ordinance.

Withdrawal, notice of.

56. It shall be lawful for any such district depositors or for any person duly authorized by him or for his executor or other lawful representative to claim and receive back the money so deposited by him as aforesaid or any part thereof in manner following, that is to say,—

If the sum so required to be repaid shall not exceed five pounds, the claimant thereof shall, on some day to be appointed by the District Trustee or Trustees respectively, deliver or cause to

to

Slaughter-houses.

to be delivered to the District Clerk or Accountant a notice, signed with his name, declaring his intention to withdraw such sums from the Bank at the expiration of fourteen days from the date of such notice. If the sum to be withdrawn shall exceed five pounds but be not more than twenty pounds, then twenty-one days' notice shall in like manner be given, and thirty days' notice shall be given when the sum to be withdrawn shall exceed twenty pounds.

57. Upon the receipt of such notice the District Clerk or Accountant shall forthwith transmit the same, verified under the hand or hands of one or more of the said District Trustees respectively, to the Accountant of such Bank, in order that proper steps may be taken for transmitting the money to such District Clerk or Accountant for the payment to the party lawfully claiming the same, which Clerk or Accountant shall take from such party a proper receipt in writing for the money so paid, and transmit the same to the Accountant of the said Bank.

Notice to be forwarded to Bank.

58. If any district depositor shall die leaving any sum or sums of money in such Bank, or any interest or dividend due thereon belonging to him at the time of his death, the same shall be paid only on the conditions hereinbefore provided in case of the death of other depositors in such Bank.

In case of death of country depositor.

59. For the purposes of this Ordinance, unless there be something either in the subject or context repugnant to such construction, words importing the masculine gender only shall include females, and the word "Governor" shall be taken to include the Lieutenant-Governor or the Officer Administering the Government of the Colony for the time being.

Interpretation.

SCHEDULE.

FORM OF MEMORIAL.

Memorial of the name of the Vice-President [*or Accountant, as the case may be,*] of Savings Bank, pursuant to the Savings Bank Ordinance, Sess. VIII., No. 4.

A. B., Vice-President [*or Accountant, as the case may be*].

C. D.

E. F.

G. H.

I. K.

} Trustees.

, of , Gentlemen, , of the above-named Bank, maketh oath and sayeth that he was present and did see the foregoing memorial signed by the above-named Vice-President [*or Accountant, as the case may be,*] and Trustees respectively, whose names appear thereto.

Sworn this day of .

No. V.

AN ORDINANCE for regulating the Slaughtering of Cattle in certain places. [*2nd September, 1847.*]

SLAUGHTER-HOUSES.

FOR the purpose of regulating the slaughtering of cattle in certain places:

BE IT ENACTED by the Lieutenant-Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

1. That it shall be lawful for His Excellency the Governor by Proclamation from time to time to constitute and define certain districts for the purpose

Power to Governor to proclaim districts.

Slaughter-houses.

purpose aforesaid, and the limits of such districts from time to time to alter as occasion may require, and also, if he shall see fit, to revoke the Proclamation by which any such district shall have been constituted.

Within such districts cattle not to be slaughtered without license.

2. Within any such district, and after a day to be prescribed by any such Proclamation, no person shall keep a slaughter-house or place for slaughtering cattle intended for sale barter shipping or exportation except such house or place be duly licensed for that purpose in manner hereinafter provided.

Penalty.

3. If any person shall slaughter or cause to be slaughtered any cattle as aforesaid in any house or place within such district which shall not be duly licensed for that purpose as aforesaid, he shall forfeit and pay the sum of five pounds for every head of cattle so slaughtered.

Power to Governor to appoint certain places in towns for the slaughtering of cattle.

4. It shall be lawful for His Excellency the Governor, when and as he shall see fit, by Proclamation to direct and appoint that one or more slaughter-house or houses within or near any town within the Colony shall be a public slaughter-house or houses for such period as he shall in that behalf appoint, and by any such Proclamation to direct that all cattle slaughtered in any such town or within three miles from the outer boundary thereof for sale barter shipping or exportation shall be slaughtered at such slaughter-house or houses only: Provided always that until such Proclamation shall be made, slaughter-houses in or near any such town may be licensed as hereinbefore provided.

Penalty.

5. Every person who shall slaughter or cause to be slaughtered any cattle as aforesaid in any house or place within or near any such town as aforesaid contrary to the provisions of such Proclamation, shall forfeit and pay the sum of five pounds for every head of cattle so slaughtered.

Power to Justices to grant licenses.

6. Every person desirous of obtaining a license for a slaughter-house or place for slaughtering cattle shall, ten days before any annual quarterly or special meeting of the Bench of Magistrates nearest to such intended slaughter-house or place, give to the Clerk of the Bench a notice in writing of his intention to apply for such license, and shall describe in the said notice the house or place intended to be licensed, and the Bench of Magistrates (two or more being present) shall consider such application, and if they consider that the applicant is a person of unexceptionable character, and that the place proposed to be licensed as a slaughter-house is in a convenient and desirable situation, they shall grant to such person a license under the hands of any two of them in the manner and form hereinafter set forth.

Licenses to be in force for one year.

7. Every such license shall be in force for one year from the date thereof, and the person to whom the same shall be granted shall pay to the Clerk of the Bench the sum of two shillings and sixpence for every such license.

Power to Justices to enter and direct the cleansing of slaughter-houses.

8. For the purpose of preserving cleanliness in towns and the health of persons residing therein, it shall be lawful for any Justice of the Peace and for any constable authorized by writing under his hand from time to time, as any such Justice shall see occasion, to visit and inspect any slaughter-house or place which may be situated within the boundaries of any town, and to give such directions concerning the cleansing of any such slaughter-house or place both within and without as to him shall seem needful.

Penalty for neglect.

9. If any butcher or the owner or occupier of any such slaughter-house or place shall obstruct or molest such Justice or constable in the inspection thereof, or shall refuse or neglect to comply with such directions within a reasonable time, every such person shall on conviction upon the information of any such Justice or constable forfeit and pay for every such offence or neglect any sum not exceeding ten pounds nor less than five pounds.

10. It

Slaughter-houses.

10. It shall also be lawful for any Justice of the Peace, or Inspector of Police, Inspector of Slaughter-houses, or constable duly authorized in that behalf, to enter at any time of the day or night any slaughter-house or place so licensed as aforesaid, wherever the same may be situated, and where there shall be good cause to suspect that stolen cattle have been slaughtered, and to make such search and inquiry therein as shall seem necessary for the discovery of the offence and of the offender.

Power to Justice &c. to enter to search.

11. Every person who shall by any obstruction or hindrance prevent any such Justice, or Inspector of Police, Inspector of Slaughter-houses, or constable, from entering any such licensed premises for the purpose of such search and inquiry, shall be deemed guilty of a misdemeanour and shall be dealt with accordingly as in cases of misdemeanour at Common Law.

Penalty for obstructing.

12. It shall be lawful for His Excellency the Governor to appoint, within such towns or districts as he shall from time to time direct by a notice to be published in the *Government Gazette*, fit persons to be called Inspectors of Slaughter-houses and of Cattle intended for slaughter, and every person who shall be so appointed shall and he is hereby required and directed to repair without delay to the place or places within his district in which he shall have information of any horned or neat cattle having been slaughtered, or of any such cattle intended to be slaughtered, and also in all cases in which notice shall have been given to him or left at his place of residence of the intention to slaughter any cattle, and every such Inspector shall examine the said cattle slaughtered or so intended to be slaughtered in his district, and shall take a particular description thereof, with the colour mark or marks brand or brands sex and apparent age, together with the time and place of slaughter, which particulars he shall carefully enter or cause to be entered in a book to be kept by him for that purpose, and which book such Inspector shall produce for examination before any annual quarterly or special meeting of the Bench of Magistrates within or nearest to the district for which he shall be appointed, and for the information of any Justice or Justices, whenever he shall be so required, and such Inspector shall also make a weekly return to the Bench of Justices within or nearest to the district of the number of cattle so slaughtered as aforesaid.

Power to Governor to appoint Inspectors of Slaughter-houses, who shall keep a register of cattle slaughtered and make returns.

13. That every person intending to slaughter any such horned or neat cattle within any town or district in which an Inspector shall be appointed as aforesaid, shall first give six hours' notice in writing to such Inspector of the cattle intended to be slaughtered, specifying the place and time, under the penalty of five pounds for each and every head of such cattle which shall be so slaughtered without such notice having been given thereof as last mentioned, unless it shall be made to appear to the Justice before whom such fine shall be sought to be recovered that such notice could not have been given, and that owing to some unforeseen accident it was necessary that such cattle should have been immediately slaughtered; and in all cases in which any such cattle shall have been slaughtered within any such town or district without having been previously inspected as aforesaid, notice thereof shall be immediately given to the said Inspector, and the skins of such cattle shall be kept or preserved for three days, and be produced on demand at the place of slaughter to the Inspector for the town or district wherein such cattle should have been slaughtered, under the penalty of five pounds for every skin so neglected to be preserved and produced.

Persons intending to slaughter cattle to give notice to Inspector under a penalty of £5, except under unforeseen circumstances.

Penalty.

14. That every keeper of a licensed house or place for slaughtering cattle, excepting in any town or district for which an Inspector shall

Keepers of slaughter-houses, where no Inspector appointed,

Slaughter-houses.

to keep register of
cattle slaughtered
and make returns.

be appointed as aforesaid, shall keep a book in which he shall enter a particular account and description of all such horned or neat cattle slaughtered in such house or place, specifying the colour mark or marks sex and apparent age of such cattle, and, if purchased, the name of the person for whom the same shall have been slaughtered and the time of slaughter, and shall transmit monthly to the Bench of Justices in or nearest to the district wherein such slaughter-house or place for slaughtering cattle shall be situated, a report in writing, under the hand of such keeper, containing the particulars above stated, and shall produce such book for the information of any Justice whenever he shall be so required; and if any such keeper of a licensed slaughter-house or place for slaughtering cattle shall neglect to keep such book or record, or shall wilfully make a false entry therein, or shall fail or refuse to make such monthly report as aforesaid, or shall refuse to produce such book or record to any Justice, he shall for every such offence forfeit a sum not exceeding five pounds.

Not to extend to
persons slaughtering
cattle for their own
consumption.

15. That nothing hereinbefore contained shall extend to any person or persons slaughtering, at his her or their own residences or farms, cattle for his her or their own use.

Power of Justice to
demand production
of skins.

16. That it shall and may be lawful for any Justice of the Peace to demand the skin of any horned or neat cattle whatsoever that may have been slaughtered within one month previous to the date of such demand, or a full and satisfactory account to whom such skin has been sold or in what manner disposed of; and any person who upon such demand shall refuse or neglect to produce the skins of any such cattle that have been slaughtered, or, in case the same cannot be produced, to give a full and satisfactory account of how and in what manner the same have been disposed of, shall on conviction forfeit and pay for every such offence a sum not exceeding ten pounds.

Penalty for refusing.

Persons destroying
brands liable to
penalty.

17. And if any person shall cut out burn or otherwise destroy or deface any brand which shall have been on any skin, or shall be in possession of or shall purchase any such skin from which the brand shall have been cut or burnt or otherwise destroyed or defaced, without being able to give a satisfactory account thereof, every such person shall upon conviction of every such offence forfeit and pay a sum not exceeding ten pounds.

Governor to fix scale
of fees to be charged
at public slaughter-
house.

18. It shall be lawful for His Excellency the Governor from time to time as occasion may require to fix a scale of fees to be levied collected and received from every party who shall bring any cattle to be slaughtered at any public slaughter-house or place for slaughtering cattle, and such scale of fees from time to time to alter vary and modify, and such fees shall be recoverable in a summary manner by the party to whom the same shall be payable: Provided always that the amount of the fees so to be fixed as aforesaid shall in no case exceed the sums mentioned in the Schedule to this Ordinance annexed and marked B, and shall upon every alteration be forthwith published in the *Government Gazette*.

Hours for slaughter
may be prescribed.

19. It shall be lawful for the Bench of Magistrates of any such district, if they shall see occasion so to do, to prescribe the hours within which any such cattle shall be slaughtered, and to enforce any regulations so to be made in that behalf by a penalty not exceeding five pounds.

Fees how to be
accounted for.

20. All fees received by the keeper of any public slaughter-house under the authority of this Ordinance shall be accounted for and paid over to the Colonial Treasurer or the Treasurer of the district, as the case may be, for the public uses of the Colony and for the support of the Government thereof.

21. All

Impounding.

21. All fines and penalties imposed under the authority of this Ordinance shall be recoverable in a summary way.

Penalties &c. recoverable in a summary way. Interpretation.

22. For the purposes of this Ordinance the word "Cattle," unless otherwise expressly stated, shall be taken to include horned or neat cattle sheep goats and swine, and the word "Governor" shall be taken to include the Lieutenant-Governor or the Officer Administering the Government of the Colony for the time being.

SCHEDULES.

SCHEDULE A.

FORM OF LICENSE FOR SLAUGHTERING CATTLE.

We, of Her Majesty's Justices of the Peace, do certify that, by virtue of the authority vested in us in this behalf, Mr. , of , is hereby authorized to keep a licensed slaughter-house in his , situated and being in . And this license is to remain in force from the date hereof until the day of .
Given under our hands, at , this day of .

SCHEDULE B.

	£	s.	d.
For every calf not exceeding one year old, and for every sheep, boar, sow, pig, and goat ...	0	2	6
For every bull, cow, or heifer, steer and other head of cattle ...	0	5	0

No. VI.

AN ORDINANCE to authorize and regulate the Impounding of Cattle. [16th September, 1847.]

IMPOUNDING.

BE IT ENACTED by the Lieutenant-Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

Preamble.

I.—POUNDS AND POUNDKEEPERS.

1. It shall be lawful for His Excellency the Governor, when and as often as he may deem necessary, and at such places and for such districts as may appear convenient, to erect and maintain and to authorize any private person to erect and maintain or to appoint any suitable premises already elected, adjoining to some public highway, to be established and maintained as public pounds for the purposes of this Ordinance, and for the greater convenience of resort to such pounds, from time to time to cause any such pound to be removed to and erected at any other place.

Power to Governor to establish public pounds.

2. It shall also be lawful for the Governor to appoint fit and proper persons to be the keepers of any such pounds at such salaries as to him may appear reasonable, and from time to time to displace and remove the keeper of any such pound and to appoint a fit and proper person in his place.

And to appoint poundkeepers.

3. Every such poundkeeper shall from time to time give security for good behaviour in his office by bond by himself and such sureties in such form and in such reasonable sum or sums respectively as His Excellency the Governor may think fit to require.

He shall give security.

4. A

Impounding.

Notice in Govern-
ment *Gazette* proof
of appointment.

4. A notification of the appointment or removal of any public pound or poundkeeper as the case may be shall be inserted in the *Government Gazette*, signed by the Colonial Secretary in ordinary form, and such notification shall be taken to be sufficient evidence that such pound or poundkeeper hath been legally appointed or removed as in the said notification shall be contained.

Power to Governor
to advance funds
for the building of
Pounds.

5. It shall also be lawful for the Governor to advance and issue such sums as may be necessary for erecting and maintaining any such pounds as aforesaid.

Pounds to be securely
fenced and divided.

6. Every such pound shall be properly fenced and enclosed and adapted as far as may be for keeping cattle infected with any contagious disease separate and apart from those in health, and if any poundkeeper shall not keep up and maintain the said enclosures in proper repair, or shall knowingly keep or permit to be kept any cattle infected with disease in the same enclosure with cattle not so infected, or shall not keep the said pound clean or in good order, or the cattle which from time to time shall be impounded therein supplied with sufficient wholesome food and water, every such poundkeeper shall upon conviction of any such neglect forfeit and pay a sum not exceeding five pounds nor less than one pound.

II.—POUND FEES, DAMAGES, AND CHARGES.

Pound fees and
charges.

7. The fees to be taken and charged by any poundkeeper as and for pound fees, and the price to be charged and paid for the sustenance of cattle committed to any such pound, shall be those specified in Schedule A hereunto annexed: Provided always that it shall be lawful for the Governor, by notification in the *Government Gazette*, from time to time to increase reduce or otherwise vary the said fees and charges as occasion may require.

Justices to assess
rates of ordinary
damages.

8. It shall be lawful for the Justices of any district in which any such pound shall be established, at any meeting for the purpose of which notice shall have been given, or the major part of them, to estimate and assess reasonable rates for the general or ordinary damages which shall and may be demanded in a summary way by the owner of any lands, without proof of special damage, for the trespass of any cattle thereon, which rates shall be proportioned according to the respective descriptions and value of the crops growing upon the lands trespassed upon, and also to the respective descriptions and nature of the cattle trespassing, and to frame a table of such rates as near as may be according to the form in the Schedule B hereunto annexed.

And to fix other fees.

9. It shall also be lawful for such Justices, at any such meeting as aforesaid, to specify all such reasonable fees as shall be taken and charged by any poundkeeper for any matter or thing required to be done by him under and by virtue of this Ordinance and not herein specially provided for: Provided always that such rates and fees shall be subject to the alteration or disallowance of the Governor, and after being so altered or allowed, and after such alteration or allowance shall have been notified in the *Government Gazette*, shall and may be lawfully taken demanded and recovered respectively as aforesaid.

Pound fees and
charges may be
received by pound-
keeper.

10. It shall be lawful for the keeper of any public pound to demand and receive as pound fees and charges for the cattle of the several descriptions which shall be impounded therein, the several and respective sums which may from time to time be appointed in manner herein provided, and if the owner of any cattle impounded shall release the same upon payment to the keeper of the said pound of the sum of money for which the said cattle were impounded, the said poundkeeper shall pay the same to the party who impounded such cattle on his demand thereof; and if such poundkeeper shall fail so to do, he shall

on

Impounding.

on conviction forfeit and pay for such his default the penalty of five pounds.

11. It shall also be lawful for any such keeper to demand have and receive for the impounding of any cattle, and for feeding and maintaining the same whilst impounded, and for giving notice thereof to the owner, and for all other matters and things which are by this Ordinance required to be done by him, all such fees and charges as shall at any time be authorized to be taken and charged as herein provided. Such fees and charges so to be taken as aforesaid shall be duly and faithfully accounted for and paid over by such poundkeeper once in every quarter of a year, or on or before the first days of January April July and October respectively, to the Colonial Treasurer, to be applied to the public uses of the Colony and support of the Government thereof: Provided always it shall be lawful for the Governor from time to time to appoint and declare that such fees and charges or any or what proportion thereof shall go to and be applied by any such poundkeeper as aforesaid in full payment or on account of salary and remuneration. And other fees.

12. If any poundkeeper shall demand or take any greater sum for the impounding of any cattle, or for doing any act matter or thing, than such poundkeeper shall be so authorized to demand or take, or shall fail duly to account and pay as aforesaid, every such poundkeeper shall forfeit and pay for every such offence a sum not exceeding five pounds nor less than one pound. Penalty for taking fees not authorized.

III.—THE IMPOUNDING OF CATTLE.

13. It shall be lawful for any person, or the agent, bailiff, or servant of any person upon whose land enclosed by a fence and within any such district as aforesaid any cattle the owner whereof shall be known to him may be found trespassing, to impound and detain the same in any convenient place upon his lands if he shall think fit so to do, provided that he shall within twenty-four hours of such impounding give or cause to be given to the owner of the said cattle the like notice as is hereinafter required to be given to the keeper of any public pound by any person sending cattle thereto, and provided also that he shall feed and maintain the same cattle whilst so impounded, and shall not keep them so impounded longer than three whole days of twenty-four hours each, but shall, at the expiration of such three days, if not sooner released, upon payment of his lawful charges, drive or cause the same to be driven to the nearest public pound, and lodged therein in manner hereinafter mentioned: Provided also that any person impounding cattle on his own land as aforesaid, or his agent, bailiff, or servant, shall not be entitled to demand or receive any compensation for damage done by the said cattle save and except for such damage as was done before their first-mentioned impounding, or any fee or charge for such impounding except such as shall by law be chargeable by the keeper of the nearest public pound for feeding and maintaining. Cattle trespassing may be impounded on his own ground by the owner of the land trespassed upon.

14. It shall also be lawful for any person, or the agent, bailiff, or servant of any person upon whose land so enclosed and being within any such district as aforesaid any cattle shall be found trespassing, to drive or lodge or cause the same to be driven or lodged in the public pound nearest to the said land, and the person impounding any such cattle shall specify in writing to the keeper of the said pound the number and kinds of the cattle impounded and the name of the owner, if he be known, or supposed owner, or that he is wholly unknown, the place where the said cattle were trespassing, and the amount of damages claimed for the trespass. Or be taken to the pound.

Impounding.

Penalty for otherwise
impounding.

15. If any owner or occupier of land, or his agent, bailiff, or servant, shall impound any cattle in any pound or place not authorized by this Ordinance, or in any manner contrary to the directions and provisions thereof, every person so offending shall upon conviction forfeit and pay for every such offence a fine not exceeding ten pounds.

Notice to be given to
owner of cattle
impounded.

16. If any impounded cattle shall not be followed to the pound or claimed by the owner thereof or by some one on his behalf within twenty-four hours after the same shall have been impounded, the keeper of the said pound shall, as soon as possible after the expiration of the twenty-four hours, send notice in writing to the said owner, if he be known to him and shall reside within five miles of the said pound, or to his agent or bailiff if the said owner shall reside at a greater distance and have a known agent or bailiff residing within five miles, which notice shall contain the same particulars as are required to be given to the poundkeeper by the person impounding the same, and also shall contain notice of the time and place where the said cattle will be sold if not sooner released from the said pound by the owner or some one on his behalf, and also the sum of money for which the same were impounded; and the said notice shall within the distance aforesaid be delivered personally to the said owner, agent, or bailiff, or left for him at his usual place of abode. And if the said owner, agent, or bailiff be known, and reside at a greater distance than five miles from the said pound, then the said poundkeeper shall send the like notice, addressed to the owner, agent, or bailiff, by post, as soon as possible after the expiration of twenty-four hours from the time of impounding; and if neither owner, nor agent, nor bailiff be known to the said poundkeeper, then he shall cause the like notice to be posted at the nearest church, post office, or police station, and the notice in the Schedule marked E hereunto annexed to be inserted in the *Government Gazette* which shall be published next after the expiration of the said twenty-four hours, and in which it shall be possible to cause the same to be inserted: Provided always that when the cattle impounded under the provisions of this Ordinance shall consist of sheep goats swine or calves and be not more than two in number, it shall not be necessary to give any other notice of such impounding than by affixing a notice thereof on the pound in manner herein directed.

If not released, cattle
to be sold.

17. If any impounded cattle shall not be released from the said pound by the owner thereof or by some one on his behalf within seven days after notice shall have been given to the said owner, his agent or bailiff, by delivering the same to him personally, or by leaving the same at his usual place of abode, or within twenty-one days after the notice shall have been despatched through the post or inserted in the *Government Gazette*, as the case may require, which periods of seven days and twenty-one days respectively shall be reckoned exclusive of the day upon which the said notice shall have been delivered or despatched or inserted, it shall be lawful for the said poundkeeper to apply to any Justice of the Peace, not being a party interested in the said matter, for an order for the sale of the said cattle; and the poundkeeper shall at the time of such application produce and show to the said Justice the pound-book kept by him as by this Ordinance directed, or an extract of so much thereof as may apply to the case, and also such other proofs by the oath of the said poundkeeper or others as the said Justice may require, that such poundkeeper has complied with the terms and provisions of this Ordinance; and thereupon such Justice shall and may, if he be satisfied that such terms and conditions have been complied with, make an order under his hand authorizing the sale of such cattle, or otherwise shall direct such acts to be done as shall have
been

Impounding.

been omitted, and in the meantime shall suspend the order for the said sale until a future day to be appointed anew by him and until the said terms shall have been complied with, the notice of which suspension and future time of sale shall be given by the said poundkeeper to the owner, his agent or bailiff, personally or at his usual place of abode, or through the general post, or by insertion in the *Government Gazette*, as the case may require, and in the same manner respectively as herein provided for giving the original notice of impounding: Provided always that when any such delay and suspension of sale shall be necessary in consequence of the neglect of the said poundkeeper, the costs of all further proceedings and notice, as well as of the future feeding and maintaining of the said cattle, shall be borne by the said poundkeeper.

18. All sales of impounded cattle shall take place on the tenth day after the same shall have been impounded in all cases where notice of impounding shall have been affixed as aforesaid or given to the owner, or his agent or bailiff, by delivering the same to him personally or by leaving the same at his usual place of abode, and in all other cases on the twenty-fourth day after such notice shall have been despatched through the post or inserted in the *Government Gazette* or affixed as aforesaid, unless the said tenth or twenty-fourth day as the case may be shall happen to be Sunday or Christmas Day or Good Friday, and then on the following day, and unless the sale be suspended by order of a competent judge. Time of sale.

19. All such sales shall take place at the public pound where the said cattle shall have been impounded and shall commence at the hour of noon, and not more than ten head of sheep or goats or five pigs shall be put up in any one lot, and not more than one horse or one head of any other cattle; and neither the person who impounded the said cattle, nor the keeper of the said pound, nor his surety, nor the Justice who made the order for the sale, shall, either personally or by any other, purchase the said cattle nor any part thereof, upon pain that every person offending therein shall forfeit and pay for every such purchase contrary to the true intent and meaning hereof the sum of five pounds over and above restitution of the animals so purchased. Place of sale.

20. All impounded cattle directed to be sold under the provisions of this Ordinance shall and may be sold by the poundkeeper by public auction to the highest bidder, notwithstanding that he shall not have taken out a license as an auctioneer. How to be sold.

21. It shall be lawful for every such poundkeeper to receive the price of any impounded cattle so to be sold as aforesaid and to apply the same first in the payment of all lawful fees and charges due to himself, secondly in the payment of the sum due to the party at whose instance the same were impounded, and the residue he shall pay over to the owner of the cattle sold, where he is known, or to his known agent or bailiff, upon the same being demanded; and if the owner of the cattle shall be unknown, and have no known agent or bailiff, the said poundkeeper shall, within one calendar month after the sale, pay the amount into the hands of the Colonial Treasurer, in trust for the party entitled thereto, and the receipt of the said Treasurer shall be the legal discharge of the said poundkeeper for the amount named therein. In case no claim to the same shall be duly made within two years next after the said money shall have been so paid into the hands of the Colonial Treasurer, it shall be lawful for the Governor by warrant under his hand to direct the same to be applied to the public uses of the Colony and to the support of the Government thereof. Proceeds of sale how to be applied.

22. Provided always that if the proceeds of any cattle impounded by any person, or his agent or bailiff, for trespassing or doing damage upon If proceeds of sale insufficient to satisfy

upon

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damages &c., owners of cattle to pay difference.

upon the lands of such person, and sold under the authority of this Ordinance, shall be insufficient to satisfy the lawful fees and charges of the poundkeeper respecting the same, the residue of such fees and charges shall be paid to the said poundkeeper by the proprietor of the said cattle if known.

Instead of impounding cattle, party aggrieved may make complaint to Justices.

23. For the purpose of avoiding as far as may be the impounding of cattle: Be it enacted that where any cattle shall be found so trespassing or doing damage within any such district as aforesaid, and the rate of damage for the said trespass shall have been estimated and assessed by the Justices and allowed by the Governor as aforesaid, it shall be lawful for the person entitled to such rate or damage to take drive or send such cattle to their owner, or his known agent or bailiff, and he is hereby required to pay the same as and for a satisfaction of the said damages and trespass; and if the owner of such cattle or some person in his behalf shall not pay the amount of such fixed rate of damage upon the same being demanded, it shall be lawful for the party aggrieved by such trespass, instead of impounding the cattle, to make his complaint to the Resident Magistrate or any two Justices of the Peace, and such Magistrate or Justices shall summon before him the owner of any cattle so having trespassed, or if he be absent, his known agent or bailiff, and it shall be lawful for such Magistrate or Justices at the time appointed by such summons for the appearance of the party complained against, whether he appear or not, upon proof of the service of such summons, summarily to inquire into and examine and hear and determine the matter of such complaint, and upon satisfactory proof of such trespass, and of the neglect and refusal of the party complained against to pay the fixed rate of damage, to issue his or their warrant to levy the same, together with such costs as to the said Magistrate or Justices shall appear fair and reasonable.

Or may waive assessed damages and proceed for special damage.

24. Provided always and be it further enacted that nothing herein contained shall extend or be construed to prevent the owner of any land trespassed upon and being within any such district as aforesaid from waiving the ordinary damages to be estimated assessed and allowed as herein provided, and claiming in any competent Court full satisfaction for any special damage sustained by him in consequence of any trespass; but if the plaintiff in any such suit or action shall not after waiving the ordinary damages recover more than the amount of such ordinary damages, then he shall not be entitled to or receive the costs of such suit or action from the defendant in the same, but such defendant shall be entitled to and receive from the plaintiff the costs incurred by the said defendant; and if the plaintiff in any such suit or action become nonsuit, or discontinue his said suit or action, or a judgment be given against him therein, the defendant shall be entitled to and receive double costs from such plaintiff.

Penalty for rescuing cattle from pound &c.

25. If any person shall rescue any cattle which shall have been lawfully seized for the purpose of being impounded, or shall break down injure or destroy any pound legally constructed, whether any cattle shall be impounded therein or not, or shall commit any pound breach or rescue, whereby any cattle of any description shall escape or be enlarged from any such pound, every such person shall be deemed guilty of a misdemeanour, and upon conviction of such offence before any competent Court shall be liable to suffer fine and imprisonment with or without hard labour at the discretion of the Court before whom such offender shall be tried and convicted.

Power to Justices to determine causes of action arising out of the impounding of cattle.

26. Provided always and be it enacted that it shall be lawful for any two Justices of the Peace not interested in the matter in dispute to take cognizance of and decide in a summary way all causes of action arising out of the impounding of cattle for trespass, wherein neither

the

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the party impounding nor the party whose cattle shall be impounded claims any greater amount of damages than twenty pounds.

27. If the party whose cattle shall be impounded shall take out a summons in prosecution of his suit, and shall enter into security to the satisfaction of such Justices to prosecute his suit, it shall be lawful for the said Justices to direct the poundkeeper in whose custody the cattle shall be to liberate the same, and thereupon the poundkeeper upon payment to him of his lawful fees and charges due in respect of such cattle shall liberate the same in like manner as if the said cattle had been replevied. And to order cattle to be liberated.

28. Upon hearing the parties and upon examination of the merits of the case it shall be lawful for such Justices to make such order as to damages and costs to be paid by either party, and as to the detention or delivery of the cattle, and as to the sale thereof or any part thereof in case of the non-payment of the amount of damage found to be due by them, or of any costs payable by the owner of them, as shall be just, and to enforce the payment of such damages and costs in a summary way. And to enforce their orders in a summary way.

IV.—DUTIES, ETC., OF POUNDKEEPERS.

29. The keeper of every public pound shall have and preserve at or near to the said pound a copy of this Ordinance, and also a pound-book ruled and divided into columns as near as may be in the form in Schedule C hereunto annexed, and he shall enter into the said pound-book in a legible handwriting the particulars of all cattle lodged in the said pound, specifying the day and hour as near as may be when and the cause for which the same were respectively impounded and by whom they were sent, the time and mode of giving notice of the said impounding as by this Ordinance required, and also when and in what manner the same were released and by whose order and to whom delivered, the particulars of sales and of the proceeds thereof and by whose order the same were made, and the said entries shall be made at the time the said acts were respectively done or as soon after as possible, but not after any dispute concerning such entry shall have arisen. Poundkeepers to keep pound-book &c.

30. A copy of this Ordinance and of the said pound-book shall at all reasonable times be produced by the said poundkeeper to and be open for the inspection of any person desiring to see the same upon payment to the said poundkeeper of the sum of sixpence for every such inspection, and the said poundkeeper shall grant extracts (signed by himself) from the said pound-book upon payment of one shilling for every such extract not exceeding one hundred words, and for every subsequent number of words not exceeding one hundred, sixpence, and shall preserve and keep for not less than twelve calendar months all orders made by Justices concerning any cattle impounded. And to produce same for inspection.

31. If any poundkeeper shall neglect or refuse to produce a copy of this Ordinance or of the said pound-book for the inspection of any person desirous to see the same, upon his lawful fee for the same being first paid or offered to be paid, or shall neglect to make any lawful entry therein, he shall forfeit and pay for every such default a sum not exceeding twenty shillings; and if any poundkeeper shall wilfully delay making any entry, or shall knowingly make any false entry in the said pound-book, or shall wrongfully erase or destroy any entry previously made therein, he shall forfeit and pay for every such offence the sum of ten pounds. Penalty for default.

32. The keeper of every such pound shall erect and maintain in some conspicuous part of the said pound a board having painted thereon, in legible black characters on a white ground, a table of all such lawful fees Keeper to erect painted table of fees &c.

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fees and charges as he may be hereby authorized to demand have and receive, together with all rates of ordinary damages as estimated assessed and allowed as herein provided.

Penalty for default.

33. Every such keeper as aforesaid who shall fail to erect the said board and to keep and maintain the same in proper repair after it has been erected, or to make any lawful alteration therein which may afterwards become necessary within a reasonable time after the said alterations ought to be made, or shall knowingly paint or cause to be painted any false statement thereon, shall forfeit and pay for every day that such board shall not be erected, except during such reasonable time as the same shall be taken down for alteration or repair, and for every day that such board shall not be maintained in proper repair or lawful alterations be not made after a reasonable time for making the same respectively shall have elapsed as aforesaid, the sum of two shillings and sixpence, and for every day he shall knowingly suffer any false statement to remain on the board, the sum of five shillings.

And to be responsible for the safe keeping of cattle, and their delivery to owner.

34. The keeper of every such pound shall receive and detain in his custody any cattle lodged in such pound, and shall be responsible to the owner thereof for every loss and damage sustained by the wilful act or the neglect of such poundkeeper or his servants but not otherwise. And the said poundkeeper shall and may detain all cattle so impounded until the same shall be replevied in due course of law, or until the sum for which the same were impounded, with his lawful fees and charges, shall be paid or tendered or secured to be paid in the manner herein provided, or until he shall receive the written order of the person impounding such cattle to deliver the same, together with his lawful fees and charges; and upon such payment as aforesaid being tendered or paid or secured as hereinafter provided, or such order being received from the person impounding, together with his fees and charges as aforesaid, the said poundkeeper shall immediately deliver such cattle to the owner thereof, or his agent, bailiff, or servant, or other person duly authorized by such owner to receive the same.

Penalty for default.

35. Every poundkeeper who shall fail to deliver such cattle as hereinbefore required and directed, shall forfeit and pay for every such offence a sum of not less than forty shillings nor more than five pounds.

Form of security.

36. The security hereinbefore mentioned shall be an undertaking in writing and shall be in the form and to the effect mentioned in Schedule D hereunto annexed, and shall be signed by the owner of such impounded cattle, his agent or bailiff; and every agent or bailiff who shall sign such note whereby such cattle shall be released from pound shall be deemed the authorized agent of his employer without any further proof being required thereof; and every such security or undertaking shall be paid at all events at the time and place thereinbefore mentioned without any further notice or demand for such purpose, and upon failure of such payment the amount or sum secured by such undertaking shall and may be recovered in a summary way before any Justice of the Peace upon the production of such undertaking or security before such Justice and the oath of the poundkeeper that the same is still due and unsatisfied.

Keeper to post on pound description of cattle impounded.

37. The keeper of every such pound, whenever and so often as any cattle shall be impounded therein for trespass, shall post a written notice on the gate or some other conspicuous part of the said pound setting forth a description of such cattle, and such notice shall remain so posted until the said cattle shall have been claimed or otherwise disposed of by due course of law.

Penalty for default.

38. Every such keeper who shall neglect to post such notice as aforesaid shall for every such neglect forfeit and pay a fine of forty shillings.

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V.—MISCELLANEOUS PROVISIONS.

39. All fines and penalties to be imposed under the authority of this Ordinance shall be recoverable in a summary way.

Fines &c. to be recoverable in a summary way.

40. A judgment of conviction duly made under the authority hereof shall and may be pleaded in bar of any suit action or information which shall be commenced instituted or prosecuted for such and the same cause or offence in any Court whatsoever.

Conviction may be pleaded in bar.

41. Provided always and be it enacted that nothing herein contained shall be held to interfere with or prevent the operation of "The Cattle Trespass Ordinance," Session VII., No. 17.

Provisions of this Ordinance not to interfere with provisions of "Cattle Trespass Ordinance." Interpretation—Cattle.

42. And be it further enacted that in the construction of this Ordinance the word "Cattle" shall be deemed and taken to mean and to include horses mares fillies asses mules bulls cows oxen heifers steers calves deer rams ewes sheep lambs goats and swine, and shall be deemed and taken to mean and include and apply to any one animal of the said several kinds; and that when any word or words is or are used denoting the singular number or the masculine gender only, yet the same shall be understood to include and apply to several persons as well as to one person, and to females as well as to males.

43. For the purposes of this Ordinance the word "Governor" shall be taken to include the Lieutenant-Governor or the Officer Administering the Government for the time being.

Interpretation—Governor.

SCHEDULES.

SCHEDULE A.

POUNDAGE FEES.

	s.	d.
For each entire horse above the age of twelve months	2	6
Mare, gelding, colt, filly, foal, mule, ass, goat, and pig	1	0
Bull above the age of twelve months	2	6
Ox, cow, steer, heifer, or calf—For the first ten	0	6
For the next ten	0	4
For the next thirty	0	3
For all others above fifty	0	2
Ram above the age of nine months	1	0
Ewe, wether, or lamb—For the first twenty	0	2
For the next thirty	0	1½
For the next fifty	0	1
For all others above one hundred	0	0½

The above fees to be paid for each day, or part of a day, during which the animal is kept in pound.

CHARGES FOR FOOD.

	s.	d.
For every horse, mare, gelding, mule, ass, colt, filly, or foal	1	0
Bull, cow, ox, steer, or heifer	0	6
Calf under six months	0	2
Sheep or lamb	0	1
Goat	0	2
Boar, sow, or other pig	0	6

The above charges to be paid for each day or part of a day during which the animal is supplied with food and water by the poundkeeper; but the owner may supply food and water, in which case these charges are not to be made.

SCHEDULE B.

Impounding.

SCHEDULE B.

TABLE OF RATES TO BE CHARGED FOR TRESPASS OF CATTLE IN THE DISTRICT OF

Description of Cattle, &c., Trespassing.	In any Paddock of Grass, After-grass, or Stubble, enclosed by a fence.	In any Garden, Uncut Meadow, Growing Crop of any kind, enclosed by a fence.
	£ s. d.	£ s. d.
For every horse, mare, geld- ing, filly, ass, mule, bull, cow, or calf		
For every ram, ewe, sheep, or lamb		
For every pig		
For every Goat		

Fixed by the Justices assembled at _____, the _____ day of _____
Allowed by His Excellency the Governor.

By Order.

Colonial Secretary.

SCHEDULE C.

FORM OF POUNDKEEPER'S BOOK.

Date.	Time.	Particulars of Cattle Impounded.	Brands Mark.	Owner.	By whom Impound- ed.	For what cause Im- pounded.	Time and mode of giving Notice.	How dis- posed of.	Time when Released or Sold.	Particu- lars of Release or Sale.

SCHEDULE D.

FORM OF SECURITY OF UNDERTAKING.

I, A.B., of [*describing residence of owner of cattle impounded*] hereby promise to pay, within thirty days from the date hereof, to C.D. [*the poundkeeper*], at [*naming either the pound or place of residence of the poundkeeper as may be required*], the sum of £ [*specifying the full amount of poundage as well as fees and charges therein*], without any deduction whatever. And in default thereof I consent that the said sum, together with the costs necessarily incurred by the said default, shall be levied by distress and sale of my goods and effects wheresoever found.

Dated at _____, this _____ day of _____, one thousand eight hundred and _____
(Signed) _____ A.B.

Or for A.B., _____ C.D.,
Agent of the said A.B.

SCHEDULE E.

FORM OF ADVERTISEMENT IN THE GOVERNMENT "GAZETTE."

IMPOUNDED at [*Here state the place, and kind of cattle, and where and how branded*].
If not claimed, to be sold on _____

A.B., Poundkeeper.

[*Where there is no brand, the animals are to be shortly described by stating age, colour, and any particular mark.*]

Marriage.

No. VII.

AN ORDINANCE for regulating Marriages in the Colony of New Zealand. [28th September, 1847.]

MARRIAGE.

WHEREAS it is expedient to regulate the law of marriage in the Colony of New Zealand: Preamble.

BE IT THEREFORE ENACTED by the Lieutenant-Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

I.—NOTICE OF INTENDED MARRIAGE.

1. Every Deputy Registrar of Births and Deaths to be appointed under the authority of the Ordinance for Registering Births, Deaths, and Marriages in the Colony of New Zealand, shall in right of such his office be also Deputy Registrar of Marriages within the district for which he shall have been appointed Deputy Registrar of Births and Deaths.

Deputy Registrar of Births and Deaths to be Deputy Registrar of Marriages.

2. In every case of marriage intended to be solemnized in the Colony of New Zealand after the first day of January, one thousand eight hundred and forty-eight, unless by license first lawfully obtained or after the publication of banns, one of the parties shall, under his or her hand, give notice, in the form in Schedule A to this Ordinance annexed, to the Deputy Registrar of the district within which the parties shall have dwelt for not less than seven days, and shall therein state the name and surname and the profession or condition of each of the parties intending marriage, the dwelling-place of each of them and the time (not being less than seven days) that each of them has dwelt therein, and the church building or place in which the marriage is to be solemnized: Provided that in all cases where marriage is solemnized after the publication of banns, such publication shall take place on three distinct Sundays previously to the marriage of the parties, either immediately before the commencement or during the time of divine service, and when the congregation shall have assembled and shall be present: Provided always that if the parties dwell in the districts of different officers appointed under this Ordinance, they shall give the like notice to the Deputy Registrar of each district as the case may be.

Notice of every intended marriage except by banns or license to be given to Deputy Registrar.

3. The Deputy Registrar shall file all such notices and keep them with the records of his office, and shall also forthwith enter a true copy of all such notices fairly into a parchment book to be furnished to him by the Government and to be called the "Marriage Notice Book:" Provided always that before the copy of any such notice shall be so entered in the Notice Book, some creditable person known to the Deputy Registrar shall satisfy him, if he think fit to require it, of the truth of the several particulars set forth in such notice.

And filed and copied by him.

4. In every case in which it is intended that the marriage shall take place in the presence of a Deputy Registrar as is hereafter provided, a true and exact copy of such notice of marriage under the hand of some Deputy Registrar shall be suspended in some conspicuous place in the Registry Office where such notice was given, during fourteen days before any marriage shall be solemnized in pursuance of such notice.

Copy of notice in some cases to be posted up in office of Deputy Registrar.

5. There shall be paid to the Deputy Registrar for every such true and exact copy of such notice of marriage by the party who leaves such notice at the office of such Deputy Register a fee of two shillings and sixpence.

Fees to Deputy Registrar for copy.

Marriage.

Notice Book to be open for inspection.

6. Every such "Marriage Notice Book" shall be open at all reasonable times to all persons desiring to inspect the same, and for every such entry or search there shall be paid to the Deputy Registrar a fee of two shillings and sixpence.

Deputy Registrar to issue certificate.

7. After the expiration of twenty-one days after the entry of such notice the Deputy Registrar, upon being requested so to do by and on behalf of the party by whom the notice was given, shall issue under his hand a certificate in the form in Schedule B to this Ordinance annexed: Provided that no lawful impediment be shown, to the satisfaction of the Deputy Registrar, why such certificate should not issue, and provided that the issue of such certificate shall not have been sooner forbidden in manner hereinafter mentioned by any person or persons authorized in that behalf as hereinafter is provided; and every such certificate shall state the particulars set forth in the notice,—the day on which the notice was entered, and that the full period of twenty-one days has elapsed since the entry of such notice, and that the issue of such certificate has not been forbidden by any person or persons authorized in that behalf.

Fee for certificate.

8. For every such certificate the Deputy Registrar shall be entitled to have a fee of one shilling.

Licenses may be issued as heretofore.

9. Licenses to marry without publication of banns may be issued according to the Ecclesiastical Laws of the United Church of England and Ireland and the Roman Catholic Church, by the proper authorities, according to such laws for marriages to be celebrated agreeably to the forms and usages of the said churches: Provided always that no such license for marriage shall be issued in any case in which any person whose consent to any marriage by license would have been required by law shall not have previously given his or her consent.

Deputy Registrar in certain cases may grant licenses.

10. After the said first day of January, one thousand eight hundred and forty-eight, every Deputy Registrar shall have power to grant licenses for marriage under this Ordinance as herein provided within any district under his superintendence, in the form in Schedule C hereunto annexed: Provided always that nothing herein contained shall authorize any Deputy Registrar to grant any license for marriage in any church or chapel in which marriages may be solemnized according to the form and usages of the said Church of England, or in any church or chapel belonging to the Church of England, or any license for a marriage which is not intended to be celebrated within his district.

Oath to be made by party before license granted.

11. Before any license for marriage shall be granted by any such Deputy Registrar, one of the parties intending marriage shall appear personally before such Deputy Registrar and shall make oath, or his or her solemn affirmation or declaration instead of taking oath, that he or she believeth that there is not any impediment of kindred or alliance or other lawful hindrance to the said marriage, and that one of the said parties hath for the space of fifteen days immediately before the day of the granting of such license had his or her usual place of abode within the district wherein such marriage is to be solemnized, and where either of the parties not being a widow or a widower shall be under the age of twenty-one years, that the consent of the person or persons whose consent to such marriage is by law required hath been obtained thereto, or that there is no person having authority to give such consent as the case may be.

Notice and license to be good for three months only.

12. Whenever a marriage shall not be had within three calendar months after the notice shall have been so entered by the Deputy Registrar, the notice and any license which may have been granted thereupon and all other proceedings thereupon shall be utterly void.

13. For

Marriage.

13. For every such license the Deputy Registrar shall be entitled to have of the party requiring the same the sum of three pounds. Fee for such license.

14. Every Deputy Registrar shall four times in every year, on such days as shall be appointed by the Governor for the time being, make a return to the Registrar of Births, Deaths, and Marriages of every license granted by such Deputy Registrar since his last return, and of the particulars stated concerning the parties. Deputy Registrar to make quarterly returns of licenses granted by him.

II.—CONSENTS TO MARRIAGE, CAVEATS, ETC.

15. The father if living of any party under twenty-one years of age, such party not being a widower or widow, or, if the father shall be dead or absent from the Colony, the guardian or guardians of the person of the party so under age lawfully appointed or one of them, and in case there shall be no guardian or guardians then the mother of such party if unmarried and resident in the Colony, and if there shall be no mother unmarried resident within the Colony, then the guardian or guardians (if any) of the person appointed by the Supreme Court or one of them, shall have authority to give consent to the marriage of such party, and such consent is hereby required for the marriage of such party so under age unless there shall be no person authorized to give such consent. Consent necessary when party under age.

16. In case the father or fathers of the parties to be married or of one of them so under age as aforesaid shall be *non compos mentis*, or the guardian or guardians mother or mothers or any of them whose consent is made necessary as aforesaid to the marriage of such party or parties shall be *non compos mentis*, or in parts beyond the seas, or shall unreasonably or from undue motives refuse or withhold his or her or their consent to a proper marriage, then it shall and may be lawful for any person desirous of marrying in any of the above-mentioned cases to apply by petition to a Judge of the Supreme Court, any one of whom is hereby empowered to proceed upon such petition in a summary way, and in case the marriage proposed shall upon examination appear to be proper, any such Judge shall judicially declare the same to be so, and such judicial declaration shall be deemed and taken to be as good and effectual to all intents and purposes as if the father guardian or guardians or mother of the person so petitioning had consented to such marriage. In certain cases consent of Judge of Supreme Court may be given.

17. Any person whose consent is required as aforesaid may forbid the issue of the Deputy Registrar's certificate, by writing at any time in the presence of the Deputy Registrar before the issue of such certificate the word "Forbidden," opposite to the entry of the notice of such intended marriage in the "Marriage Notice Book," and by subscribing thereto his or her name and place of abode and his or her character in respect of either of the parties by reason of which he or she is so authorized; and in case the issue of any such certificate shall have been so forbidden, the notice and all proceedings thereupon shall be utterly void. Issue of certificates may be forbidden.

18. Any person on the payment of five shillings may enter a *caveat* with the Deputy Registrar against the grant of a certificate or a license for the marriage of any person named therein; and if any *caveat* be entered with the Deputy Registrar, such *caveat* being duly signed by or on behalf of the person who enters the same, together with his or her place of residence and the ground of objection on which his or her *caveat* is founded, no certificate or license shall be granted until the Deputy Registrar shall have examined into the matter of the *caveat* and be satisfied that it ought not to obstruct the grant of the certificate or license for the said marriage, or until the *caveat* be withdrawn by the party entering the same: Provided always in case of a Deputy Caveats may be entered.

Marriage.

Deputy Registrar refusing the grant of a certificate or license, the person applying for the same shall have a right to appeal to the Registrar-General of Births, Deaths, and Marriages, who shall thereupon either confirm the refusal or direct the grant of the certificate or license.

If caveat vexatious.

19. Every person who shall enter a *caveat* with the Deputy Registrar against the grant of any license or issue of any certificate on grounds which the said Registrar-General shall declare to be frivolous and vexatious, and that they ought not to obstruct the grant of the license, shall be liable for the cost of the proceedings and for damages to be recovered in a special action upon the case by the party against whose marriage such *caveat* shall have been entered.

III.—SOLEMNIZATION OF MARRIAGES.

Marriage not to take place before 21 days after notice.

20. After the said first day of January, one thousand eight hundred and forty-eight, no marriage after such notice as aforesaid, unless by virtue of a license to be granted by a Deputy Registrar, shall be solemnized or registered in the Colony of New Zealand until after the expiration of twenty-one days after the day of entry of such notice as aforesaid; and no marriage shall be solemnized by the license of any Deputy Registrar or registered until after the expiration of seven days after the day of such notice as aforesaid.

Deputy Registrar's certificate to be delivered to officiating minister.

21. The Deputy Registrar's certificate shall be delivered to the officiating minister, and the said certificate or license shall be delivered to the registering officer of the people called Quakers for the place where the marriage is solemnized according to the usages of the said people, or to the officer of a synagogue by whom the marriage is registered if the same shall be solemnized according to the usages of the people professing the Jewish religion, and in all other cases shall be delivered to the minister officiating or to the Deputy Registrar present at such marriage, as is hereinafter provided.

Marriages when and where to be solemnized.

22. After the expiration of the said period of twenty-one days, or of seven days if the marriage be by license of a Deputy Registrar, marriages may be solemnized in the place stated in the notice of such marriage between and by the parties described in the notice and certificate according to such form and ceremony as they may see fit to adopt: Provided nevertheless that every such marriage shall be solemnized with open doors between the hours of eight in the forenoon and four in the afternoon in the presence of an officiating minister and two or more witnesses: Provided also that in some part of the ceremony and in the presence of the officiating minister and witnesses as aforesaid each of the parties shall declare—

I do solemnly declare that I know not of any lawful impediment why I, A.B., may not be joined in matrimony to C.D. And each of the parties shall say to each other—

I call upon these persons here present to witness that I, A.B., do take thee, C.D., to be my lawful wedded wife [*or husband*].

Provided also that there be no lawful impediment to the marriage of such parties.

Marriages may be solemnized at the office of Deputy Registrar.

23. Any person who shall object to marry under the provisions of this Ordinance in the presence of any officiating minister may, after due notice and certificate issued as aforesaid, contract and solemnize marriage at the office of or elsewhere and in the presence of some Deputy Registrar in the presence of two witnesses, with open doors and between the hours aforesaid, making the declaration and using the form of words hereinbefore provided.

24. The

Marriage.

24. The Deputy Registrar shall be entitled, for every marriage which shall be solemnized under this Ordinance in his presence as aforesaid, to have from the parties married the sum of ten shillings.

Fee in such case to Deputy-Registrar.

25. After any marriage shall have been solemnized it shall not be necessary in support of such marriage to give any proof of the actual dwelling of either of the parties previous to the marriage within the district wherein such marriage was solemnized for the time required by this Ordinance, or of the consent of any person whose consent thereunto is required by law, nor shall any evidence be given to prove the contrary in any suit touching the validity of such marriage.

After marriage no proof of consent &c. necessary.

26. It shall be lawful for the officiating clergyman, minister, or Deputy Registrar before whom any marriage is solemnized, according to the provisions of this Ordinance, to ask of the parties to be married the several particulars required to be registered touching such marriage.

But officiating minister may inquire particulars &c.

IV.—PENALTIES.

27. If any person shall knowingly and wilfully intermarry, after the said first day of January, one thousand eight hundred and forty-eight, under the provisions of this Ordinance, in any other place than the church chapel office or other place specified in the notice and certificate where such notice and certificate are necessary under this Ordinance, or without due notice to the Registrar where such notice is necessary under this Ordinance, or without certificate of such notice duly issued, or without license in case a license is necessary under this Ordinance, or in the absence of a Registrar or officiating minister when the presence of a Registrar or officiating minister as aforesaid is necessary under this Ordinance, the marriage of such persons shall be null and void.

Other marriages otherwise than herein provided to be void.

28. If any valid marriage solemnized by license shall after the said first day of January, one thousand eight hundred and forty-eight, be procured by a party to such marriage to be solemnized between persons one or both of whom shall be under the age of twenty-one years, not being a widower or widow, contrary to the provisions of this Ordinance, by means of such party falsely swearing or declaring as to any matter or matters to which such party is hereinbefore required personally to swear or declare, such party wilfully and knowingly so swearing or declaring,—or if any valid marriage by banns shall after the first day of January, one thousand eight hundred and forty-eight, be procured by a party thereto to be solemnized by banns between persons one or both of whom shall be under the age of twenty-one years, not being a widower or widow, such party knowing that such party as aforesaid under the age of twenty-one years had a parent or guardian then living, and that such marriage was had without the consent of such parent or guardian, and knowing that banns had not been duly published according to the provisions of this Ordinance, and having knowingly caused or procured the undue publication of banns,—then and in every such case it shall be lawful for Her Majesty's Attorney-General, by information in the nature of an English Bill in the Supreme Court, at the relation of a parent or guardian of the minor whose consent has not been given to such marriage and who shall be responsible for any costs incurred in such suit, such parent or guardian previously making oath as hereinafter required, to sue for a forfeiture of all estate right title or interest in any property which hath accrued or shall accrue to the party so offending by force of such marriage; and such Court shall have power in such suit to declare such forfeiture, and thereupon to order and direct that all such estate right title and interest in all property

On marriage of minors without consent, offending party to forfeit property acquired by such marriage.

Marriage.

as shall then have accrued or shall thereafter accrue to such offending party by force of such marriage, shall be secured under the direction of such Court for the benefit of the innocent party or of the issue of the marriage or any of them in such manner as the said Court shall think fit, for the purpose of preventing the offending party from deriving any interest in real or personal estate or pecuniary benefits from such marriage; and if both the parties so contracting marriage shall in the judgment of the Court be guilty of any such offence as aforesaid, it shall be lawful for the said Court to settle and secure such property, or any part thereof, immediately for the benefit of the issue of the marriage, subject to such provisions for the offending parties, by way of maintenance or otherwise, as the said Court under the particular circumstances of the case shall think reasonable, regard being had to the benefit of the issue of the marriage during the lives of their parents, and of the issue of the parties respectively by any future marriage, or of the parties themselves in case either of them shall survive the other.

Proceedings to be upon oath.

29. No such information as aforesaid shall be filed unless it shall be made out to the satisfaction of the Attorney-General before he files the same, by oath or oaths, that the valid marriage to be complained of in such information hath been solemnized in such manner and under such circumstances as in the judgment of the said Attorney-General are sufficient to authorize the filing the information under the provisions of this Ordinance, and that such marriage hath been solemnized without the consent of the party or parties at whose relation such information is proposed to be filed, or of any other parent or guardian of the minor married, to the knowledge or belief of the relator or relators so making oath, and that such relator or relators hath not known or discovered that such marriage hath been solemnized more than three months previous to his or their application to the Attorney-General.

All settlements &c. on any such marriage to be void.

30. All agreements settlements and deeds entered into or executed by the parties to any marriage, in consequence of or in relation to which marriage such information as aforesaid shall be filed, by either of the said parties, before and in contemplation of such marriage, or after such marriage, for the benefit of the parties or either of them or their issue, so far as the same shall be contrary to or inconsistent with the provisions of such security and settlement as shall be made by or under the direction of the Supreme Court as aforesaid under the authority of this Ordinance, shall be absolutely null and have no force or effect.

Proceedings to be taken within one year after such marriage.

31. Any original information to be filed for the purpose of obtaining a declaration of any such forfeiture as aforesaid shall be filed within one year after the solemnization of the marriage by which such forfeiture shall have been incurred, and shall be prosecuted with due diligence; and in case any person or necessary party to any such information shall abscond or be or continue out of the Colony, it shall be lawful for the Court to order such person to appear to such information and answer the same within such time as to the Court shall seem fit, and to cause such order to be served on such person at any place out of the Colony, or to cause such order to be inserted in the *New Zealand Government Gazette* and such other newspapers as to the Court shall seem proper, and in default of such person appearing and answering such information within the time to be limited as aforesaid, to order such information to be taken or confessed by such person, and to proceed to make such decree or order upon such information as the Court might have made if the person had appeared to and answered such information: Provided always that in case the
person

Marriage.

person at whose relation any such suit shall have been instituted shall die pending such suit, it shall be lawful for the Court, if the Court shall see fit, to appoint a proper person or proper persons at whose relation such suit may be continued.

32. If any valid marriage shall be had, under the provisions of this Ordinance, by means of any wilfully false notice certificate or declaration made by either party to such marriage, as to any matter to which a notice certificate or declaration is herein required, it shall also be lawful for the Attorney-General to sue for a forfeiture of all estate and interest in any property recurring to the offending party by such marriage, and the proceedings thereupon and the consequences thereof shall be the same as are hereinbefore provided.

If marriage be under false notice or certificate, the like forfeiture.

33. Every person who shall knowingly and wilfully make any false declaration or sign any false notice or certificate for the purpose of procuring any marriage, and any person who shall forbid the issue of the Deputy Registrar's certificate by falsely representing himself or herself to be a person whose consent to such marriage is required by law, knowing such representation to be false, shall be deemed guilty of a misdemeanour.

The making of a false declaration a misdemeanour.

34. If any person shall from and after the first day of January, one thousand eight hundred and forty-eight, falsely pretend to be an officiating minister, and shall solemnize matrimony, any such person knowingly and wilfully so offending, and being lawfully convicted thereof, shall be deemed and adjudged to be guilty of felony, and shall be transported for the space of fourteen years: Provided that all prosecutions for such felony shall be commenced within the space of three years after the offence committed.

Any person solemnizing matrimony falsely pretending to be an officiating minister, a felony.

35. Every person who, after the first day of January, one thousand eight hundred and forty-eight, shall knowingly and wilfully solemnize matrimony in any other place than the church office or place specified in the notice and certificate hereby required to be given, and every person who shall knowingly and wilfully solemnize matrimony after the said first day of January, one thousand eight hundred and forty-eight, within twenty-one days after the entry of the notice to the Deputy Registrar as aforesaid, or if the marriage is by license of such Deputy Registrar then within seven days after such entry or after three calendar months after such entry, shall be deemed and adjudged to be guilty of felony, and shall be transported for the space of fourteen years.

Solemnizing matrimony otherwise than according to this Ordinance a felony.

36. Every Deputy Registrar who shall knowingly and wilfully issue any certificate for marriage after the expiration of three calendar months after the notice shall have been entered by him as aforesaid, or any certificate for marriage by license before the expiration of seven days after the entry of such notice, or any certificate for marriage without license upon or before the expiration of twenty-one days after the entry of the notice, or any certificate the issue of which shall have been forbidden as aforesaid by any person authorized to forbid the issue of the Deputy Registrar's certificate, or who shall knowingly and wilfully register any marriage herein declared to be null and void, and every Deputy Registrar who shall knowingly and wilfully issue any license for marriage after the expiration of three calendar months after the notice shall have been entered by the Deputy Registrar as aforesaid, or who shall knowingly and wilfully solemnize in his office any marriage herein declared to be null and void, shall be deemed and adjudged to be guilty of felony, and shall be transported for the space of fourteen years.

Issuing certificate before 21 days by Deputy-Registrar a felony.

37. Any person duly authorized or required under this Ordinance to celebrate or be present at the celebration of marriage, who shall knowingly

Persons solemnizing marriage of minors without consent, liable to penalty.

Marriage.

knowingly or wilfully without the consent of parents or guardians solemnize or be present at any marriage wherein one or both of the parties has or have not attained the full age of twenty-one years, the person so offending shall for every such offence forfeit and pay a sum not exceeding one hundred pounds, to be recovered in a summary way.

38. Every prosecution under this Ordinance shall be commenced within the space of three years after the offence committed.

Prosecutions under this Ordinance to be commenced within three years after offence.

V.—OFFICIATING MINISTERS.

What bodies to be considered religious bodies.

39. For the purposes of this Ordinance the several bodies named in the Schedule hereunto annexed marked E shall be deemed and taken to be religious bodies.

Officiating ministers, who.

40. In the construction of this Ordinance the words "Officiating Minister" shall be taken to mean any minister of religion whose name shall have been sent to the Registrar-General by the head or heads or reputed head or heads within the Colony of any or either of the said religious bodies, certified under his or their hand or respective hands, and whose name shall be entered in manner hereinafter provided as an officiating minister within the meaning of this Ordinance.

Head of each religious body to send in names of ministers, and certify suspension or deprivation of any minister.

41. The several heads of the said religious bodies shall, upon the suspension or deprivation of any minister whose name shall have been sent in to the Registrar-General in manner hereinbefore mentioned by him or them or by his or their predecessor, forthwith certify such suspension or deprivation to the Registrar-General, who shall forthwith make a minute of such suspension or deprivation in the list hereinafter mentioned, and no such person shall be deemed an officiating minister until his name shall have been again sent in to the said Registrar-General in manner hereinbefore required.

Registrar-General to file certificates and enter names of officiating ministers in book, and publish list.

42. The Registrar-General shall file all such certificates and keep them with the records of his office, and shall also forthwith enter all names sent to him as hereinbefore mentioned in a parchment book to be furnished him by the Government, and to be called the "List of Officiating Ministers," and shall from time to time so alter and correct the said list as occasion shall require, and shall once at least in every year cause a copy of such list to be published in the *Government Gazette*.

VI.—MISCELLANEOUS PROVISIONS.

Marriages heretofore celebrated to be deemed valid.

43. Every marriage heretofore *bonâ fide* celebrated in New Zealand by any clergyman, minister, or other person, whether the same was so celebrated in any church chapel or building set apart for worship or other building or place, shall be deemed as valid as if such marriage had been performed under the provisions of this Ordinance; and all marriages solemnized under this Ordinance shall be valid and cognizable in like manner as marriages solemnized before the passing hereof, or when celebrated according to the rites of the United Church of England and Ireland: Provided always that nothing in this Ordinance contained shall extend or be construed to extend to render valid any marriage in respect to which a lawful impediment may have existed at the time of such marriage, or any marriage after the celebration whereof either of the parties to the same shall have married again before the passing hereof.

Ordinance not to extend to marriages of Natives.

44. Nothing herein contained shall apply to any marriage which may be contracted otherwise than according to the provisions of this Ordinance between two persons both of the Native race: Provided that this Ordinance shall come into operation in respect of marriages between persons of the said race in such districts and at such times as the Governor shall by Proclamation from time to time appoint.

45. The

Marriage.

45. The Society of Friends, commonly called Quakers, and also persons professing the Jewish religion, may continue to contract and solemnize marriage according to the usages of the said Society and the said persons aforesaid, and every such marriage is hereby declared and confirmed good in law: Provided that the parties to such marriage be both of the said Society, or both persons professing the Jewish religion respectively: Provided also that notice to the Deputy Registrar shall have been given and the Deputy Registrar's certificate shall have issued in the manner herein provided.

Marriages according to forms used by Quakers and Jews to be valid.

46. This Ordinance shall be taken as part of the Ordinance for Registering Births Deaths and Marriages as fully and effectually as if incorporated therewith, and all the provisions and penalties of the said Ordinance so far as the same are applicable thereunto shall be taken to extend to all offences committed under this Ordinance.

This Ordinance to be taken as part of Ordinance for Registering Births Deaths and Marriages.

47. For the purposes of this Ordinance the word "Governor" shall be taken to include the Lieutenant-Governor or the Officer Administering the Government for the time being.

Interpretation.

SCHEDULES.

SCHEDULE A.

NOTICE OF MARRIAGE.

To the Deputy Registrar for the District of _____ I HEREBY give you notice that a marriage is intended to be had within three calendar months from the date hereof between me and the other party herein named and described, that is to say,—

Name.	Condition.	Rank or Profession.	Age.	Dwelling-place.	Length of Residence.	Church, Building, Office, or place where the Marriage is to be Solemnized.	District in which the other Party Resides, when the Parties dwell in different Districts
James Smith	Widower	Carpenter	Of full age	Shortland Street	Twenty-three days		
Mary Green	Spinster		Minor	Queen Street	More than a month		

Witness my hand, this day of _____, one thousand eight hundred and forty _____ JAMES SMITH.

SCHEDULE B.

DEPUTY REGISTRAR'S CERTIFICATE.

I, A. B., Deputy Registrar of the district of _____ do hereby certify that on the day of _____, notice was duly entered in the Marriage Notice Book of the said district, of the marriage intended between the parties therein named and described delivered under the hand of James Smith, one of the parties, that is to say,—

Name.	Condition.	Rank or Profession.	Age.	Dwelling-place.	Length of Residence.	Church, Building, Office, or place where the Marriage is to be Solemnized.	District in which the other Party Resides, when the Parties dwell in different Districts
James Smith	Widower	Carpenter	Of full age	Shortland Street	Twenty-three days		
Mary Green	Spinster		Minor	Queen Street	More than a month		

Date

Marriage.

Date of Notice entered }
 Date of Certificate given } The issue of this certificate has not been forbidden by any person authorized to forbid the issue thereof.
 Witness my hand, the day of , one thousand eight hundred and forty .

A.B., Deputy Registrar.

This certificate will be void unless the marriage is solemnized on or before the day of , one thousand eight hundred and forty .

SCHEDULE C.

LICENSE OF MARRIAGE.

A.B., Deputy Registrar of , to C.D., of , and E.F., of , sendeth greeting :

WHEREAS ye are minded, as it is said, to enter into a contract of marriage under the provisions of an Ordinance intituled "*An Ordinance for regulating Marriages in the Colony of New Zealand,*" and are desirous that the same may be speedily and publicly solemnized: And whereas you, C.D., [or E.F.,] have made and subscribed a declaration under your hand that you believe there is no impediment of kindred or alliance or other lawful hindrance to the said marriage, and that you, C.D., [or E.F.,] have [or has] had your [or his or her] usual place of abode, for the space of fifteen days last past, within the district of , and that you, C.D., [or E.F.,] not being a widower [or widow] or are under the age of twenty-one years, and that the consent of G.H., whose consent to your or his or her marriage by law has been obtained thereto, [or that there is no person authorized to give such consent,] I do hereby grant unto you full license, according to the authority in that behalf given to me by the said Ordinance, to proceed to solemnize such marriage, and to the Deputy Registrar of the district [*Here insert the name of the district in which the marriage is to be solemnized*] to register such marriage according to the law, provided that the said marriage be publicly solemnized in the presence of [G.H., Officiating Minister, or L.M., Deputy Registrar, as the case may be], and two witnesses, within three calendar months from the [*Here insert the date of the entry in the notice book of the Registrar*], in the [*Here describe the church building office or place in which the marriage is to be solemnized*], between the hours of eight in the forenoon and four in the afternoon.

Given under my hand, this day of , one thousand eight hundred and forty .

A.B., Deputy Registrar.

SCHEDULE D.

I, A.B., Deputy Registrar of the district of , do hereby certify that this is a true copy of the entries of marriage registered in the said district from the entry of the marriage of and , number , to the entry of the marriage of and , and numbered .

Witness my hand, this day of .

A.B., Deputy Registrar.

SCHEDULE E.

- The United Church of England and Ireland.
- The Church of Scotland.
- The Free Church of Scotland.
- All Presbyterian Congregations.
- The Roman Catholic Church.
- The Wesleyan Methodist Society.

Fencing.

No. VIII.

AN ORDINANCE to encourage the Fencing of Land.

FENCING.

[2nd October, 1847.]

BE IT ENACTED by the Lieutenant-Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

Preamble.

1. If any person shall heretofore have erected or shall hereafter erect a sufficient fence dividing his land from the land adjoining thereto, and the occupier of the adjoining land shall, after the first day of January, one thousand eight hundred and forty-eight, in enclosing the same avail himself of the dividing fence so erected or of any part thereof, he shall be liable to pay to the owner of the adjoining land by whom the dividing fence was erected, or to the then owner of such land, the half of the then value of so much of such dividing fence as shall be made available as a fence to such adjoining land.

Cost of erecting dividing fence to be borne by adjoining owners.

2. If the person liable to pay the half of the value of such fence as aforesaid shall not forthwith pay the same on demand, to be made in that behalf in writing by the person to whom the same shall be payable, the amount payable in respect of such fence shall be recoverable in a summary way before any two Justices of the Peace: Provided always that it shall be lawful for such Justices to direct the payment of the same either altogether or by instalments and at such times as to the said Justices shall seem meet.

And to be recovered summarily.

3. When any such dividing fence shall be out of repair, and become insufficient, any occupier of adjoining land having given notice in writing to the other occupier of the land divided by such fence may, on the refusal or neglect of such last-mentioned occupier for the space of one week to contribute to the maintenance thereof, cause the same to be repaired and made a sufficient fence, and shall thereupon be entitled to recover from such adjoining occupier one-half of the cost of repairing such fence in a summary way as aforesaid.

Expense of repairs to be borne in like manner.

4. Provided always that no greater sum shall be recovered under the provisions of this Ordinance in respect of the making or repairing of any such fence than the sum of two shillings per rod.

Limitation of amount.

5. In the construction of this Ordinance the word "Owner" shall be taken to include the tenant in fee simple, a tenant in tail, a tenant for life, and a tenant for any term of years not being less than seven years.

Interpretation.

No. IX.

AN ORDINANCE for Registering Births Deaths and Marriages in the Colony of New Zealand.

REGISTRATION.

[15th October, 1847]

WHEREAS it is expedient to provide the means for a register of the births deaths and marriages of Her Majesty's subjects in the Colony of New Zealand:

Preamble.

BE IT THEREFORE ENACTED by the Lieutenant-Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

I.—REGISTER

Registration.

I.—REGISTER OFFICES AND OFFICERS.

Registrar-General
and Deputy
Registrars to be
appointed.

1. For the purposes hereinafter mentioned there shall be appointed fit persons who shall be and be called the "Registrar-General" and "Deputy Registrars" of Births Deaths and Marriages, and who shall exercise the several duties of this Ordinance appointed to be exercised by such Registrar-General and Deputy Registrars respectively.

How to be
appointed.

2. Every such Registrar-General and Deputy Registrar shall be appointed by Her Majesty, her heirs and successors, and shall hold his office during Her Majesty's pleasure: Provided that it shall be lawful for the Governor to appoint any such Registrar-General or Deputy Registrar provisionally until Her Majesty's pleasure shall be known; and in case any such Registrar-General or Deputy Registrar shall, by reason of sickness absence suspension from office or other causes, be unable to discharge the duties of his office, it shall be lawful for the Governor to appoint a fit person to act in the place of such Registrar-General or Deputy Registrar as long as such inability as aforesaid shall continue.

Registrars entitled to
levy fees.

3. The said Registrar-General and Deputy Registrars shall be and they are hereby entitled to levy and receive the several fees authorized to be collected by them respectively under and by virtue of this Ordinance and of the Ordinance intituled "*An Ordinance for regulating Marriages in the Colony of New Zealand,*" to be applied in manner hereinafter provided.

Power to
Registrar-General to
make regulations.

4. It shall be lawful for the Registrar-General with the approbation of the Governor to make regulations, not being repugnant to the provisions of this Ordinance, for the management of the register office or register offices to be established for the purposes hereof, and for the duties of the Deputy Registrars in the execution of this Ordinance, and the regulations so to be made and affirmed as aforesaid shall be binding on the Deputy Registrars.

Registrar-General to
file copy of register.

5. The Registrar-General shall once in every six months file a copy of the registers kept by him during the foregoing six months in the General Registry Office, to be deposited and kept with the other records of the said office for the purposes hereinafter mentioned.

District to be
proclaimed.

6. It shall be lawful for the Governor by Proclamation to be for that purpose issued to divide the Colony of New Zealand into such and so many districts as he shall think fit, and every such district shall be called by a distinct name and shall be a Deputy Registrar's district: Provided always that it shall be lawful for the Governor to revoke such Proclamation and to issue from time to time a new Proclamation dividing the Colony anew into such and so many districts as he shall think fit: Provided also that the number of districts once constituted shall not be reduced by any such new Proclamation, and that no such Proclamation shall invalidate the acts of any Deputy Registrar appointed previously to the issuing of the same.

Books &c. to be
furnished to
Deputy-Registrar.

7. The Registrar-General shall furnish to every Deputy Registrar a sufficient number of register books of births of register books of deaths and of register books of marriages and of forms for certified copies thereof as hereinafter provided; and every Registrar-General and Deputy Registrar shall be authorized and is hereby required to inform himself carefully of every birth death and marriage that shall happen within his district, and to enter and register as soon after the event as conveniently can be done, without fee or reward save as hereinafter mentioned, in one of the said books the particulars required to be registered according to the forms in the Schedules A B and C hereunto annexed touching every such birth death or marriage as the case may be which shall not have been already registered, every such entry being made in order from the beginning to the end of the book.

8. Every

Registration.

8. Every such Registrar-General and Deputy Registrar appointed under the provisions of this Ordinance shall be freed and exempted from being returned and from serving on any jury or inquest and from every parochial and corporate office whatever.

Registrars not liable to serve on juries &c.

II.—REGISTRATION OF BIRTHS AND DEATHS.

9. The father or mother of any child born, or the occupier of every house or tenement in the Colony of New Zealand in which any birth or death shall happen, shall, in the case of the birth of a child, under a penalty not exceeding ten pounds, within forty-two days next after the day of such birth, and in case of a death within ten days after the day of such death respectively, give notice of such birth or death to the Deputy Registrar of the district; and in case any newborn child or any dead body shall be found exposed, a constable of the district in the case of a newborn child, and the Coroner in the case of a dead body, shall forthwith give notice and information thereof and of the place where such child or dead body was found to the Deputy Registrar.

Notice of births and deaths to be given to Deputy Registrar of the district.

10. For the purposes of this Ordinance, the master or keeper of every gaol prison house of correction or hospital or lunatic asylum or public or charitable institution shall be deemed the occupier thereof.

Occupier, who deemed.

11. The father or mother of every child born in the Colony, or in case of the death illness absence or inability of the father or mother, the occupier of the house or tenement in which such child shall have been born, shall within forty-two days next after the day of every such birth give information upon being requested so to do to the Deputy Registrar, according to the best of his or her knowledge and belief, of the several particulars hereby required to be known and registered touching the birth of such child.

Particulars of birth to be given when required.

12. After the expiration of forty-two days following the day of the birth of any child, it shall not be lawful for the Deputy Registrar to register such birth save as hereinafter is next mentioned: Provided that in case the birth of any child shall not have been registered according to the provisions hereinbefore contained, it shall be lawful for any person present at the birth of such child, or for the father or guardian thereof, at any time within six calendar months next after the birth to make a solemn declaration of the particulars required to be known touching the birth of such child, according to the best of his or her knowledge and belief, and it shall thereupon be lawful for the Deputy Registrar then and there to register the birth of the said child according to the information of the person making the said declaration; and in every such case the Deputy Registrar before whom the said declaration is made shall sign the entry of the birth, and for every such registry as last aforesaid the Deputy Registrar shall be entitled to have a fee of ten shillings and sixpence from the person requiring the same to be registered.

Registration to be made within a limited time.

13. Every person who shall knowingly register or cause to be registered the birth of any child otherwise than hereinbefore is last mentioned, after the expiration of forty-two days following the day of the birth of such child, shall forfeit and pay for every such offence a sum not exceeding fifty pounds, to be recovered in a summary way.

Penalty.

14. Provided always that nothing hereinbefore contained shall be taken to extend to prevent the registration of the birth of any child, although born at sea or out of the Colony, of parents whose ordinary place of abode is within the Colony. But it shall be lawful for the Deputy Registrar, upon a solemn declaration of the parents or guardians of such child of such particulars of the birth of the child as are herein-

Births at sea &c.

Registration

before required, then and there to register the birth of the child according to such information.

No birth to be registered after six months.

15. After the expiration of six calendar months following the birth of any child born within the Colony, it shall not be lawful for any Deputy Registrar to register the birth of such child, and no register or certified copy of a register of births shall be given in evidence to prove the birth of any such child, wherein it shall appear that six calendar months have intervened between the day of the birth and the day of the registration of the birth of such child.

Penalty.

16. Every person who shall knowingly register or cause to be registered the birth of any child so born within the Colony as aforesaid, except as hereinbefore provided for, after the expiration of six calendar months following the day of the birth of such child, shall forfeit and pay for every such offence a sum not exceeding fifty pounds, to be recovered in a summary way.

Notice to be given of name.

17. If any child born within the Colony, whose birth shall have been registered as aforesaid, shall within six calendar months next after it shall have been so registered have any name given to it in baptism or in the presence of any Deputy Registrar, the parent or guardian of such child or other person procuring such name to be given shall, within seven days next after such baptism or the giving of such name, procure and deliver to the Deputy Registrar in whose custody the register of the birth of the child may then happen to be, a certificate according to the form in Schedule D to this Ordinance annexed, signed by the Minister who shall have performed the rite of baptism or by the Deputy Registrar who shall have been present when the name was given, which certificate such Minister or Deputy Registrar as the case may be is hereby required to deliver immediately after the baptism or immediately after the name has been given whenever the same shall be then demanded, on the payment of the fee of one shilling, which he shall be therefore entitled to receive; and the Deputy Registrar, upon the receipt of such certificate and on payment of the fee of one shilling which he shall be therefore entitled to receive, shall without any erasure of the original entry forthwith register therein that the child was baptised by such name or had such name given to it in his presence, and the Deputy Registrar shall thereupon certify upon the said certificate the additional entry so made: Provided always that nothing hereinbefore contained shall be taken to extend to any child born previously to the commencement of this Ordinance, but it shall be lawful for the parent or guardian of any such child to cause his birth to be registered under the same provisions as by this Ordinance are attached to the registration of the birth of children born within the Colony subsequently to the commencement of this Ordinance.

Notice of deaths to be given.

18. Some inmate of the house or tenement in which any death shall have happened shall within eight days next after the day of such death give information, upon being requested so to do, to the Deputy Registrar, according to the best of his or her knowledge or belief, of the several particulars hereby required to be known and registered touching the death of such person: Provided always that in every case in which an inquest shall have been held on any dead body, the jury shall inquire of the particulars herein required to be registered concerning the death, and the Coroner shall inform the Deputy Registrar of the district of the finding of the jury, and the Deputy Registrar shall make the entry accordingly.

Registrar-General may require place &c. of birth or death to be registered.

19. It shall be lawful for the Registrar-General, if he shall think fit, to direct that the place of birth or death of any person whose birth or death shall be registered under this Ordinance shall be added to the entry in such manner as the Registrar-General shall direct, and such addition

Registration.

addition when so made shall be taken to all intents to be part of the entry in the register.

20. Every person by whom the information contained in any register of birth or death under this Ordinance shall have been given shall sign or attest his name description and place of abode in the register, and no register of births or deaths according to this Ordinance shall be given in evidence which shall not be signed or attested by some person professing to be the informant to the Deputy Registrar.

Notice of birth or death to be signed by informant.

21. Every Deputy Registrar immediately upon registering any death, or as soon thereafter as he shall be required so to do, shall without fee or reward deliver to the undertaker or other person having charge of the funeral a certificate under his hand, according to the form in Schedule E to this Ordinance annexed, that such death hath been duly registered, and such certificate shall be delivered by such undertaker or other person to the minister or officiating person who shall be required to bury or to perform any religious service for the burial of the dead body; and if any dead body shall be buried for which no certificate shall have been so delivered, the person who shall bury with or without any funeral or religious service, or perform any funeral or religious service for the burial, or who shall in any other way dispose of the body, shall forthwith give notice to the Deputy Registrar: Provided always that the Coroner upon holding any inquest may order the body to be buried, if he shall think fit, before registry of the death, and shall in such case give a certificate of his order in writing under his hand, according to the form in Schedule F to this Ordinance annexed, to such undertaker or other person having charge of the funeral, which shall be delivered as aforesaid.

No body to be buried without a certificate from Deputy Registrar.

22. Every person who shall bury or perform any funeral or religious service for the burial of any dead body for which no certificate shall have been duly made and delivered as aforesaid either by the Deputy Registrar or the Coroner, and who shall not within one month give notice thereof to the Deputy Registrar, shall forfeit and pay any sum not exceeding ten pounds for every such offence, to be recovered in a summary way.

Penalty.

III.—REGISTRATION OF MARRIAGES.

23. Every officiating minister, or person acting as such, and every Deputy Registrar immediately after a marriage solemnized by him or which may have taken place in his presence, shall register in a book to be kept for that purpose the several particulars relating to such marriage according to the form in Schedule C to this Ordinance annexed, and every such entry shall be signed by such officiating minister or person or Deputy Registrar, as the case may be, present at such marriage, and by the parties married, and by two witnesses, and shall be made in order from the beginning to the end of such book: Provided always that in case of a marriage solemnized by any officiating minister or person acting as such whose usual place of residence is not within this Colony, then and in every such case such marriage shall be attended by the Deputy Registrar of the district within which such marriage shall take place, who shall forthwith register the same in the "Marriage Register Book," in the presence of the parties, and such registry shall be signed by both the parties, and by two witnesses, as well as by the officiating minister or person as the case may be, and by the Deputy Registrar, and for every such registry there shall be paid to the Deputy Registrar a fee of ten shillings.

Marriages to be registered by minister.

24. Every such officiating minister, or person, or Deputy Registrar, who shall neglect to register the marriage solemnized by him or which

Penalty.

Registration.

which may have taken place in his presence, shall forfeit and pay a penalty as hereinafter provided.

Ministers to forward copies of marriage registers to Registrar-General quarterly.

25. Every officiating minister, or person, or Deputy Registrar, as the case may be, before whom any marriage is solemnized or hath taken place shall, in the months of July October January and April respectively, make and deliver to the Registrar-General a true copy, certified by such officiating minister, or person, or Deputy Registrar, under his hand, of all the entries of marriages in the register books kept by him since the last certificate, the first of such certificates to be given up in the month of April, one thousand eight hundred and forty-eight, and to contain all the entries made up to that time; and if there shall be no marriage entered therein since the last certificate, he shall certify the fact under his hand and shall keep the said marriage register books safely.

Registration of marriages before commencement of this Ordinance.

26. For the purpose of affording to persons who shall have been married before the commencement of this Ordinance, the means of preserving a record of the evidence of their marriage, it shall be lawful for the parties thereto or the survivor of them (on giving twenty-one days' notice to a Deputy Registrar of their intention so to do) to produce to him such documentary evidence of their marriage as they may be possessed of, and such Deputy Registrar is hereby authorized and required to receive and record the same by taking a copy thereof; and in case no such evidence as aforesaid shall be produced, then the Deputy Registrar shall enter into a book to be kept for the purpose of registering such Marriages, the name of the officiating minister or other person who may have performed the marriage ceremony, the name of the place and the time when the same took place, together with the names of the witnesses present thereat. The Deputy Registrar shall be entitled to have a fee of five shillings for every such registration from the persons requiring the same; and every register book so to be kept as aforesaid shall be open to inspection in the same manner and on the terms and conditions provided for the inspection of the indices hereinbefore mentioned.

IV.—REGISTER BOOKS.

Register-books to be open for inspection.

27. Every person and every Deputy Registrar who shall have the keeping for the time being of any register book of births deaths or marriages shall, at all reasonable times, allow searches to be made of any register book in his keeping, and shall give a copy certified under his hand of any entry or entries in the same on payment of the fee hereinafter mentioned, that is to say,—For every search extending over a period not more than one year, the sum of one shilling, and sixpence additional for every additional year, and the sum of two shillings and sixpence for every single certificate: Provided always that when such certified copy is given under the seal of the Deputy Registrar, he shall be entitled to receive the sum of five shillings.

Indices to be kept by Deputy Registrars.

28. Every Deputy Registrar shall cause indices of the register books in his office to be made and kept with the other records of his office, and any person shall be entitled at all reasonable hours to search the said indices and to have a certified copy of any entry or entries in the said register books under the hand of the Deputy Registrar on payment of the fees hereinafter mentioned, that is to say,—For any general search, the sum of five shillings; and for any particular search, the sum of one shilling; and for every certified copy, the sum of two shillings and sixpence.

Indices to be kept by Registrar-General.

29. The Registrar-General shall cause indices of all the certified copies of the registers of the Deputy Registrars to be made and kept in the General Register Office; and every person shall be entitled, on payment

Registration.

payment of the fees hereinafter mentioned, to search the said indices between the hours of ten in the morning and four in the afternoon of every day except Sunday, Christmas Day, Good Friday, and the Queen's birthday, and to have a certified copy of every entry in the said certified copies of the registers; and for every general search of the said indices shall be paid the sum of five shillings, and for every particular search the sum of one shilling; and for every such certified copy the sum of two shillings and sixpence and no more shall be paid to the Registrar-General or such other officer as shall be appointed for that purpose on his account.

30. All certified copies of entries purporting to be made under the hand and seal of the Registrar-General or of any such Deputy Registrar as aforesaid, shall be received as evidence in any Court of Justice within the Colony of the birth death or marriage to which the same relates without any further or other proof of such entry; and upon a certificate being made by the Registrar-General that the register of births deaths or marriages for any specified period and for any particular district is lost or destroyed, then and in all such cases the certificate of such Registrar-General under his hand and seal shall be received as evidence in any Court of Justice within the Colony of the matter to which the same relates without further proof being required; and upon the issue of such certificate there shall be paid to the Registrar-General a fee of five shillings.

Certified copies of entries to be received in evidence.

31. No person charged with the duty of registering any birth or death or of registering any marriage, who shall discover any error to have been committed in the form or substance of any such entry, shall be therefore liable to any of the penalties hereby imposed if, within one calendar month next after the discovery of such error, in the presence of the parents of the child whose birth may have been so registered, or of the parties married, or of the inmates of the house or tenement where the death registered may have occurred, or in case of the death or absence of the respective parties aforesaid then in the presence of the Deputy Registrar and of two credible witnesses, who shall respectively attest the same, he shall correct the erroneous entry according to the truth of the case by entry in the margin without any alteration of the original entry, and shall sign the marginal entry and add thereunto the day of the month and year when such correction shall be made: Provided also that in the case of a marriage register he shall make the like marginal entry attested in like manner in the marriage register book, and in every case shall make the like alteration in the certified copy of the register book to be made by him as aforesaid, or in case such certified copy shall have been already made, provided he shall make and deliver in like manner a separate certified copy of the original erroneous entry and of the marginal corrections therein made.

Errors in entries how to be corrected.

V.—PENALTIES.

32. Every person who shall wilfully make or cause to be made, for the purpose of being inserted in any register of births deaths or marriages, any false statement touching any of the particulars herein required to be known and registered, shall be deemed guilty of a misdemeanour.

For making false statements.

33. Every person who shall refuse or without reasonable cause omit to register any marriage solemnized by him or in his presence or which he ought to register, and every Deputy Registrar who shall refuse or without reasonable cause omit to register any birth or death or marriage of which he shall have had due notice as aforesaid, and every person having the custody of any register book or certified copy

For omitting to register.

Registration.

thereof or of any part thereof who shall carelessly lose or injure the same or carelessly allow the same to be injured whilst in his keeping, shall forfeit and pay a sum not exceeding fifty pounds for every such offence, to be recovered in a summary way.

For destroying &c.
register book.

34. Every person who shall wilfully destroy or injure or cause to be destroyed or injured any such register book or any part or certified copy of any part thereof, or shall falsely make or counterfeit or cause to be falsely made or counterfeited any part of any such register book or certified copy thereof, or shall wilfully insert or cause to be inserted in any register book or certified copy thereof any false entry of any birth death or marriage, or shall wilfully give any false certificate or shall certify any writing to be a copy or extract of any register book knowing the same register to be false in any part thereof, or shall forge or counterfeit the seal of the Registrar-General or of any Deputy Registrar, shall be deemed and adjudged to be guilty of felony, and shall be transported for the term of fourteen years.

For neglecting &c. to
deliver certified
copies to Registrar-
General.

35. Every person who is hereby required to make and deliver to the Registrar-General a certified copy of the entries of any births deaths or marriages registered by him, or the certificate herein required that there have been no entries since the last certificate, and who after being duly required to deliver such certified copy or such certificate as aforesaid shall refuse or during one calendar month neglect so to do, shall be liable for every such offence to forfeit a sum not exceeding ten pounds, to be recovered in a summary way.

VI.—MISCELLANEOUS PROVISIONS.

Fees how to be
accounted for.

36. All fees collected under the authority of this Ordinance or of the Ordinance for regulating Marriages in the Colony of New Zealand, by any Registrar-General or Deputy Registrar, shall be accounted for quarterly and paid over to the Colonial Treasurer or the Treasurer of the district, for the public uses of the Colony and for the support of the Government thereof.

Ordinance not to
extend to Natives
except by
Proclamation.

37. Nothing herein contained shall apply to the registration of the births deaths or marriages of persons of the Native race: Provided that this Ordinance shall come into operation in respect of the births deaths and marriages of such persons in such districts and at such times as the Governor shall by Proclamation from time to time appoint.

Commencement.

38. This Ordinance shall come into operation on the first day of January, one thousand eight hundred and forty-eight.

Interpretation.

39. For the purposes of this Ordinance the word "Governor" shall be taken to include the Lieutenant-Governor, or other the Officer Administering the Government for the time being.

Registration.

SCHEDULES.

SCHEDULE A.

1842.—BIRTHS IN THE DISTRICT OF

No.	When Born.	Name, if any.	Sex.	Name and Surname of Father.	Name and Maiden Surname of Mother.	Rank or Profession of Father.	Signature, Description, and Residence of Informant.	When Registered.	Signature of Deputy Registrar.	Name, if added after Registration of Birth.
1	17th January	James	Boy	William Green	Rebecca Green, formerly Jennings	Carpenter	William Green, Father, Carpenter, 17 Shortland Crescent	20th January	A.B., Deputy Registrar.	

SCHEDULE B.

1842.—DEATHS IN THE DISTRICT OF

No.	When Died.	Name and Surname.	Sex.	Age.	Rank or Profession.	Cause of Death.	Signature, Description, and Residence of Informant.	When Registered.	Signature of Deputy Registrar.
17	4th February	William Green	Male	Forty-three	Carpenter		Rebecca Green, widow, 17 Shortland Street	5th February.	A.B., Deputy Registrar.

SCHEDULE C.

1842.—MARRIAGES IN THE DISTRICT OF

No.	When Married, and where.	Name and Surname.	Age.	Rank.	Signature and Description of Parties.	Name of Clergyman, Officiating Minister, or Deputy Registrar.	When Registered.	Signature of Deputy Registrar or Officiating Minister.
5	4th February, St. Paul's Church	John Cox Mary Thomson	Twenty-eight Twenty-seven	Clerk Spinster	John Cox Mary Thomson	A.B., Clerk	5th February	A.B., Deputy Registrar Officiating Minister.

Married in the Parish Church according to the rites and ceremonies of the United Church of England and Ireland, by License or after Banns [as the case may be] by

This Marriage was solemnized between us { John Cox, } In the presence of us { John Hastings, }
 { Mary Thomson. } { Geoffrey Mitchell. }

A.B., Officiating Minister or Deputy Registrar.

Education.

SCHEDULE D.

I, A.B., [Minister of or Deputy Registrar of], do hereby certify that I have this day baptised, by the name of *Thomas*, [or that the name of *Thomas* hath this day been given to] a male child produced to me by William Green, as the son of William Green and Rebecca Green, and declared by the said William Green to have been born at , on the day of , one thousand eight hundred and forty-seven.
Witness my hand, this day of , one thousand eight hundred and forty-seven.

A.B., Minister or Deputy Registrar.

SCHEDULE E.

I, A.B., Deputy Registrar of Births and Deaths in the District of , do hereby certify that the death of Henry Hastings was duly registered by me on the day of , one thousand eight hundred and forty-seven.
Witness my hand, this day of , one thousand eight hundred and forty-seven.

A.B., Deputy Registrar.

SCHEDULE F.

I, , Coroner for the District of , do hereby order the burial of the body now shown to the Inquest-jury as the body of *Thomas Jones*.
Witness my hand, this day of , one thousand eight hundred and forty-seven.

, Coroner.

No. X.

EDUCATION.

AN ORDINANCE for promoting the Education of Youth in the Colony of New Zealand. [7th October, 1847.]

Preamble.

WHEREAS it is fitting that provision be made for promoting the education of youth in the Colony of New Zealand:

BE IT ENACTED by the Lieutenant-Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

Schools to be supported by public funds.

1. It shall be lawful for the Governor for the time being, with the advice of the Executive Council, out of the public funds of the Colony, to establish and maintain schools for the education of youth, and to contribute towards the support of schools otherwise established, as he shall from time to time see occasion.

And to be subject to inspection.

2. Every such school shall be subject to inspection in manner hereinafter provided.

Nature of the education to be given.

3. In every school to be established or supported by public funds under the provisions of this Ordinance, religious education, industrial training, and instruction in the English language shall form a necessary part of the system to be pursued therein; but in order to provide for the instruction of the children of parents dissenting from the religious doctrines to be taught in any such school, such children as shall attend the same as day-scholars only may, upon application to be made in that behalf by their parents or guardians, be taught therein without being instructed in the doctrines of religion.

General superintendence.

4. Every such school shall be placed under the superintendence and management of such one of the persons named or referred to in the Schedule hereunto annexed as the Governor, with the advice of the

Debentures Security.

the Executive Council, shall in the case of each such school especially direct.

5. The teachers of every such school shall be appointed by the person under whose superintendence and management the same shall respectively be placed as aforesaid, and shall be removable by him at pleasure. Appointment of teachers.

6. In order to secure the efficiency of schools to be supported by public funds, every such school shall be inspected once at least in every year by an Inspector or Inspectors to be for that purpose appointed by His Excellency the Governor. Schools to be inspected yearly.

7. As soon as conveniently may be after the inspection of any such schools, such Inspector or Inspectors shall make a report in writing to the Governor for the time being, setting forth the name or description of such school, the number of children educated therein, the funds out of which the same may be supported and the amount thereof respectively, the salaries paid to the teachers thereof, and the yearly cost incurred for the support and education of each pupil maintained therein, and shall also report upon the discipline and management of the school, the nature and extent of the industrial instruction pursued therein, the attainments of the children, and the state of the school generally as regards its efficiency. And report to be made.

8. As soon as the several schools which may be supported under the provisions of this Ordinance shall have been inspected as aforesaid, the whole of the reports relating thereto shall be together laid before the Colonial Legislature if the said Legislature shall be then in Session, and if not then within one calendar month next after the commencement of the then next ensuing Session. All the reports to be published at the same time.

9. Provided always and be it further enacted, That the whole amount of the sums to be advanced under the authority of this Ordinance in any one year shall not exceed one twentieth part of the estimated revenue of the Colony or Province as the case may be for such year. Amount of aid from public funds how limited.

10. In the construction of this Ordinance the word "Governor" shall be taken to mean the Lieutenant-Governor or the Officer Administering the Government of the Colony for the time being. Interpretation.

SCHEDULE.

The Bishop of New Zealand.

The Bishop or other the head of the Roman Catholic Church in the Colony of New Zealand.

The Superintendent of the Wesleyan Mission.

The Head or Minister of any other Religious Body who shall have engaged in the education of youth in the Colony of New Zealand.

No. XI.

AN ORDINANCE to secure the Payment of certain Government Debentures out of the General Revenue of the Colony. [11th October, 1847.] DEBENTURES SECURITY.

WHEREAS certain debentures more particularly described in the Schedule hereunto annexed have been issued by the Government of New Zealand, and the principal moneys secured by such debentures still remain unpaid: And whereas it is expedient that further Preamble.

Footpaths.

4. Special debentures, according to priority of claim, viz:—		£	s.	d.
No. 3, April, 1843	... ..	2,000	0	0
No. 1, November, 1843	... ..	753	14	4
No. 4, April, 1844	... ..	250	0	0
No. 2, May, 1844	... ..	100	0	0
(Which are to bear interest at the rate of eight per cent. from and after the first day of October, one thousand eight hundred and forty-seven.)				
5. Debentures bearing eight per cent. interest, according to priority of date, viz:—				
Issued previous to Government notice of twenty-fourth November, one thousand eight hundred and forty-five	... ..	1,150	0	0
Issued subsequent to and in terms of said notice of twenty-fourth November, one thousand eight hundred and forty-five	... ..	21,679	7	9
		<hr/>		
		£30,371	17	2
		<hr/>		

No. XII.

AN ORDINANCE to provide for the protection of Footpaths in the Colony of New Zealand.

FOOTPATHS.

[14th October, 1847.]

BE IT ENACTED by the Lieutenant-Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

1. When and so soon as any footpath already laid out or which shall hereafter be laid out in any street road or public place within the Colony shall be well and sufficiently made and completed for the use and accommodation of foot-passengers, it shall be lawful for His Excellency the Governor to declare the same, by a notice to be published in the *Government Gazette*, to be a public footpath, and from and after such notification the same shall be deemed and taken to be a public footpath within the meaning of this Ordinance.

2. Every such notice shall set forth as nearly as may be the situation and extent of the footpath to be named therein.

3. If any person shall wilfully run draw or drive any truck wheelbarrow cart or carriage whatsoever, or shall wilfully ride lead or drive any horse or any horned or neat cattle, on any such public footpath as aforesaid, every person so offending shall upon conviction forfeit and pay for every such offence any sum not exceeding twenty shillings, to be recovered in a summary way.

4. If any person who shall be found running drawing or driving any truck wheelbarrow cart or carriage, or who shall be found riding leading or driving any horse or any horned or neat cattle, upon any such footpath as aforesaid, shall continue so to do after being warned to the contrary by any constable or other person, every person so offending shall upon conviction forfeit and pay for every such offence the sum of five pounds, to be recovered in a summary way.

Indemnity.

No. XIII.

INDEMNITY.

AN ORDINANCE for Indemnifying the Officers of Her Majesty's Forces and others for all acts done by them under certain Proclamations of Martial Law.

[14th October 1847.]

Preamble reciting proclamations of martial law.

WHEREAS by a Proclamation bearing date the twenty-sixth day of April, one thousand eight hundred and forty-five, His Excellency the Governor of New Zealand did proclaim and declare that martial law would be exercised throughout that part of the Colony which lies around the Bay of Islands (including the said Bay) and within a circle of sixty miles in any direction from Russell, in the Bay of Islands: And whereas by several Proclamations bearing date respectively the third day of March, one thousand eight hundred and forty-six; the twentieth day of April, one thousand eight hundred and forty-six; the eighteenth day of July, one thousand eight hundred and forty-six; the eighteenth day of March, one thousand eight hundred and forty-seven; and the twenty-seventh day of April, one thousand eight hundred and forty-seven, martial law was proclaimed by His Excellency the Lieutenant-Governor of New Zealand in the several districts in the said Proclamations respectively described:

Officers and others indemnified for acting thereunder.

1. BE IT ENACTED by the Lieutenant-Governor of New Zealand, with the advice and consent of the Legislative Council thereof, that all and singular the officers of Her Majesty's Forces and others who shall have duly acted under the authority of the said recited Proclamations, or any of them, shall be and they are hereby respectively freed indemnified and discharged of from and against all actions and prosecutions which they respectively may have been or may become liable or subject to for or by reason or by means of or in relation to any act matter or thing done by any such officer or person by virtue or under the authority of the said Proclamations or any of them; and that no act matter or thing done by any such officer or person under or by virtue of any such Proclamation shall be questioned in the Supreme Court or any other Court whatsoever within the Colony of New Zealand.

No. XIV.

NATURALIZATION.

AN ORDINANCE for the Naturalization of a certain Person in the Colony of New Zealand.

[14th October, 1847.]

Preamble.

WHEREAS the person particularly described in the Schedule to this Ordinance annexed hath recently settled in this Colony, and it is expedient that there should be removed from him (within this Colony) the disabilities to which aliens are by law subject:

BE IT THEREFORE ENACTED by the Lieutenant-Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

1. The

Thomas Walker Nene's Annuity.

1. The said person particularly described in the Schedule hereunto annexed shall be to all intents and purposes whatsoever within the Colony of New Zealand deemed and taken to be and to have been, from the date set opposite to his name in the said Schedule, a natural born subject of Her Majesty as if he had been born within the realm of England.

Person described in Schedule to be naturalized.

2. This Ordinance shall not come into operation until it shall have received the Royal confirmation, and until such confirmation shall have been notified in the *New Zealand Government Gazette*, by order of His Excellency the Governor for the time being.

Commencement of Ordinance.

SCHEDULE.

Abraham Kiser, Auckland, twenty-eighth December, one thousand eight hundred and forty-four.

No. XV.

AN ORDINANCE to settle an Annuity on Thomas Walker Nene, in consideration of his services.

THOMAS WALKER
NENE'S ANNUITY.

[16th October, 1847.]

WHEREAS Her Most Gracious Majesty hath been pleased to signify that Her Majesty is desirous of conferring a mark of her favour and approbation on Thomas Walker Nene for the valuable services rendered by him, and particularly for the zeal courage and loyalty displayed by him during the rebellion in the northern part of this Colony: And whereas the Colonial Legislature, desirous of giving effect as far as may be to Her Majesty's gracious intention, hath determined to grant an annuity to the said Thomas Walker Nene in manner and to the amount hereinafter particularly mentioned:

Preamble.

BE IT THEREFORE ENACTED by the Lieutenant-Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

1. An annuity to the amount of one hundred pounds per annum shall be paid to the Native Chief Thomas Walker Nene for the term of his natural life.

Annuity to be paid to Thomas Walker Nene.

2. The said annuity shall be paid quarterly, that is to say,—On the first day of January the first day of April the first day of July and the first day of October in every year.

To be paid quarterly.

3. The said annuity shall issue and be payable out of the general revenue of the Colony, and the acquittance or receipt of the said Thomas Walker Nene or of such other person as shall be duly authorized and appointed by him to receive such annuity or any part thereof shall be a good and sufficient discharge for the payment of the same.

Annuity to be paid out of general revenue.

4. It shall be lawful for the Governor for the time being out of the general revenue of the Colony to pay to and amongst such other chiefs who aided in suppressing the late rebellion in the North, and in such proportions as to him may seem meet, any sum not exceeding one hundred pounds per annum.

Gratuities to other chiefs.

5. This Ordinance shall not come into operation until it shall have received the Royal confirmation and until such confirmation shall have been notified in the *New Zealand Government Gazette*, by the order of His Excellency the Governor for the time being.

Commencement of Ordinance.

*Paper Currency.***No. XVI.****PAPER CURRENCY.**

AN ORDINANCE to authorize the establishment of a Colonial Bank of Issue by the Government of New Zealand, to make and issue a Paper Currency, and to prohibit the making and issuing of Paper Money by Private Individuals. [16th October, 1847.]

Preamble.

WHEREAS it is expedient that the paper currency of New Zealand should be made and issued exclusively by the Government thereof, and to that end that the making and issuing of paper money by private individuals should be strictly prohibited:

BE IT THEREFORE ENACTED by the Lieutenant-Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

I.—BANK OF ISSUE, AND MANAGER THEREOF.**Bank of Issue to be established.**

1. For the purpose of supplying the Colony of New Zealand with a paper currency, there shall be established therein by the Government thereof a Bank of Issue, to be called the "Colonial Bank of Issue."

Managers and other officers to be appointed.

2. The business of the said Bank shall be managed and conducted by such Managers and other officers as Her Majesty shall from time to time be pleased to appoint: Provided always that it shall be lawful for the Governor to appoint such Managers and officers provisionally until Her Majesty's pleasure shall be known.

Tenure of office.

3. Every such Manager and officer shall hold his office during Her Majesty's pleasure.

Oath of office.

4. No person so to be appointed as aforesaid shall be capable of holding the office of Manager or of being an officer of the said Bank unless such person shall have first taken and subscribed the following oath before a Justice of the Peace, which oath every such Justice shall, on application to that effect, administer accordingly:—

I, A.B., do solemnly swear that I will not issue or reissue any of the bank notes of the Colonial Bank of Issue except in exchange for cash, and that I will constantly retain and keep within my control and custody for the use and accommodation of the public not less than one-fourth part of the cash so received in exchange, and that I will not part with the control or custody of the residue of such cash except under the authority of a warrant to me for that purpose directed under the hand of the Governor for the time being, and that I will in all other respects duly and faithfully discharge the duties of my office as a Manager of the said Colonial Bank of Issue. So help me God.

Security to be given.

5. Every such Manager and officer shall, before entering on the duties of his office and from time to time, give security for good behaviour in his office by bond to Her Majesty and her successors with two sufficient securities in the sum of one thousand pounds, or in such other reasonable sum as Her Majesty or her successors may from time to time think fit to require.

Sureties may withdraw from liability.

6. Every such surety may withdraw from liability for the future under any such bond by giving to the Attorney-General three calendar months' notice of his intended withdrawal, without prejudice nevertheless to any previous breach of the conditions of such bond.

II.—BUSINESS OF THE BANK.**Business of the Bank.**

7. The business of the Colonial Bank of Issue shall be confined to the

Paper Currency.

the issuing of bank notes in exchange for cash, and to the payment of such notes in cash on demand.

8. The business of and relating to the issue of such notes shall be conducted and carried on in offices to be established for that purpose at Auckland and Wellington, and at such other place as the Governor shall from time to time by Proclamations in that behalf direct.

To be carried on at Auckland, Wellington, &c.

9. Every such office shall be open for business on such days and at such hours as the Governor for the time being shall in that behalf by Proclamation appoint.

Hours of business.

10. Every note of the said Bank shall be expressed to be payable in pounds sterling and in cash.

Notes to be payable in cash.

11. No note of the said Bank shall be issued or reissued therefrom except in exchange for cash.

Notes not to be issued except in exchange for cash. Nor except from certain offices.

12. No such note shall be issued for circulation except from some one of the offices to be for that purpose established as aforesaid.

13. Every such note before being issued or reissued for circulation shall bear the signature of the Manager conducting the business of the office from which such note shall be issued, testifying that the same hath been issued or reissued in exchange for cash.

All notes to bear signature of Manager.

14. No note to be issued or reissued as aforesaid shall be made for the payment of less than the sum of one pound, and every such note shall be expressed to be for payment of a sum in pounds sterling without any fractional parts of a pound.

No notes to be for less amount than £1 or for fractional part of £1.

15. A tender of any such note or notes shall be a legal tender to the amount expressed in such note or notes, and shall be taken to be valid as a tender to such amount for all sums above two pounds on all occasions on which any tender of money may be legally made.

Notes to be legal tender for sums above £2.

16. The bearer of any such note or notes shall be entitled immediately on demand to be made at any of the offices of the said Colonial Bank of Issue, and during the hours of business thereof, to receive payment in cash for such notes at the rate herein provided, and the Manager of every such office is hereby required to pay the same accordingly.

Bearer entitled to cash for notes on demand.

17. All persons shall be entitled to demand from any of the said offices (during the hours of business thereof) notes in exchange for cash at the rate aforesaid, and the Manager of every such Bank is hereby required to make such exchange accordingly.

Notes may be demanded for cash.

18. The Manager conducting the business of any such office shall be responsible for the safe keeping and due application of the notes from time to time to be supplied to such office for circulation, and of the cash to be received in exchange for the same.

Manager responsible for cash and notes.

19. The ultimate payment in cash of all notes to be issued or reissued from the said Colonial Bank of Issue as hereinbefore provided, shall be charged and chargeable upon the general revenue of the Colony of New Zealand.

Payment of the notes of the Bank charged upon general revenue.

20. The cash to be from time to time received at any such office in exchange for notes shall be applied and disposed of in manner following, and not otherwise, that is to say,—So much of the said cash as shall be equal in amount to one-fourth part at the least of the amount of such notes for the time being in circulation shall always be kept to meet the current demands of the public by the Manager conducting the business of such office under his own control and custody, subject nevertheless to inspection and account as hereinafter mentioned. The residue of such cash, or so much thereof as the Governor may deem expedient, shall from time to time be invested or placed out at interest on good and sufficient security by or under the direction of the Governor for the time being: Provided that the moneys so invested be made

Cash received for notes how to be disposed of.

Paper Currency.

made repayable, after not more than three months' notice to the Manager of the office from which the same may have been borrowed.

Notes when deemed to be in circulation.

21. All notes shall be deemed to be in circulation from the time the same shall have been issued by any such Manager as aforesaid until the same shall have been returned to the office from which the same shall have been issued.

Interest how to be applied.

22. The interest to arise from the moneys so to be invested shall be applied in the first instance towards defraying the expenses incurred in conducting the business of the said Colonial Bank of Issue, and the surplus if any shall be paid to the Colonial Treasurer for the public uses of the Colony and the support of the Government thereof.

Manager to transfer cash from his own custody under warrant of Governor only.

23. No Manager conducting the business of any such office shall part with the custody of or pay or transfer the cash applicable for investment as aforesaid, or any part thereof, except under the authority of a written warrant bearing the signature of the Governor for the time being, stating the sum to be paid, the name of the person to whom the sum is to be paid, the name and place of abode of the person to whom the sum is to be lent, the nature of the security, and the rate of interest to be received for the same.

Penalty.

24. Every such Manager who shall issue any of the notes of the said Bank otherwise than in exchange for cash as aforesaid, or who shall pay any of the cash received in exchange for such notes otherwise than in payment of the notes of the said Bank or under the authority of such warrant as aforesaid, and every other person whatsoever aiding abetting or soliciting such Manager so to do, shall forfeit and pay for every such offence the sum of five hundred pounds, and shall moreover, respectively and personally, to all intents and purposes, be deemed and taken to be debtors to the Crown in a sum equal to the amount so misapplied as aforesaid.

Manager to keep books of account.

25. Every such Manager shall keep or cause to be kept, in books to be kept for that purpose at the office of which he shall conduct the business, accurate accounts in writing of every transaction of or relating to the notes issued or reissued therefrom, of or relating to the amount of such notes in circulation from time to time, and of or relating to the gold or silver coin held by such Manager, and generally all such minutes or entries the sight or inspection whereof may tend to secure the rendering of true accounts, and such as may prove that the business of such office is conducted in manner by law required.

Manager to make weekly returns.

26. Every Manager conducting the business of any such office shall on the Monday of every week transmit to the Colonial Treasurer a just and true account of the amount of notes of such office in circulation at the close of the business of the said office on the next preceding Saturday, distinguishing the notes of five pounds and upwards and the notes below five pounds, and also an account of the total amount of gold and silver coin held by the Manager of such office at the close of business on each day of the week ending on that Saturday, and shall on the Monday of every week cause a copy of the said accounts for the past week to be posted in such office, there to remain for the inspection of the public during the office hours of each day during the current week.

To be signed by Manager.

27. Every such account shall be verified by the signature of the Manager rendering the same, and shall be made in the form in Schedule A to this Ordinance annexed.

Copies of warrants of Governor to be transmitted to the Colonial Treasurer.

28. Every such Manager shall also transmit to the said Colonial Treasurer a true copy of the warrant under the authority whereof he may have during the then preceding week paid over any moneys for investment as hereinbefore provided.

Penalty.

29. If any such Manager shall neglect or refuse to render any such

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such account or copy as aforesaid in the form and at the time required by this Ordinance, or shall at any time render a false account or copy, such Manager shall forfeit and pay for every such offence any sum not exceeding five hundred pounds.

30. From the returns so to be made as aforesaid the said Colonial Treasurer shall at the end of the first period of four weeks, and so at the end of each successive period of four weeks, make out a general return (distinguishing the several offices), in the form to this Ordinance marked B, of the amount of notes in circulation at the close of such preceding four weeks, and of the amount of all the gold and silver coin held by each Manager at the same period, and shall cause such general return, verified by his signature, to be published in the next succeeding *Government Gazette* in which the same can be conveniently inserted.

Colonial Treasurer to make and publish monthly returns.

31. It shall also be the duty of the Colonial Treasurer to publish in the *Government Gazette*, on or before the first day of March in each year, verified by his signature, a statement of the total amount of such notes in circulation issued or reissued from the several offices of the said Bank of Issue which shall be in circulation at the close of the year then next preceding, of the total amount of the gold and silver coin held at every such office at the same period, and of the total amount of the cash of the said Bank then invested at interest as hereby required, showing the nature of the security, the rate of interest, and also an account of any cash which having been invested at interest shall have been repaid, together with an account showing the expenses incurred in the conduct and management of the said Bank for such year, and the nature and amount of the funds received applicable to defray the same.

Colonial Treasurer to publish yearly statement.

32. If any such Colonial Treasurer shall neglect or refuse to make or publish such general return yearly statement or account, or shall make or publish a false return statement account or copy, he shall for every such offence forfeit and pay any sum not exceeding five hundred pounds.

Penalty.

33. And whereas in order to insure the rendering of true and faithful accounts of the amount of bank notes in circulation, and the amount of gold and silver coin held by each Manager, and that the business of his office be conducted as hereby required, it is expedient that Inspectors, to be from time to time appointed for that purpose, should be empowered to cause the books of such Managers, and the amount of gold and silver coins held by such Managers as aforesaid, to be inspected as hereinafter mentioned: Be it further enacted, That all and such book and books shall be open for the inspection and examination, at all reasonable times, of any such Inspector or Inspectors authorized in that behalf in writing by the Governor for the time being; and every such Inspector shall be at liberty to take copies of or extracts from any such book or account as aforesaid, and to inspect and ascertain the amount of any gold or silver coin or notes then held by any such Manager.

Books kept by Manager to be subject to inspection.

34. If any Manager or other officer or person keeping any such book, or having the custody or possession thereof, or power to produce the same, shall upon demand made by any such Inspector, showing (if required) his authority in that behalf, refuse to produce any such book to any such Inspector for inspection and examination, or to permit him to inspect and examine the same or to take copies thereof or extracts therefrom, or of or from any such account minute or entry as aforesaid kept or entered therein; or if any such Manager or officer or person having the custody or possession of any such gold and silver coin and notes belonging to the office of any such Manager, shall

Penalty for refusing inspection.

Paper Currency.

shall refuse to permit or prevent the inspection of the same by any person so authorized as aforesaid, every such Manager officer or person so offending shall for every such offence forfeit and pay any sum not exceeding five hundred pounds.

Power to Governor
to make rules.

35. And be it further enacted, That it shall be lawful for the Governor from time to time to make all such rules and regulations, not being repugnant to the provisions hereof, as to him shall seem necessary for the conduct and management of the said Bank of Issue, for securing the value and promoting the credit of the currency to be created under the authority hereof, and generally for carrying into full effect the purposes of this Ordinance: Provided always that no such rules and regulations shall have any force or effect until the same shall have been published in the *Government Gazette*.

III.—PRIVATE PAPER MONEY ETC. PROHIBITED.

The use of private
paper money &c.
prohibited.

36. It shall not be lawful for any Banker, except as hereinafter mentioned, to draw accept make or issue in New Zealand any bill or note or engagement for the payment of money on demand.

Penalty.

37. If any Banker, except as hereinafter mentioned, shall draw accept make or issue any bill or note for the payment of money on demand, every such Banker upon conviction shall forfeit and pay for every such offence the sum of twenty pounds; and every such bill or note which shall hereafter be made or issued shall be and the same is hereby declared to be absolutely void and of no effect.

Cheques upon
Bankers not to be
affected.

38. Provided always that nothing herein contained shall extend to prohibit any draft or order drawn by any person on his Banker, or on any person acting as such Banker, for the payment of money held by such Banker or person to the use of the person by whom such draft or order shall be drawn.

Union Bank of Aus-
tralia to continue
issuing notes under
certain restrictions.

39. And whereas the Union Bank of Australia has for some time been carrying on the business of banking and issuing its own bank notes in the Colony of New Zealand: Be it enacted, That it shall be lawful for the Governor to appoint Commissioners who shall proceed to ascertain the average amount of the bank notes of the said Bank which were in circulation during the period of two years preceding the first day of July, one thousand eight hundred and forty-seven, and the said Commissioners shall certify under their hands to the Manager of the said Bank the average amount when so ascertained as aforesaid. And it shall be lawful for the said Union Bank of Australia to continue to issue its own bank notes to the extent of the amount so certified until a day to be fixed by the Governor in Council, of which twelve calendar months' notice shall be given in the *Government Gazette*.

And to keep an
account thereof.

40. The Manager of the said Union Bank of Australia shall cause an accurate account to be kept in writing of the notes of such Bank for the time being in circulation, and such accounts shall be subject to inspection in the same manner as the books of the said Colonial Bank of Issue; and if any such Manager shall refuse to produce the accounts so to be kept as aforesaid, or shall refuse to permit the inspection of the same, he shall be liable to the same penalties as are hereinbefore provided in case of any such refusal by the Manager of the said Colonial Bank of Issue.

IV.—MISCELLANEOUS PROVISIONS.

Penalties how
recoverable.

41. All fines and penalties to be imposed under the authority hereof shall be recovered by action in the Supreme Court, to be commenced by any person suing for the same.

42. This

Paper Currency.

42. This Ordinance shall not come into operation until it shall have received the Royal confirmation, and until such confirmation shall have been notified in the New Zealand Government *Gazette* by the order of His Excellency the Governor for the time being.

Commencement of Ordinance.

43. In the construction of this Ordinance the word "Governor" shall be taken to mean the Officer for the time being Administering the Government of New Zealand; and the word "Banker" shall extend and apply to all corporations societies partnerships and persons and every individual person carrying on the business of banking, whether by the issue of bank notes or otherwise; and the word "cash" shall be taken to mean the current gold and silver coin of the realm at the English Mint prices.

Interpretation.

SCHEDULES.

SCHEDULE A.

OFFICE OF THE COLONIAL BANK OF ISSUE, AT .					
Amount of Notes in circulation on Saturday, the	day of	:-			
£5 and upwards	...	...	...	...	£
Under £5	...	...	...	...	...
Total	...	...	...	...	£
Amount of Gold and Silver Coin held at the said office at the close of business on .					
			Gold	Silver.	
Monday, the	day of	...	... £	...	£
Tuesday, the	day of	...	...	...
Wednesday, the	day of	...	...	...
Thursday, the	day of	...	...	...
Friday, the	day of	...	...	...
Saturday, the	day of	...	...	...
Total	...	...	... £	...	£

I, _____, being the Manager of the said office, do hereby certify that the above is a true account of the Notes in circulation and of the Coins held by the said office, as required under Ordinance No. 16, Sess. VIII.

Signed,

Dated this _____ day of _____ .

SCHEDULE B.

TOTAL AMOUNT OF NOTES IN CIRCULATION AT THE OFFICE OF THE COLONIAL BANK OF ISSUE, AT _____, ON THE _____ DAY OF _____ .					
Amount of Notes in circulation on the	day of	_____	_____	_____	_____
preceding four weeks :—					
£5 and upwards	...	...	...	...	£
Under £5	...	...	...	...	...
Total	...	...	...	...	£
Total amount of Coin held by the same office on the same day :—					
Gold	...	...	...	...	£
Silver	...	...	...	...	...
Total	...	...	...	...	£

I, _____, the Colonial Treasurer, do hereby certify that the above is a true account as required by the Ordinance No. 16, Session VIII.

Signed,

Dated this _____ day of _____ .

Provincial Councils.

ANNO DUODECIMUS
VICTORIÆ REGINÆ.

SESSION IX. No. I.

PROVINCIAL
COUNCILS.

AN ORDINANCE to provide for the establishment of Provincial Legislative Councils in the Colony of New Zealand. [18th November, 1848.]

Preamble reciting the division of the Colony into Provinces.

WHEREAS in pursuance of the provisions of an Act made and enacted in the Parliament holden in the ninth and tenth years of the reign of Her Majesty Queen Victoria, intituled "*An Act to make further provision for the Government of the New Zealand Islands,*" Her Majesty by certain Letters Patent under the Great Seal of the United Kingdom, bearing date on the twenty-third day of December, one thousand eight hundred and forty-six, did ordain and appoint that the said Islands of New Zealand should be divided into two separate Provinces, to be called respectively the Province of New Ulster and the Province of New Munster: And whereas by an Act made and enacted in the Parliament holden in the eleventh year of the reign of Her Majesty, intituled "*An Act to suspend for Five Years the operation of certain parts of an Act of the tenth year of Her present Majesty, for making further provision for the Government of the New Zealand Islands, and to make other provision in lieu thereof,*" it is amongst other things enacted that it shall be lawful for the Governor-in-Chief of New Zealand, by and with the advice and consent of the Legislative Council thereof, by Ordinance to constitute within and for any of the Provinces into which the Islands of New Zealand were then, or might thereafter be divided, a Provincial Legislative Council to be appointed or elected, or appointed and elected in such manner and by such person or persons as by such Ordinance shall be provided in that behalf, and that the Provincial Legislative Council or Councils so constituted shall have all such rights powers jurisdiction and authority as shall be granted in that behalf to the said Provincial Legislative Council or Councils or either of them by such Ordinance and none other:

And 11 Vict.

NOW BE IT ENACTED by the Governor-in-Chief of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

I.—CONSTITUTION OF THE COUNCIL.

Number of Members.

1. For each of the said Provinces into which the Islands of New Zealand now are or may hereafter be divided there shall be a Legislative Council, to consist of not less than nine Members, with such powers and authorities and subject to such limitations and restrictions as are hereinafter provided.

2. The

Provincial Councils.

2. The Members of the Executive Council of the Province for the time being shall be Members *ex officio* of the said Provincial Council.

Executive Council to be Members *ex officio*.

3. It shall be lawful for the Governor or Lieutenant-Governor of the Province, by Letters Patent under the Great Seal of the Province, from time to time to summon and appoint such other person or persons as he may think proper to be personally or by virtue of his or their office a Member or Members of the said Legislative Council: Provided that the number of Members of the said Council who shall not hold any office either under the Crown or under the Colonial Government shall always exceed the number of the Members who shall hold any such office.

Other Members to be appointed by Governor &c.

4. All appointments to be made by such Letters Patent as aforesaid without the previous warrant of Her Majesty shall be provisional only and subject to Her Majesty's confirmation or disallowance, but shall be valid to all intents and purposes and irrevocable until Her Majesty's pleasure shall have been signified thereupon.

Appointments to be provisional.

5. Any Member of the said Council who shall become bankrupt or insolvent according to any law in force in the Colony, or who shall be convicted of any felony or other infamous crime, shall thereupon forfeit his place in the said Council and cease to be a Member thereof.

Members becoming bankrupt &c. to forfeit their seat.

6. Every Member of the said Council who shall be summoned to attend any meeting thereof whose ordinary place of abode shall be more than twenty-five miles from the place where the meetings of the Council shall be holden, shall be entitled to receive, and there shall be paid over to him on the first day of each Session by the Clerk of the Council, the sum of fifty pounds for and towards defraying the travelling and other expenses incurred by such Member in attending the meeting of the Council; and all sums so paid shall be chargeable upon and payable out of the general revenue of the Province.

Payment of expenses of Members.

II.—JURISDICTION, ETC., OF THE COUNCIL.

7. It shall be lawful for the said Legislative Council to make and ordain all such Laws and Ordinances, except as hereinafter mentioned, as may be required for the peace order and good government of the Province.

Legislative powers.

8. In the making of such Laws and Ordinances the said Council shall conform to and observe all such instructions as Her Majesty shall from time to time make for their guidance therein.

Council to conform to Royal instructions.

9. No such Law or Ordinance shall be repugnant to the Law of England, or to any Ordinance to be made and enacted by the Governor-in-Chief, with the advice and consent of the Legislative Council of New Zealand.

Ordinances not to be repugnant to law of England &c.

10. All Laws and Ordinances to be made by the said Provincial Council shall be subject to the confirmation or disallowance of Her Majesty in such manner and according to such regulations as Her Majesty shall from time to time prescribe.

Ordinances to be subject to Royal confirmation &c.

11. No Ordinance of the said Council shall be assented to by the Governor or Lieutenant-Governor without the previous sanction of the Governor-in-Chief.

Ordinances not to be assented to by Governor &c. without sanction of Governor-in-Chief.

12. It shall not be competent for the said Council to make or enact any Law or Ordinance for any of the purposes hereinafter mentioned, that is to say—

Subjects on which Provincial Council shall not have power to legislate.

(1.) For the regulation of duties of Customs to be imposed on the importation or exportation of any goods at any port or place in the said New Zealand Islands.

(2.) For the establishment of a general Supreme Court to be

Provincial Councils.

a Court of original jurisdiction or of appeal from any of the Superior Courts of any such separate Province as aforesaid.

- (3.) For determining the extent of the jurisdiction or the course or manner of proceeding of such General Supreme Court or of the said Superior Courts.
- (4.) For regulating the current coin of the said Islands, or any part thereof, or the issue therein of any bills notes or other paper currency.
- (5.) For determining the weights and measures to be used in the said Islands or in any part thereof.
- (6.) For regulating the post offices within and the carriage of letters between different parts of the said Islands.
- (7.) For establishing laws relating to bankruptcy and insolvency.
- (8.) For the erection and maintenance of beacons and light-houses on the coasts of the said Islands.
- (9.) For the imposition of any dues or other charges on shipping at any port or harbour within the same.
- (10.) For regulating marriages within the same or any part thereof.
- (11.) For affecting Crown lands or lands belonging to the aboriginal native owners, or for imposing any disabilities or restrictions on persons of the Native race to which persons of European birth or descent would not also be subjected.

And any Ordinance or pretended Ordinance which may be made by the said Council for any of the purposes hereinbefore set forth shall be absolutely null and void to all intents and purposes.

III.—PROCEEDINGS ETC. OF THE COUNCIL.

Governor &c. to
preside.

13. The Governor for the time being, or in his absence from the Province the Lieutenant-Governor thereof, shall be present at and shall preside over all meetings of the said Legislative Council: Provided always that so long as the office of Governor-in-Chief of New Zealand and Governor of the said Provinces thereof respectively shall be vested in the same person it shall not be necessary for the Governor-in-Chief to preside over such Council although he may be within the limits of the Province in which such Council may be holden unless he shall think fit so to do.

Minutes to be kept.

14. Minutes shall be kept of all the proceedings of the said Council by the Clerk of the Council, and the said Council shall not proceed to the despatch of business until the minutes of the last meeting have been first read over and confirmed or corrected as may be necessary.

All questions to be
proposed by
Governor &c.

15. The said Council shall not be competent to proceed to the despatch of any business unless a majority of the whole number of the Members thereof shall be present.

Majority must be
present.

16. No Law or Ordinance shall be enacted and no question shall be debated by the said Council unless the same shall have been previously proposed for that purpose by the Governor or Lieutenant-Governor: Provided nevertheless that if any Member of the Council shall deem it expedient that any law be enacted or that any question be debated by the said Council, and of such his opinion shall transmit a written statement to the Governor or Lieutenant-Governor, it shall be lawful for any such Member to enter upon the minutes of the said Council a copy of any such statement, together with the reasons upon which such his opinions may be founded.

Majority to decide

17. All questions proposed for debate in the said Council shall be decided by the majority of votes, and the Governor or Lieutenant-Governor

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Governor shall have an original vote in common with the other Members of the said Council, and also a casting vote if upon any question the votes shall be equally divided.

18. All Laws to be enacted by the said Council shall be styled "Ordinances enacted by the Governor (or Lieutenant-Governor, as the case may be) of the Province of _____, with the advice and consent of the Legislative Council thereof."

Title of Ordinances.

19. Every such Ordinance shall take effect from a time to be therein for that purpose appointed.

Ordinances when to come into operation.

20. All Ordinances made for levying money or for imposing fines penalties or forfeitures shall grant or reserve the same to Her Majesty, her heirs and successors, for the public uses of the Province and the support of the Government thereof, in such manner as by the said Ordinances may be directed; and no such money shall by any such Ordinance be made issuable save only by warrants to be granted in pursuance thereof by the Governor or Lieutenant-Governor of the Province.

All fines &c. to be reserved to Her Majesty.

21. In the construction of all such Ordinances as aforesaid the word "Governor" shall be taken to include the Lieutenant-Governor, and any word or words importing the singular number or the masculine gender only shall respectively be understood to include several persons matters and things as well as one person matter or thing, and females as well as males, unless there be something in the subject or context repugnant to such construction.

Construction of Ordinances.

22. For the purpose of securing punctuality of attendance by the Members of the said Council, and the prevention of meetings of the said Council being holden without convenient notice to the several Members thereof, and for maintaining order and method in the despatch of business and in the conduct of all debates in the said Council, it shall be lawful for the Governor or Lieutenant-Governor and he is hereby required to frame and propose to the said Council for their adoption such Standing Rules and Orders (not being repugnant hereto) as may be necessary in that behalf.

Rules and Standing Orders.

IV.—APPROPRIATION OF REVENUE.

23. There shall be appropriated and set apart from and out of the revenues of each of the said Provinces as aforesaid, by way of Civil List for the public use of the Colony or Province, the sum of six thousand pounds by the year.

Civil List to be reserved.

24. Such Civil List shall be applied and appropriated to such specific purposes as the Lords Commissioners of Her Majesty's Treasury for the time being, or any three of them, shall from time to time direct and appoint.

How appropriated.

25. All duties taxes rates tolls and assessments imposed and made payable by virtue of any Ordinance now in force, or which may hereinafter be imposed or made payable by virtue of any Ordinance to be made by the Governor-in-Chief, with the advice and consent of the Legislative Council of New Zealand, shall be appropriated to such specific purposes as by any such Ordinance shall be prescribed in that behalf and to no other, save as hereinafter is excepted.

General appropriation of revenue.

26. The first application of any such duties taxes rates tolls and assessments shall be towards defraying all the expenses of collecting receiving managing and auditing the same.

Cost of collection.

27. Subject to such deduction as aforesaid, the surplus which may remain of the proceeds of any such duties taxes rates tolls and assessments shall be applied to the specific purpose prescribed by the Ordinance imposing the same.

Application of surplus.

28. Subject

Postage.

Surplus to be divided
between the two
Provinces.

28. Subject to such deductions, to such Civil List as aforesaid, and to any charge which by any Law or Ordinance now in force may have been made on the general revenue of New Zealand or of the Provinces into which the Colony may be divided, the proceeds of all such duties taxes rates tolls and assessments shall be paid over to the respective treasuries of the said Provinces for the public uses thereof, and subject to the appropriation of the respective Legislative Councils of the said Provinces respectively.

Principal of appor-
tionment.

29. In the apportionment of any such ultimate surplus between the said Provinces, the part of the surplus to be assigned to each shall bear to the whole of such surplus the same proportion which the part of the gross proceeds raised and collected within such Province may have borne to the total amount of the gross proceeds of any such duty tax rate toll or assessment.

No. II.

POSTAGE.

AN ORDINANCE for regulating the Conveyance and Postage of Letters. [18th November, 1848.]

BE IT ENACTED by the Governor-in-Chief of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

Powers to Governor-
in-Chief to establish
post.

1. It shall be lawful for His Excellency the Governor-in-Chief to establish posts or postal communications in the Colony of New Zealand, and to alter and amend any of the posts or postal communication already established or hereafter to be established in the said Colony, and to appoint such officers servants and agents for the conveyance and delivery of mails and the collection and management of the Post Office revenue as His Excellency shall deem expedient.

And to fix rates of
Colonial postage.

2. It shall be lawful for the Governor-in-Chief from time to time, by Proclamation to be published in the Government *Gazette*, to abolish alter and fix the Colonial postage payable for the transmission by post of letters and other papers, and from time to time, by such Proclamation as aforesaid, to alter repeal or abolish any Colonial postage so altered or fixed as aforesaid, and to make and establish any new or other postage in lieu thereof. The Colonial postage from time to time to become payable by virtue of any such Proclamation as aforesaid shall be charged and paid accordingly: Provided that no rate of postage shall be imposed under the authority hereof exceeding the rate of postage now levied and taken; and that from and after the passing of this Ordinance no postage shall be charged or payable for the conveyance or delivery of newspapers.

And to make regula-
tions.

3. It shall also be lawful for the Governor-in-Chief, by such Proclamation as aforesaid, from time to time to make and establish all such rules and regulations as to him may seem expedient for promoting the safe and expeditious conveyance and delivery of all such mails letters newspapers and other papers as aforesaid, for the good management of the said Post Office revenue, and generally for carrying into full effect the purposes and objects of this Ordinance.

And to impose
penalties.

4. For the purpose of giving effect to the rules and regulations so to be made, it shall be lawful for the Governor-in-Chief, by any such Proclamation as aforesaid, to impose any penalties not exceeding five pounds for any offence against such rules and regulations, to be recovered in a summary way.

No. III.

*Supreme Court Amendment. Naturalization.***No. III.****AN ORDINANCE to amend the Supreme Court Ordinance.**
[18th November, 1848.]SUPREME COURT
AMENDMENT.

WHEREAS by an Ordinance enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, (Session III., No. 1,) intituled "*An Ordinance for establishing a Supreme Court,*" it is amongst other things enacted that the barristers of the Court shall be allowed to act as solicitors, and the solicitors of the Court to act also as barristers, for the period of five years after the passing of the said Ordinance: And whereas it is expedient that the period so limited as aforesaid be extended:

Preamble reciting
No. 1, Session III.

BE IT THEREFORE ENACTED by the Governor-in-Chief of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

1. The barristers of the Supreme Court shall be allowed to act as solicitors, and the solicitors of the Court to act also as barristers, for the period of five years after the passing of this Ordinance, unless the Court shall in the meantime make order to the contrary; and any such order may extend to the whole Colony or may be restricted to any part thereof, as to the Court shall seem fit.

Practice of barristers
and solicitors.**No. IV.****AN ORDINANCE for the Naturalization of certain Persons**
in the Colony of New Zealand.

NATURALIZATION.

[18th November, 1848.]

WHEREAS the persons particularly described in the Schedule to this Ordinance annexed have settled in this Colony, and it is expedient that there should be removed from them (within this Colony) the disabilities to which aliens are by law subject:

Preamble.

BE IT THEREFORE ENACTED by the Governor-in-Chief of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

1. All and singular the persons who are particularly described in the Schedule hereunto annexed shall be to all intents and purposes whatsoever within the Colony of New Zealand deemed and taken to be and to have been, from the first day of January, one thousand eight hundred and forty-three, natural-born subjects of Her Majesty, as if they had respectively been born within the realm of England.

Persons described in
Schedule to be
naturalized.**SCHEDULE.**

George Adam Kissling, Clerk.
Margaret Kissling, wife.
John Kissling.
George Schwartz Kissling.

Theophilus Kissling.
Charles Frederick Evanson Kissling.
William Henry Kissling.
Henry Keesing, senior.

ANNO DECIMO TERTIO
VICTORIÆ REGINÆ.

Session X. No. I.

CROWN LANDS.

AN ORDINANCE to regulate the Occupation of Waste Lands of the Crown in the Province of New Ulster. [23rd August, 1849.]

Preamble.

WHEREAS it is expedient to make provision for the management of the waste lands of the Crown in the Province of New Ulster :

BE IT THEREFORE ENACTED by the Governor-in-Chief of New Zealand, with the advice and consent of the Legislative Council thereof, as follows :—

I.—COMMISSIONERS OF CROWN LANDS, THEIR APPOINTMENTS AND POWERS.

Commissioners of Crown Lands.

1. For the purposes hereinafter mentioned there shall be appointed a fit number of persons, being Justices of the Peace, who shall be and be called Commissioners of Crown Lands.

Appointment and tenure of office.

2. Every such Commissioner shall be appointed by Her Majesty, her heirs and successors, and shall hold his office during Her Majesty's pleasure : Provided that it shall be lawful for the Governor to appoint any such Commissioner provisionally until Her Majesty's pleasure shall be known.

Rules for their guidance.

3. It shall be lawful for the Governor from time to time to make and issue such rules and regulations as to him may seem meet for the management of the waste lands of the Crown, and for the guidance of such Commissioners in their office, and such rules and regulations to make and alter as occasion may require : Provided always that the rules and regulations so to be made as aforesaid shall not come into operation until the expiration of fourteen days after a copy of the same shall have been published in the New Zealand Government Gazette.

Powers to Commissioners to hear and determine disputes &c.

4. It shall be lawful for every such Commissioner to hear and inquire into all disputes and differences between the occupiers of Crown lands, respecting encroachments and trespasses on Crown lands occupied by them, and to limit and define the boundaries of all cattle runs as occasion may require, to take evidence on oath touching any such matter of complaint, and to determine the same in a summary way.

And to award damages not exceeding £20.

5. In case compensation shall be claimed in respect of any such encroachment or trespass, it shall be lawful for any such Commissioner to order the aggressor to pay to the party aggrieved such sum by way of damages as to such Commissioner may appear reasonable, to be recovered in a summary way : Provided that the amount to be awarded

Crown Lands.

awarded as aforesaid shall in no case exceed the sum of twenty pounds.

6. In case any person shall unlawfully intrude upon occupy or take possession of any Crown land, and shall refuse or neglect to deliver up and quit the possession of the same for the space of ten days after personal service upon him or his agent or overseer of a notice to quit the same, signed by any such Commissioner, it shall be lawful for such Commissioner to enter upon the said lands with such assistance as may be necessary, and to take possession of the same on behalf of the Crown, together with any houses or other improvements which may have been made thereon, and the same to deal with as he shall deem most expedient for the purpose of expelling such persons therefrom, and also to expel and remove all persons found trespassing thereon.

And to expel trespassers.

7. It shall be lawful for any such Commissioner to give any notice, make any claim or demand, and to make any entry or to authorize any person to make any entry, which may be requisite or expedient to be given or made by or on behalf of Her Majesty, her heirs or successors, for the purpose of compelling any occupier of any part of the Crown land to quit or deliver up the possession thereof, or to compel the performance of any contract in relation thereto, or to recover possession on non-performance of any contract, or to compel the payment of any sum of money which ought to be paid in respect thereof, and to do any other matter or thing which may be expedient on behalf of Her Majesty, her heirs and successors, touching any of the lands of the Crown; and every act matter or thing done or authorized to be done by any such Commissioner shall be deemed and taken to be done on behalf of Her Majesty, her heirs and successors, any law custom or usage to the contrary notwithstanding.

And to recover possession.

8. It shall also be lawful for any such Commissioner, by himself or any person whom he shall for that purpose depute, to make distress for any rent which shall be due in arrear or unpaid from any lessee tenant or occupier of any Crown land, and the goods chattels and effects so distrained to impound sell and dispose of as in ordinary cases of rent in arrear.

And to distrain for rent.

9. It shall be lawful for such Commissioner at his discretion to charge and receive for the decision of any disputed question which he is authorized to determine by the provisions of this Ordinance, a fee of five pounds, to be paid by the party against whom his decision shall be made, to be recovered in a summary way.

And to charge a fee for his decision.

10. All fees and sums of money except as hereinafter provided received by such Commissioner under the provisions of this Ordinance shall be accounted for and paid over quarterly to the Colonial Treasurer, to the use of Her Majesty, her heirs and successors, for the public use of the Province and the support of the Government thereof.

To be paid into the Treasury.

II.—ASSESSMENT ON STOCK DEPASTURED ON CROWN LANDS NOT BEING WITHIN THE LIMITS OF A HUNDRED.

11. No person shall depasture cattle on or otherwise occupy any waste lands of the Crown without a license for that purpose in such form and subject to such conditions as the Governor for the time being shall from time to time prescribe by notice in the *New Zealand Government Gazette*.

License to be granted.

12. Any person depasturing cattle on any waste lands of the Crown not being within the limits of a hundred, shall make or cause to be made to and deposited with a Commissioner of Crown Lands, in the month of September in every year, commencing in September,

Return of stock to be made by owner.

one

Crown Lands.

one thousand eight hundred and forty-nine, a return according to the form contained in the Schedule hereunto annexed marked A, of all such cattle in his possession on the first day of the same month of September; and if any such person shall fail to make or cause to be made such return at the time so appointed, or shall omit to deposit the same with a Commissioner in manner hereby required, he shall forfeit and pay for every such offence any sum not less than forty shillings nor more than twenty pounds, to be recovered in a summary way; and if any person shall knowingly make any false statements in any such return, he shall forfeit and pay for every such offence any sum not less than fifty pounds nor more than one hundred pounds, to be recovered by action in the Supreme Court at the suit of any such Commissioner as aforesaid.

Assessment to be levied on stock.

13. There shall be levied and paid in advance in each and every year for and in respect of all cattle depastured or kept upon any such waste lands of the Crown the assessment following, that is to say,—For every head of great cattle, sixpence; for every head of small cattle, one penny; which assessment shall be paid by the person depasturing such cattle into the Colonial Treasury on or before the first day of December in every year, the first payment thereof to be made upon the first day of December, one thousand eight hundred and forty-nine.

According to returns.

14. Every such Commissioner shall, on the first day of October in every year, commencing on the first day of October next, make an assessment of the cattle depastured as aforesaid, and shall make a yearly report thereof to the Colonial Treasurer or to such other person as may be appointed in that behalf, in the form and containing the several particulars set forth in the Schedule to this Ordinance annexed marked B, according to which report such yearly assessment as aforesaid shall be paid at the time and in manner aforesaid.

Notice to be given to parties liable to assessment.

15. On or before the first day of November in every year a Commissioner shall cause a notice in writing to be served upon the person liable for the payment of the same, or left at his usual place of abode or with the superintendent or person having the charge of the said cattle, requiring payment of such assessment as aforesaid.

Appeal allowed.

16. In case the sum mentioned in such notice shall appear to the person required to pay the same to be an overcharge, it shall be lawful for such person to appeal against such assessment to the nearest Resident Magistrate or to any two Justices of the Peace: Provided that notice in writing of appeal and the grounds thereof shall be given to the said Commissioner by the person appealing within ten days after notice of such assessment shall have been so served as aforesaid, and that a recognizance shall be entered into before the said Commissioner by the person appealing in double the amount of such assessment conditional personally to appear and try the said appeal, and to abide the judgment of such Magistrate or Justices, and to pay such costs and expenses as may be awarded in that behalf. The Magistrates or Justices to whom such appeal shall be made are hereby authorized and required to hear and determine the matter of such appeal and to make such order therein as may seem meet; and in case of the dismissal of the appeal or of the affirmance of the assessment, shall order the person who shall have made such appeal to pay the amount of such assessment, together with the costs, into the Colonial Treasury within ten days from the making of such order; such costs, if not paid as aforesaid, to be recovered in a summary way.

Amount due recoverable by distress.

17. In case any person liable for the payment of such assessment, of which due notice shall have been served as aforesaid, shall refuse or neglect to pay the amount due within the time prescribed by this Ordinance, it shall be lawful for a Commissioner to issue a warrant under

Crown Lands.

under his hand and seal directed to some constable to levy the amount so due, with interest at the rate of eight pounds per every one hundred pounds per annum, by distress and sale of a sufficient part of the cattle or other goods and chattels of the party liable, in like manner as in case of rent in arrear between landlord and tenant.

18. If at any time the amount payable by any party for any such assessment shall be in arrear and unpaid for three calendar months after the same shall become due, it shall be lawful for a Commissioner to declare by notice, to be published in the *Government Gazette*, that such person has forfeited his license, and such person shall thereupon be liable to be proceeded against under the provisions of this Ordinance as an unlicensed person: Provided that such notice may at any time be revoked by the authority of the Governor, and thereupon such license shall be deemed to be again in full force; such revocation to take effect from such time as the Governor shall in that behalf provide in a notice to be published in the *New Zealand Government Gazette*.

In case of nonpayment license may be cancelled.

III.—MANAGEMENT OF CROWN LANDS WITHIN THE LIMITS OF
A HUNDRED.

19. Whenever the Governor shall by proclamation have divided any county or settled portion of the Province into hundreds, the right of pasturage on waste lands of the Crown in any such hundred, and the apportionment of the same, shall be exercised and enjoyed exclusively by the persons who shall take out a depasturing license as hereinafter provided, being occupants of land held under grants from the Crown, pensioners enrolled for service in New Zealand, or persons of the Native race or half-castes respectively occupying land within the hundred with the permission of the Government.

Right of pasturage to be limited to persons holding a license.

20. A depasturing license shall be granted to every such occupant who shall apply for the same to the Commissioner of Crown Lands on or before the first day of January in each year, provided he shall have deposited with such Commissioner a return in the form in Schedule C hereunto annexed of the number of acres occupied by him under a grant from the Crown, or in the case of the pensioners enrolled for service in New Zealand, persons of the Native race, and half-castes, occupied by permission of the Crown, within such hundred.

License to be granted to any occupant.

21. Every such license shall commence and take effect on the first day of January, and shall continue in force for one year.

License to be in force for one year.

22. For every such license there shall be paid to the Commissioner of Crown Lands, previous to its issue, the sum of ten shillings and sixpence.

Fee to be paid for license.

23. As soon as conveniently may be after the first day of January in each year, the Commissioner of Crown Lands shall publish in the *Government Gazette* a list of the persons to whom and the names of the hundreds in respect of which such licenses shall have been granted.

List of licensed persons to be published in *Government Gazette*.

24. The persons whose names shall be comprised in such list shall have the exclusive right of pasturage on the waste lands of the Crown within the hundred in respect of which they shall hold such license.

Persons comprised in such list to have exclusive right of pasturage.

25. As soon as conveniently may be after the publication of such list, the Commissioner shall in each hundred call a meeting of such persons for the purpose of electing from among themselves, by a majority of votes, three persons to be called Wardens, who shall have the regulation and apportionment for the current year of the right of pasturage within the hundred as hereinafter provided.

And to have power to elect Wardens.

26. At every such meeting the Commissioner shall preside.

Commissioner to preside at elections.

Crown Lands.

And to have a casting vote.

27. No person entitled to vote at any such election shall have more than one vote, but in case of an equality of votes the Commissioner shall have a casting vote.

Vacancies how supplied.

28. In the event of the death resignation or refusal to act of any of the persons so elected as aforesaid, the vacancy shall be filled up by an election to be conducted in manner hereinbefore provided.

Wardens to have power to apportion &c. cattle to be depastured.

29. It shall be lawful for the Wardens, at any time within two calendar months after their election, to compute the quantity of cattle capable of being depastured on the waste lands of the Crown within the hundred, to determine the description of cattle to be depastured thereon, and to apportion the number of great cattle and small cattle which may be depastured for the then current year by each person holding such license as aforesaid, regard being had to the quantity of land occupied by each such person, or to the price or sum per acre which may have been paid into the Public Treasury, or to such other general rule as the Wardens may deem better suited to the condition of the hundred: Provided always that it shall be lawful for such Wardens to allow to unlicensed owners of land within any such hundred the right of depasturing cattle on such waste lands in proportion to the quantity of unenclosed land within the hundred belonging to such unlicensed person.

Regulations made by Wardens to be published.

30. The regulations so to be made shall be agreed to by two at least of the Wardens, and a copy of the same under their hands shall, as soon as conveniently may be, be furnished to the Commissioner for publication in the *Government Gazette*.

Failing an apportionment by Wardens, Commissioner to have power.

31. In case the Wardens shall neglect to make such regulations within the period aforesaid, all the powers hereinbefore given to such Wardens shall be held and exercised by the Commissioner of Crown Lands.

Power to Wardens to make by-laws.

32. For the purpose of providing for the safety of the cattle to be depastured within any hundred, for improving the run, for preventing the intrusion of cattle therein, and the depasturing of a greater number of cattle than may be duly apportioned under the authority of this Ordinance, it shall be lawful for the Wardens or any two of them from time to time to make such by-laws (not being repugnant hereto) as to them may seem meet, and by such by-laws to impose any fine not exceeding five pounds, to be recovered in a summary way, upon any person offending against the same: Provided always that no such by-law shall come into operation until it shall have received the assent of the Governor, and until the expiration of one calendar month after a copy of such by-law shall have been published in the *Government Gazette*.

And to levy an assessment.

33. For the purpose of providing the means for carrying into effect all or any of the powers hereby given to the Warden of any such hundred, and defraying the expenses incident thereto in the erection and maintenance of pounds, the appointment of Rangers or other officers or otherwise, it shall be lawful for such Wardens, if they shall deem it expedient so to do, to levy and raise for the then current year, for and in respect of all cattle depastured on the waste land of the Crown within the hundred, an assessment not exceeding for every head of great cattle five shillings, for every head of small cattle one shilling, to be paid by the person depasturing such cattle at the time and in manner to be appointed by the Wardens imposing any such assessment.

And to distrain for same.

34. In case any person liable for the payment of any such assessment shall neglect or refuse to pay the amount due in respect thereof, it shall be lawful for the Wardens or any two of them to issue a warrant under their hands, directed to some constable, to levy the amount so due by distress and sale of a sufficient part of the cattle and
other

Crown Lands.

other goods and chattels of the party liable, in like manner as in case of rent in arrear between landlord and tenant.

35. Within one calendar month after the election of the Wardens for any hundred, the Commissioner of Crown Lands shall pay over to any person such Wardens or any two of them may appoint for the purpose, all moneys that he may have received for licenses in such hundred, which sums shall be applicable under the direction of the Wardens to all such purposes as the assessment they are authorized to levy may be applied.

Amount of license fee to be paid over to Wardens.

36. The Wardens shall, in a book to be kept by them for that purpose, enter true accounts of all sums of money by them received and paid under the authority of this Ordinance; and at the close of the year for which they shall have been elected, the said Wardens shall furnish a copy of such book to the Commissioner of Crown Lands for publication in the *Government Gazette*, and shall pay over to the Wardens for the ensuing year the balance of such moneys (if any) remaining in their hands, and shall conform to and observe all such rules and regulations as may from time to time be made by the Governor for securing the due application of the moneys to be raised under the authority hereof.

Accounts to be kept by Wardens.

37. If any person shall depasture any cattle on the common waste land within any hundred, not being so licensed as aforesaid, or being so licensed shall depasture on such waste lands as aforesaid a greater number of cattle than shall have been apportioned to him, every such person shall be liable to the same penalties and proceedings as are herein provided for the unlawful occupation of Crown lands.

Penalty on unlicensed persons depasturing cattle &c.

38. If any cattle shall be found unlawfully trespassing upon any lands or public roads within the limits of a hundred, whether such land shall be fenced or not, it shall be lawful for any of the Wardens of such hundred, or for any person authorized by them, to impound the cattle so trespassing in any public pound, to be dealt with according to law.

Power to Wardens to impound cattle trespassing.

IV.—UNLAWFUL OCCUPATION OF CROWN LANDS.

39. If any person shall occupy any waste lands of the Crown either by residing or by erecting any hut or building thereon, or by clearing enclosing or cultivating any part thereof, or shall fell remove or sell the timber growing or being on any such land, without in either case having a lease or license for such purpose respectively, every such person shall on conviction, for any of the offences hereinbefore mentioned, forfeit and pay any sum not exceeding fifty pounds, to be recovered in a summary way: Provided that no person shall be convicted of any of the offences aforesaid except on the information or complaint of a Commissioner of Crown Lands, or of some other person duly authorized in that behalf by His Excellency the Governor or by such Commissioner.

Persons occupying Crown lands without license liable to penalty.

40. If any person so convicted as aforesaid shall for the space of one calendar month continue in possession or occupation of such land, or otherwise persist in the unlawful act for which he shall have been so convicted, every such person shall upon conviction of any such further offence, upon such information or complaint as aforesaid, forfeit and pay any sum not less than five pounds nor more than fifty pounds, to be recovered in a summary way.

Penalty for second offence.

41. Nothing herein contained shall be construed to prevent any licensed occupier of Crown land or his agent or servant from cutting for his own use such timber on the land so occupied by him as is ordinarily used and as may be necessary for domestic purposes for firebote fencing stockyards or other conveniences for the enjoyment of

Exception.

Crown Lands.

of the said land, unless such timber be reserved by the Government for public purposes, and the licensed occupier shall have been warned of such reservation.

Rights of Crown saved.

42. No possession or occupation of any Crown land had or taken by virtue of any such license as aforesaid, or by depasturing under the provisions of this Ordinance or otherwise, shall be construed to give any title whatever against the Crown, or to alter or affect in any respect the rights of Her Majesty, her heirs and successors, in respect of any such land.

Cattle trespassing may be impounded.

43. If any cattle shall be found unlawfully trespassing upon any Crown lands, whether the same shall be fenced or not, it shall be lawful for any such Commissioner or for any person authorized by him in that behalf, either generally or in the particular case, to impound the cattle so trespassing in any public pound, to be dealt with according to law: Provided that no Commissioner nor any person acting under his authority shall be authorized or required to impound cattle trespassing upon lands forming any part of any defined run, unless such cattle shall be found trespassing in defiance of an adjudication made by the Commissioner with respect to such land.

Onus probandi.

44. In any action suit or proceeding against any person for or in respect of any alleged unlawful occupation trespass or use of or upon any Crown lands, the proof that the occupation or use in question was authorized by the provisions of this Ordinance or of any order or regulation made in pursuance thereof shall lie on the defendant; and the averment that any lands in question are Crown lands shall be sufficient without proof of such fact unless the defendant prove the contrary. And all maps plans licenses certificates and office copies certified as true under the hand of the Surveyor-General, or of the proper officer of his department, or of any Commissioner of Crown Lands, shall in all matters relating to the said respective offices be sufficient evidence of their contents without production of original records and without the personal attendance of such officers or proof of their signatures.

Costs of suit.

45. It shall be lawful for the Governor to pay or cause to be paid out of the Public Treasury the costs or charges of any suit action or other proceeding which shall be brought by or against any Commissioner, Warden, Justice of the Peace, Constable, or other person acting under the authority and in the execution of this Ordinance.

Interpretation.

46. In the construction of this Ordinance the word "Governor" shall be taken to include the Lieutenant-Governor or the Officer Administering the Government of the Province; and the words "Great Cattle" shall be construed to mean horned cattle horses mules and asses, male and female, with their offspring above six months of age; and the words "Small Cattle" shall be construed to mean sheep goats and swine, male and female, with their weaned offspring; and the word "Cattle" shall be construed to mean the whole of the aforesaid animals.

Commencement of Ordinance.

47. This Ordinance shall come into operation on the first day of September next.

Crown Lands.

SCHEDULES.

SCHEDULE A.

RETURN OF STOCK DEPASTURED ON CROWN LANDS ON THE , 18 .

Names of Holders of Stock herein returned.	Name of Superintendent of Stock.	CATTLE.							Brands or Marks.
		Great Cattle.				Small Cattle.			
		Horned Cattle.	Horses.	Mules.	Asses.	Sheep.	Goats.	Swine.	

I hereby certify that the above is a true and correct return.
To , Esq., Commissioner of Crown Lands.

SCHEDULE B.

YEARLY REPORT OF THE PERSONS LIABLE TO PAY ASSESSMENT.

(Rendered in conformity with the Provisions of the Ordinance, No. .)

First day of October, One thousand eight hundred and

No.	Station or Run.	Names of Holders.	Cattle Assessed.		Assessments due.	REMARKS.
			Great Cattle at Sixpence per head.	Small Cattle at One Penny per head.		

To , Esq., Colonial Treasurer. Commissioner of Crown Lands.

SCHEDULE C.

I HEREBY declare that I occupy acres under Grant from the Crown in Hundred [or a Pensioner enrolled for service in New Zealand, or Native, or Half-Caste, as the case may be].

(Signature.)

To the Commissioner of Crown Lands.

Commissioner of Crown Lands' Office.

THE amount for which you are assessed for the year from the first January to the thirty-first December, one thousand eight hundred and , under the provisions of the Ordinance, on the undermentioned cattle depastured by you on waste lands of the Crown in the Province of New Ulster, is as follows, viz. :—

Head of great cattle, at 6d. per head	£
Head of small cattle, at 1d. per head	£
	£

which said sum of pounds shillings and pence you are hereby required to pay into the Colonial Treasury on or before the first day of December next.

As witness my hand, at , this day of , one thousand eight hundred and .
To

Commissioner of Crown Lands.

declares that he served the above notice on the above-named by delivering a true copy thereof to him, [or by leaving the same at his usual place of residence] on the day of , one thousand eight hundred and .

*Appropriation.***No. II.****APPROPRIATION.**

AN ORDINANCE to appropriate the Revenue for the Year
One thousand eight hundred and forty-nine and
One thousand eight hundred and fifty.

[23rd August, 1849.]

Preamble.

WHEREAS by an Ordinance enacted by the Governor-in-Chief of New Zealand, with the advice and consent of the Legislative Council thereof, (Session IX., No. 1,) intituled "*An Ordinance to provide for the establishment of Provincial Legislative Councils in the Colony of New Zealand,*" power is given to such Councils so to be established as aforesaid to appropriate the produce of all duties taxes tolls and assessment raised within the Province, subject to such deductions as are provided in that behalf by the said recited Ordinance: And whereas no such Council has yet been established for the Province of New Ulster, but it is necessary that provision be made for the appropriation of the provincial revenue:

BE IT THEREFORE ENACTED by the Governor-in-Chief of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

Certain sums to be applied to the service of the year 1849-50.

1. Out of such part of the general revenue as aforesaid there may be issued and applied in manner hereinafter mentioned any sum or sums of money not exceeding the several sums hereinafter specified, that is to say,—

For defraying the charge of the Government of the Province of New Ulster for the year one thousand eight hundred and forty-nine and one thousand eight hundred and fifty, the sum of twenty-six thousand one hundred and seventy-six pounds thirteen shillings and sixpence, as hereinafter particularly specified, that is to say,—

The Governor and Establishment	...	...	£860	0	0
Native Secretary's Department	...	...	477	15	0
Council	...	...	50	0	0
Colonial Secretary's Department	...	...	1,432	10	0
Colonial Treasurer's Department	...	...	895	0	0
Audit Department	...	...	475	0	0
Survey Department	...	...	1,362	0	0
Public Works	...	...	221	10	0
Road Department	...	...	1,753	5	0
Commissioner of Crown Lands	...	...	300	0	0
Post Office Department	...	...	466	0	0
Customs Department	...	...	1,920	10	0
Government Schooner	...	...	262	0	0
Harbour Department	...	...	874	5	0
Police Department	...	...	4,266	6	0
Medical Department	...	...	1,296	7	6
Judicial Department	...	...	1,380	0	0
Law Officer	...	...	680	0	0
Registrar of Deeds	...	...	270	0	0
Resident Magistrates' Department	...	...	1,165	0	0
Sheriffs' Department	...	...	842	5	0
Coroners' Department	...	...	30	0	0
Colonial Chaplain	...	...	200	0	0
Miscellaneous	...	...	4,697	0	0

Amounting in the whole to the sum of

£26,176 13 6

2. And

Pensions.

2. And be it enacted, That the Colonial Treasurer of New Ulster shall issue and pay from time to time any sum or sums of money for the purposes hereinbefore mentioned, not exceeding in the whole the sums respectively specified, to such persons and in such portions as the Governor or other the Officer Administering the Government of the Province for the time being shall by any order or orders in writing signed by him from time to time direct, and such Treasurer shall in his accounts be allowed credit for all sums paid by him in pursuance of such orders, and the receipts of the persons to whom such sums shall have been so paid shall be to him a full discharge for the sum or sums for which such receipt shall have been given, and the amounts thereof shall be passed to his credit in account accordingly: Provided also and it is hereby further enacted that such appropriation of the said provincial revenue as is hereinbefore provided for the year one thousand eight hundred and forty-nine, shall be also deemed and taken to apply to the appropriation of such revenue for the year one thousand eight hundred and fifty, unless any such Provincial Council shall in the meantime be established and shall otherwise provide for the appropriation of such revenue for such last-mentioned year as aforesaid.

Treasurer to pay moneys on order of Governor.

No. III.

AN ORDINANCE to authorize the Payment of Pensions to certain Persons in consideration of the Injuries received by them while acting with or in aid of Her Majesty's Forces. [24th August, 1849.]

PENSIONS.

WHEREAS several members of the Volunteer Corps and others were disabled or otherwise severely wounded while acting with or in aid of Her Majesty's Forces in the suppression of the late rebellion in the northern part of this Province, and it is fitting that provision be made for or towards the support and maintenance of such persons as were seriously injured while so acting as aforesaid:

Preamble.

BE IT THEREFORE ENACTED by the Governor-in-Chief of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

1. Every such person who may have been so wounded as aforesaid and who may be desirous of availing himself of the provisions of this Ordinance shall, on or before the first day of January, one thousand eight hundred and fifty-one, make application for that purpose in writing to the Colonial Secretary, setting forth the nature and extent of his wounds, and the circumstances under which he may have received the same.

Application for pensions how to be made.

2. Every such application shall be submitted to the consideration of the Executive Council of the Province, who are hereby authorized and empowered to appoint a Board of Medical Examiners to report on the nature and extent of the injuries alleged to have been received by the person making such application as aforesaid.

To be submitted to Executive Council.

3. In every case in which it shall be proved to the satisfaction of the said Executive Council that the person making such application is entitled to the benefit of this Ordinance, it shall be lawful for the said Council to recommend such pension or other allowance to be made to him as (regard being had to the circumstances of the case) to them shall seem meet: Provided always that the amount of the pension or allowance

Who may recommend pensions to be granted.

Crown Titles.

allowance so recommended as aforesaid shall in no case exceed double the pension in like case awarded to persons of corresponding rank in Her Majesty's regular Forces, as set forth in the scale in that behalf provided by Royal Warrant bearing date the twenty-fourth day of May, one thousand eight hundred and forty-seven.

If recommendation be confirmed by Governor, pension to be granted.

4. Upon the confirmation of any such recommendation as aforesaid by the Governor or other the Officer Administering the Government of the Province for the time being, duly notified in the Government *Gazette*, the person in whose favour such recommendation shall have been made shall be entitled to receive the pension or other allowance so to be awarded to him as aforesaid.

Chargeable upon general revenue of Province.

5. All such pensions or allowances shall issue and be payable out of the general revenue of the Province, and shall be paid monthly, viz., on the first day of every month in every year, and the acquittance or receipt of the person to whom such pension or other allowance shall be so awarded shall alone be a sufficient discharge for the payment of the same: Provided always that it shall be lawful for the Governor in Council at any time to stop the payment of any such pension for such and the same causes as pensions held by persons having served in Her Majesty's regular Forces are liable to be forfeited.

No. IV.

CROWN TITLES.

AN ORDINANCE for Quieting Titles to Land in the Province of New Ulster. [25th August, 1849.]

Preamble.

WHEREAS since the Proclamation of Her Majesty's sovereignty in and over the Islands of New Zealand various Laws Ordinances Royal Letters Patent and Instructions have from time to time been in force relating to the disposal by the Crown of lands within the Colony, prescribing the terms and conditions on which such lands should be alienated and disposed of, and limiting and appointing the power and authority of the Governor for the time being to make grants of the same in the name and on behalf of the Crown: And whereas during such period as aforesaid numerous grants of land within the Province of New Ulster have been made, in the name and on behalf of Her Majesty, by the Governor, Lieutenant-Governor, or other the Officer Administering the Government of the Colony or Province for the time being: And whereas in many cases doubts are entertained whether such Governor or other officer was duly authorized and empowered to make such grants in the name and on behalf of the Crown, and whether such grants were otherwise made in conformity with the regulations for the time being in force in that behalf: And whereas numerous grants of land claimed under the provisions of the Land Claims Ordinance (Session I., No. 2,) have also been made, wherein the land of which the grantee is recited to be entitled to a grant forms a part only of the whole quantity claimed to have been purchased by him from the aboriginal native owners, and is not particularly set forth and described in such grant, and it is doubtful in point of law whether by reason of such uncertainty any or what portion of land is validly conveyed by such grant: And whereas certain cases have already been submitted to the judgment of the Supreme Court, and it is essential

Crown Titles.

essential to the prosperity of the Colony that such doubts should in all cases be removed with the least possible delay: Now therefore, for the more speedy removal of such doubts, and for the effectual quieting of Crown titles:

BE IT ENACTED AND DECLARED by the Governor-in-Chief of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

1. Every grant of land within the Province of New Ulster, sealed with the Public Seal of the Colony or Province and made before the passing of this Ordinance, in the name and on the behalf of the Crown, by the Governor, Lieutenant-Governor, or other the Officer Administering the Government for the time being, shall be deemed and taken to be a good valid and effectual conveyance of the land purported to be conveyed by such grant, and of the estate or interest purported to be conveyed thereby, as against Her Majesty, her heirs and successors, and as if the same had been a valid grant of the demesne land by the Crown, and against all other persons whatsoever: Provided always that in case the land comprised in any such grant shall not be set forth and described by definite metes and bounds, the quantity of land deemed to be conveyed by such grant shall not exceed by more than one-sixth part thereof the quantity of land to which the grantee shall be therein recited to be entitled.

Grants made before passing hereof declared to be valid.

2. Provided always and it is hereby further enacted, that if it shall be proved to the satisfaction of a Judge of the Supreme Court that the Native title to the land comprised in any such grant made or purporting to be made on the report of a Commissioner appointed to hear examine and report upon claims to land hath not been fully extinguished, it shall be lawful for any such Judge to award to the Native claimant or claimants proving title to the same, such sum or sums of money in satisfaction of the claim so to be substantiated as aforesaid as shall appear to such Judge to stand with equity and good conscience, and to direct the payment of the same to be made by instalments or otherwise and at such time or times and in such manner as to him may seem meet: Provided that proceedings before such Judge shall be commenced on or before the first day of January, one thousand eight hundred and fifty-three.

Compensation to be made in case Native title not fully extinguished.

3. All sums of money so to be awarded as aforesaid shall be paid by the Colonial Treasurer, on demand, to the person or persons in whose favour such award shall be made, and shall in the first instance be payable out of the general revenue of the Province of New Ulster.

Such compensation to be payable out of general revenue of Province.

4. Every sum of money so paid shall be chargeable and charged upon the land in respect of which the same shall have been awarded, and in default of payment thereof, together with interest thereon after the rate of five per cent. per annum, to the Colonial Treasurer, by the grantee, his heirs or assigns, within three years after such sum shall have been so awarded, it shall be lawful at any time thereafter for a Judge of the Supreme Court, on motion to be made in that behalf, to make order for the sale of the whole or any part of the land by public auction or private contract, and subject to such conditions as to him may seem meet, and to direct a conveyance to be made of the same to the purchaser or purchasers thereof by such officer of the Supreme Court or other person as such Judge may for that purpose direct or appoint; and every conveyance so to be made as aforesaid shall be deemed to confer a good and valid title to the land conveyed therein upon the purchaser thereof free from all incumbrances whatsoever. It shall also be lawful for such Judge to order out of the money to arise from any such sale as aforesaid in the first place the payment of any expenses attending such sale, and secondly to cause the repayment to

Compensation to be charged on the land and repaid to the Colonial Treasury.

Crown Titles.

the Colonial Treasurer of the principal money and interest which shall have been advanced in respect of such land, together with any costs or expenses occasioned by the nonpayment thereof; the surplus if any shall be paid to the grantee or such other person as shall be found by such Judge to be entitled thereto.

Operation of certain grants declared to confer a right of selection.

5. And be it further enacted that, until it shall be amended as hereinafter provided, every such grant as aforesaid which shall recite that the grantee is entitled to receive a grant of a specified quantity of land, but which shall not set forth and describe the particular piece or parcel of land intended to be thereby conveyed, or in which such particular piece or parcel of land is not set forth or described by definite metes and bounds, or is otherwise insufficiently described, shall be deemed and taken to vest in and confer upon the said grantee, his heirs and assigns, the right of selecting out of the whole of the land included within the boundaries named in the grant the quantity of land to which he may be so recited to be entitled: Provided always that such right of selection shall be exercised before the first day of July, one thousand eight hundred and fifty-one, and that the particular portion of land so to be selected shall be in one block, to be as near as conveniently may be a rectangular figure, the breadth of which shall not be more than half its length: Provided that in case two or more such grants shall contain the same description of the land comprised therein it shall be lawful for the Governor, or other the Officer Administering the Government of the Province for the time being, to convey to such grantees respectively such particular piece or parcel of land comprised within the boundaries set forth in such grant not exceeding the quantity to which such grantees respectively shall be recited to be entitled as may be reported to be just and reasonable by a Commissioner to be appointed by the Governor in that behalf.

Right of selection how to be exercised.

6. Such right of selection as aforesaid shall be deemed to have been exercised by every such grantee, his heirs and assigns, so soon as he or they shall have furnished to the Surveyor-General a description in writing particularly setting forth the boundaries of the land to be selected under the authority hereof, together with a map or plan of the same, which shall have been executed by a Surveyor licensed by the Surveyor-General.

Map and description of boundaries to be indorsed on grant.

7. It shall be the duty of the Surveyor-General and he is hereby required to ascertain that the land so chosen forms part of the land purported to have been conveyed by the said grant, and also to cause such reservations to be made as may be required for roads and landing-places, and if he shall be satisfied that the land so chosen is of the figure hereinbefore prescribed in that behalf, and of the sufficiency of such map or plan and description, to cause a copy of the same showing such reservations as aforesaid to be indorsed upon the deed of grant relating thereto, and to certify such description by subscribing his name to the same.

Grant to be valid when indorsement shall have been signed by Colonial Secretary.

8. It shall be lawful for the Colonial Secretary of the Province for the time being and he is hereby required to countersign such description; and every deed of grant so countersigned as aforesaid, shall be deemed and taken to be a good valid and effectual conveyance of the land so described thereupon to the grantee named therein as against Her Majesty, her heirs and successors, and all other persons whatsoever. And the legal estate in such land shall be deemed to have been vested in such grantee at the date of the grant upon which such description shall have been so indorsed as aforesaid.

In certain cases land may be taken in exchange.

9. Provided always and it is hereby further enacted that in case the person or persons entitled to such right of selection shall meet with any serious obstruction in the exercise of the same from any Native

Crown Titles.

Native claimant, it shall be lawful for the Governor, or other the Officer Administering the Government of the Province for the time being, on being satisfied that it would be expedient so to do, to grant to the persons entitled to such right of selection other land within the Province of equal value (not being town land) which may have been offered for sale by public auction and which may have been selected by such person as aforesaid: Provided that the provision last hereinbefore contained shall not come into operation to enable such Governor or other officer to grant such other land in exchange for a greater quantity of land in any case than the Commissioner who actually heard examined and reported on the claim shall have reported the claimant to be entitled to, until this Ordinance shall have received the Royal confirmation, and until such confirmation shall have been notified in the *Government Gazette*.

10. In every such case as aforesaid the value of the land so given up by such person shall be determined by two Appraisers, one to be appointed by such Governor or other officer and the other by the person entitled to such right of selection; and the value of the land hereby authorized to be given in exchange shall be ascertained and determined by the upset price at which it may last have been offered for sale by public auction as aforesaid.

Value how ascertained.

11. And be it further enacted that if such selection as aforesaid be not made by the grantee, his heirs, appointees, or assigns, before the said first day of July, one thousand eight hundred and fifty-one, it shall be lawful for the Governor or other the Officer Administering the Government of the Province for the time being, in the case of deeds of grant wherein the land of which the grantee is recited to be entitled to a grant forms a part only of the whole quantity claimed, and is not set forth or described by definite metes or bounds, to cause the particular piece or parcel of land not exceeding the quantity to which such grantee shall be recited to be entitled to, to be determined by such Commissioner as aforesaid, and to make a grant thereof to the grantee named in such grant as aforesaid, his heirs or assigns, on payment into the Colonial Treasury by such grantee, his heirs or assigns, of the costs charges and expenses incurred by the Commissioner in the discharge of such duty as aforesaid, and in causing the necessary surveys to be made of the land to be comprised in any such grant; and the legal estate in such land, unless it be otherwise provided in such last-mentioned deed of grant, shall be deemed to have been vested in such grantee at the date of such first-mentioned grant as aforesaid: Provided always that in case such payment shall not be made within twelve calendar months after it shall have been notified in the *Government Gazette* that such grant as aforesaid is ready for delivery, the land comprised therein shall thereupon become and be deemed and taken to be to all intents and purposes demesne lands of the Crown.

Selection if not made by claimant to be made by a Commissioner.

12. And whereas in certain of the said Crown Grants an exception is made from the land comprised therein of "sacred places," or land claimed by a certain Native or Natives therein mentioned, but the particular piece or parcel of land so excepted is not particularly set forth and described: Be it enacted that it shall be lawful for the Governor, or other the Officer Administering the Government of the Province for the time being, to ascertain, by means of an inquiry to be made in that behalf by a Commissioner to be appointed for that purpose, the particular piece or parcel of land so excepted as aforesaid, and at the request of the grantee named in any such grant, his heirs appointees or assigns, to cause a description of such piece or parcel of land to be indorsed upon such grant; and every such description shall be deemed and taken to define the land so excepted from such grant as aforesaid.

Reservations to be defined.

ANNO DECIMO QUINTO
VICTORIÆ REGINÆ.

SESSION XI. No. I.

DEBTORS WRIT OF
ARREST.

AN ORDINANCE to provide for the Arrest of Debtors
Escaping from the Islands of New Zealand.

[20th June, 1851.]

Preamble.

WHEREAS debtors cannot be restrained from leaving the Islands of New Zealand except by a writ of arrest issued under the order of a Judge of the Supreme Court: And whereas it may often happen that immediate access cannot be had to a Judge of the Supreme Court for the purpose of obtaining such order:

BE IT THEREFORE ENACTED by the Governor-in-Chief of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

Arrest of debtors
escaping from the
Colony.

1. That it shall be lawful in any settlement where there is a Registrar of the Supreme Court, in the absence from the settlement of a Judge of the Supreme Court, for such Registrar of the Supreme Court, and in every settlement where there is no Registrar of the Supreme Court, for a Resident Magistrate, to issue a warrant under his hand for the apprehension of any person so intending to leave the Islands of New Zealand, who shall thereupon give security, to the satisfaction of the said Registrar of the Supreme Court, or Resident Magistrate, as the case may be, to abide the result of an application to be made to a Judge of the Supreme Court for such writ of arrest as aforesaid, or in default thereof shall be kept in custody until the result of such application shall be known: Provided that no such warrant as aforesaid shall be issued except upon such affidavit as may be required in like cases by the rules of the Supreme Court for the time being.

Period of detention
not to exceed three
months.

2. No person apprehended as aforesaid shall be detained in custody by virtue of any such warrant for any period exceeding three calendar months. And it shall be lawful for the Registrar of the Supreme Court, or for the Resident Magistrate, as the case may be, at any time within such period to require proof to be made, on affidavit, that due diligence has been used to obtain such writ of arrest as aforesaid, and in default of proof the Registrar of the Supreme Court or the Resident Magistrate, as the case may be, shall discharge the person so detained as aforesaid or cancel his securities, as the case may be.

Commencement of
Ordinance.

3. This Ordinance shall come into operation on the first day of July, one thousand eight hundred and fifty-one.

Land Fund Appropriation.

No. II.

AN ORDINANCE to authorize the Governor to apply a portion of the Land Fund arising within a Municipal District at the instance of the Corporation thereof. [24th June, 1851.]

LAND FUND APPROPRIATION.

WHEREAS by certain "Additional Instructions" under the Royal Signet and Sign Manual, bearing date the twelfth day of August, one thousand eight hundred and fifty, after reciting amongst other things that certain parts of the Islands of New Zealand had been or might thereafter be divided into hundreds, and that it might be expedient that part of the proceeds arising from the sale of Crown lands within the said hundreds should be applied in such manner as might be specified by the Wardens or other proper authorities thereof, Her Majesty did declare that it should be competent for the Governor or Officer Administering the Government of the said Islands to authorize the application of any proportion not exceeding one-third of the gross proceeds of the sales of Crown lands effected within the limits of any such hundreds towards such purposes as should be signified to him by the Wardens of such hundred, or by such other authorities thereof as should be designated for that purpose by any Ordinance to be passed by the Legislature of the said Islands, subject nevertheless to such restrictions and regulations as should be imposed by such Ordinance: And whereas it may be expedient that, when any such hundred or a part thereof shall fall within the limits of a municipal district, the whole or a part of such one-third of the gross proceeds of the sales of Crown lands to be effected within the limits of any such last-mentioned hundred should be applied towards such purposes as may be signified to such Governor by the Corporation of such municipal district: Now therefore, in pursuance of such authority as aforesaid, be it enacted by the Governor-in-Chief of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

Preamble reciting Royal Instructions of 12th August, 1850.

1. In case any such hundred or any part of such hundred shall fall within the limits of any such municipal district as aforesaid, it shall be lawful for His Excellency the Governor at his discretion to authorize the application of the whole or a part of such one-third as aforesaid of the gross proceeds of the sale of Crown lands which may be effected during the then current year within the limits of such hundred or part of such hundred, as the case may be, towards such purposes as shall be signified to him by or on behalf of the Corporation of such municipal district: Provided always that not less than one-half of the sum so authorized to be applied as aforesaid be expended by such Corporation within the limits of the hundred within which such sum shall have arisen.

Power of Governor to authorize application of a portion of land fund at the instance of Corporation.

2. For the purposes of this Ordinance the word "Governor" shall be taken to include the "Lieutenant-Governor" or the Officer Administering the Government of the Province for the time being.

Interpretation.

Interpretation.

No. III.

INTERPRETATION.

AN ORDINANCE to provide for the Interpretation of Ordinances, and for the shortening of the language used therein. [2nd July, 1851.]

Preamble.

BE IT DECLARED AND ENACTED by the Governor-in-Chief of New Zealand, with the advice and consent of the Legislative Council thereof, and by the authority of the same, as follows:—

Every Ordinance passed henceforward may be altered &c. in the same Session.

1. That every Ordinance to be passed after the commencement of this Ordinance may be altered amended or repealed in the same Session of the Legislative Council, any law or usage to the contrary notwithstanding.

All Ordinances to be divided into sections.

2. That all Ordinances shall be divided into sections if there be more enactments than one, which sections shall be deemed to be substantive enactments without any introductory words.

Language of Ordinances how construed

3. That the language of every Ordinance shall be construed according to its plain import, and where it is doubtful, according to the purpose thereof.

When the doing of any act is prohibited, prohibition to extend to the causing such act to be done.

4. That wherever the doing of any act is prohibited by any Ordinance, the prohibition shall be taken to extend to the causing such act to be done, unless there be something in the subject, or the words of the Ordinance repugnant thereto.

Meaning of certain words.

5. That in all Ordinances words importing the masculine gender shall be deemed and taken to include females, and the singular to include the plural and the plural the singular, unless the contrary as to gender or number is expressly provided; and the word "Month" to mean calendar month unless words be added showing lunar month to be intended, and the word "Land" shall include messuages tenements and hereditaments houses and buildings of any tenure, unless where there are words to exclude houses and buildings or to restrict the meaning to tenements of some particular tenure; and the words "Oath" "Swear" and "Affidavit" shall include affirmation declaration affirming and declaring in the case of persons by law allowed to declare or affirm instead of swearing.

The words Governor-in-Chief, Lieutenant-Governor, &c., whom to include.

6. That in all Ordinances that may have been heretofore passed, as well as in all Ordinances that may hereafter be passed, the word "Governor-in-Chief" shall include the person administering the Government of the New Zealand Islands for the time being; and the word "Lieutenant-Governor" shall include the person administering the Government of the Province for the time being; and the words "Governor and Executive Council" shall include the Officer Administering the Government and the Executive Council of any Province; and whenever words designating any public officer may have been or shall be used, such words shall include the public officer so designated in any Province, unless a clear intention to the contrary shall be expressed in any such Ordinances as aforesaid.

That where an Ordinance repealing in whole or in part a former Ordinance is itself repealed, such last repeal not to revive Ordinance before repealed.

7. That where any Ordinance repealing in whole or in part any former Ordinance is itself repealed, such last repeal shall not revive the Ordinance or provisions before repealed, unless words be added reviving such Ordinance or provisions.

An Ordinance repealing in whole or in part a former Ordinance, and substituting some provision instead of the provision repealed, such provision so repealed to remain in force until the substituted provision shall come into operation.

8. That whenever any Ordinance shall be made repealing in whole or in part any former Ordinance, and substituting some provision or provisions instead of the provision or provisions repealed, such provision or provisions so repealed shall remain in force until the substituted provision or provisions shall come into operation by force of the last made Ordinance.

9. That

Municipal Elective Franchise.

9. That every Ordinance made after the commencement of this Ordinance shall be deemed and taken to be a Public Ordinance, and shall be judicially taken notice of as such, unless the contrary be expressly provided and declared by such Ordinance.

Every Ordinance hereafter made to be judicially noticed as a public one, unless declared therein to the contrary.

10. That all Proclamations made or to be made by the Governor-in-Chief, or Lieutenant-Governor, under the authority and in pursuance of any Ordinance, shall be deemed to be part of such Ordinance, and shall be read therewith, and shall be taken judicial notice of accordingly.

Proclamations made in pursuance of any Ordinance to be part of such Ordinance.

11. That this Ordinance shall come into operation from and after the day of the passing hereof.

Commencement of Ordinance.

No. IV.

AN ORDINANCE to alter and amend the Qualification required for the Burgesses of a Municipal District.

MUNICIPAL ELECTIVE FRANCHISE.

[2nd July, 1851.]

WHEREAS by certain "Instructions" made and approved as by law required, and bearing date the twenty-third day of December, in the tenth year of the reign of Her Majesty, the Governor-in-Chief of New Zealand was directed to divide certain parts of the said Islands into municipal districts, and to constitute within such districts Municipal Corporations, consisting of a Mayor, Court of Aldermen, and Common Council, and of Burgesses, possessing the qualification prescribed by the said "Instructions" in that behalf: And whereas it is provided by such "Instructions" that no person shall be deemed to be a burgess of any such municipal district who is not able to read and write in the English language: And whereas by an Act made and enacted in the Parliament holden in the eleventh year of the reign of Her Majesty, intituled "*An Act to suspend for five years the operation of certain parts of an Act of the tenth year of Her present Majesty for making further provision for the Government of the New Zealand Islands, and to make other provision in lieu thereof*," after reciting amongst other things that the qualification prescribed for the burgesses of any such municipal district should be subject to regulation as thereafter mentioned, it is enacted that it shall and may be lawful for the said Governor-in-Chief from time to time, by and with the advice and consent of the Legislative Council of New Zealand, by Ordinance to depart from the said "Instructions" in so far as the same relate to the nature and extent of the said qualification for burgesses in the said municipal districts or any of them, or in any particular case, as the said Governor-in-Chief, by and with the like advice and consent, may think proper, anything in the said therein first-mentioned Act Letters Patent or Instructions to the contrary notwithstanding: And whereas it is expedient that the ability to read and write in the English language shall not be necessary to qualify any person to be a burgess of any such municipal district:

Preamble reciting Royal Instructions.

And 11 Vict. c. 5.

BE IT THEREFORE ENACTED by the Governor-in-Chief of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

1. Every person who may otherwise be duly qualified, as prescribed by the said "Instructions," shall be deemed and taken to be a burgess of any such municipal district although he may not be able to read and write in the English language.

Ability to read and write in the English language dispensed with as a qualification for the burgesses of a municipal district.

Duties of Customs.

No. V.

DUTIES OF CUSTOMS. AN ORDINANCE to alter and amend the Duties of Customs. [3rd July, 1851.]

Preamble.

WHEREAS by an Ordinance enacted by the Lieutenant-Governor of New Zealand, with the advice and consent of the Legislative Council thereof, (Session VII., No. 14,) intituled "*An Ordinance to alter certain Duties of Customs,*" provision is made for imposing duties of Customs on goods wares and merchandise imported into and landed in the Colony of New Zealand: And whereas it is expedient that the scale of duties to be imposed on the importation of goods wares and merchandise be amended as follows:—

Repeal of Ordinance, Sess. VII., No. 14.

1. BE IT THEREFORE ENACTED by the Governor-in-Chief of New Zealand, with the advice and consent of the Legislative Council thereof, that the said recited Ordinance shall be and the same is hereby repealed.

New duties imposed.

2. In lieu of the said duties there shall be raised levied collected and paid unto Her Majesty, her heirs and successors, for the public uses of the Colony, upon goods wares and merchandise which shall be imported into the Colony of New Zealand and landed at any port or place therein, or cleared from any warehouse for home consumption after this Ordinance shall come into operation, the several duties of Customs as the same are respectively inserted described and set forth in figures in the table to this Ordinance annexed, denominated a Table of Duties of Customs.

Duties how to be levied and paid.

3. The duties hereby imposed shall be raised levied collected and paid in like manner as if the said duties had been imposed by the Ordinance, Session I. No. 3, to provide for the collection of duties of Customs imposed on goods imported into and for the general regulation of the revenue of Customs in the Colony of New Zealand and its dependencies; and subject also to all such provisions and regulations as may for the time being be in force under or by virtue of any Colonial Ordinance for the collection of and for the general regulation of the revenue of Customs in the Colony of New Zealand.

Commencement of Ordinance.

4. This Ordinance shall come into operation at the Port of Wellington on the day next following the passing thereof; and at every other port of entry within the Colony on the day next following the receipt of a copy hereof by the principal officer of Customs at any such port, who is hereby required, immediately upon the receipt hereof, to give public notice of the same; and at all other places throughout the Colony on the sixth day of August next.

TABLE OF DUTIES OF CUSTOMS.

A.	Duty. £ s. d.		Duty. £ s. d.
Agricultural Implements, not otherwise described, for every £100 value	10 0 0	Fowling Pieces, Pistols, Gunpowder, and Percussion Caps (importation prohibited except under license from the Government), for every £100 value	10 0 0
Ale, Porter, and Beer, of all sorts, in casks, per gallon	0 0 4	Arrowroot, per cwt.	0 3 6
Ditto, in bottle, per dozen of two gallons	0 1 0	Arsenic, for every £100 value	10 0 0
Alkali—		Artificial Flowers, for every £100 value	10 0 0
Pot and Pearl Ash, per cwt.	0 2 4		
Soda, per cwt.	0 2 4	B.	
Alum, for every £100 value	10 0 0	Bacon and Hams, per cwt.	0 2 0
Animals (living)	Free.	Baggage of Passengers	Free.
Apothecary Wares, not otherwise described, for every £100 value	10 0 0	Bags (empty)—	
Apparel, not otherwise described, for every £100 value	10 0 0	Gunny Bags, per dozen	0 0 6
Arms and Ammunition—		Corn Sacks, per dozen	0 1 0
Ordinance of Brass or Iron, Muskets,		Bark, for every £100 value	10 0 0
			Beef,

Duties of Customs.

	Duty.		
	£	s.	d.
Beef, salted, per tierce	0	6	0
Ditto, per barrel	0	4	0
Blankets (see Woollens).			
Blacking, for every £100 value ...	10	0	0
Blocks (for ships' rigging) and Dead Eyes	Free.		
Boats	Free.		
Books— Printed, not being Account Books ...	Free.		
Account Books, for every £100 value	10	0	0
Boots and Shoes— Boots (Wellington and other long), per dozen pair	0	8	0
Half Boots, per dozen pair	0	4	0
Shoes, and Women's Boots and Shoes, per dozen pair	0	3	0
Children's Boots and Shoes, per dozen pair	0	2	0
Bran and Pollard, per bushel	0	0	1
Brass Manufactures of all sorts, for every £100 value	10	0	0
Bread and Biscuit	Free.		
Bricks— Bath and Flanders, per 100	0	2	0
Fire and other, per 1,000	0	3	0
Bottles— Glass and Stone (empty), per dozen	0	0	1
Full	Free.		
Butter, per lb.	0	0	1
Bullion and Coin	Free.		
C.			
Cabinet and Upholstery Wares, for every £100 value	10	0	0
Cables	Free.		
Candles— Cocoa Nut, Palm, Spermaceti, Stear- ine, and Wax, per cwt.	0	14	0
Tallow, per cwt.	0	4	8
Canvas Duck, per bolt	0	3	0
Canes and Sticks, for every £100 value	10	0	0
Caps— Cloth, per dozen	0	2	0
Woollen, per dozen	0	0	8
Carpeting (see Woollens).			
Carraway Seeds, per lb.	0	0	1
Carriages— Carts and Waggons, for every £100 value	10	0	0
Carriage Wheels of all sorts, for every £100 value	10	0	0
Casks (see Wood).			
Cement, Roman, per barrel	0	2	6
Chalk, per ton	0	2	0
Charcoal, Animal and Vegetable, for every £100 value	10	0	0
Cheese, per cwt.	0	4	8
Chocolate and Cocoa, per lb.	0	0	1
Cyder and Perry, in bottle, per dozen of two gallons	0	1	3
Clocks and Watches, for every £100 value	10	0	0
Coals	Free.		
Coal-Pitch and Tar	Free.		
Coin and Bullion	Free.		
Confectionery, for every £100 value ...	10	0	0
Copper and Composition— Sheathing, Nails, and Bolts	Free.		
Wrought, of other sorts, per lb. ...	0	0	1
Cordage and Cables	Free.		
Coffee, per cwt.	0	4	8
Corks, for bottling, per gross	0	0	3
Corn, Grain, Meal, Flour, viz.— Barley, per bushel	0	0	4
Ditto, Hulled (see Scotch and Pearl Barley). Barley Meal	Free.		
Ditto Malt, per bushel	0	0	6
Beans, per bushel	0	0	8
Oats, per bushel	0	0	4
Ditto, Hulled (see Groats or Grits). Oatmeal	Free.		
Peas, per bushel	0	0	8
Ditto, Split, per bushel	0	1	3
Eye	Free.		

	Duty.		
	£	s.	d.
Corn, Grain, Meal, Flour—continued.			
Wheat	Free.		
Ditto, Flour	Free.		
Maize, per bushel	0	0	3
Cotton Manufactures— Calicoes and Cottons, white or plain, over 36 inches wide, per yard ...	0	0	0½
Ditto, 36 inches and under, per yard	0	0	0½
Ditto, printed, checked, stained, or died, wide, per yard	0	0	0½
Ditto, narrow, per yard	0	0	0½
Dimities, Gingham, Nankens, Dam- asks, Diaper, Quilting, per yard ...	0	0	1
Cotton Shawls and Handkerchiefs, for every £100 value	10	0	0
Muslins, Cambrics, Lawns, Laces, Gauzes, Crapes, Muslin Shawls, and Handkerchiefs, for every £100 value	10	0	0
Velvets, Ververets, Velvetens, and Cords, per yard	0	0	2
Fustians, Jeans, Jeanets, &c., per yard	0	0	1
Counterpanes, each	0	2	0
Bed Quilts, each	0	0	6
Lace and Patent Net, for every £100 value	10	0	0
Hosiery, viz., Stockings, per dozen pairs	0	1	0
Ditto of all other sorts, for every £100 value	10	0	0
Tapes and Small Wares, for every £100 value	10	0	0
Cotton, for stitching or sewing, per lb.	0	0	1½
Ditto, on Reels, per gross	0	1	0
Ditto, Twist and Yarn, for every £100 value	10	0	0
E.			
Earthen and China Ware, for every £100 value	10	0	0
Engravings, for every £100 value ...	10	0	0
F.			
Fish, Dried and Pickled, per cwt. ...	0	2	0
Fishing Tackle, including Nets, Lines, and Twines, for every £100 value ...	10	0	0
Fruit— Apples, Apricots, Peaches, Pears, &c., Fresh, per bushel	0	1	3
Ditto, Dried, per lb.	0	0	0½
Almonds, per lb.	0	0	0½
Ditto, Shelled, per lb.	0	0	1
Currants, Raisins, Dates, Nuts, Wal- nuts, Filberts, Figs, and Prunes, Dried, per lb.	0	0	1
Oranges, Limes, and Lemons, Fresh, per dozen	0	0	2
G.			
Glass, Crown and Sheet, per 100 feet ...	0	2	0
Glasses, Looking, and Mirrors, for every £100 value	10	0	0
Glue, per lb.	0	0	0½
Groats, or Grits, per cwt.	0	2	4
H.			
Haberdashery and Millinery, not other- wise described, for every £100 value	10	0	0
Hardware and Cutlery, not otherwise described, for every £100 value ...	10	0	0
Harrows	Free.		
Hats— Beaver, Castor, and Silk, per dozen ...	0	12	0
Chip or Willow, Felt, Leather, and Straw	0	1	6
Hay, per ton	0	8	0
Honey, per lb.	0	0	1
Hops, per lb.	0	0	1½
I. AND J.			
Iron— Bar, Bolt, Rod, Sheet, and Hoop, per ton	1	0	0
Nails, per cwt.	0	3	0
Anchors, Chains, and Chain Cables, for Ships	Free.		
Chain, per ton	2	0	0

Duties of Customs.

	Duty.		Duty.
	£ s. d.		£ s. d.
Iron—continued.		Pickles and Sauces—continued.	
Hollow Ware, per ton	2 0 0	In pint bottles, per dozen	0 0 9
Not otherwise described, for every		In half-pint and smaller bottles, per	
£100 value... ..	10 0 0	dozen	0 0 6
Jewellery, not otherwise described, for		Pitch	Free
every £100 value	10 0 0	Plants, Bulbs, Trees, and Seeds	Free
Juice of Lemons and Limes, per gallon	0 0 9	Ploughs	Free
Junk	Free.	Pork, salted, per barrel	0 5 0
		R.	
L.		Rice, per cwt	0 2 0
Lard, per lb.	0 0 0½	Resin, per barrel	0 2 0
Lead—			
Manufactured, per cwt.	0 2 0	S.	
Black, Red, and White, per cwt.	0 3 0	Saddlery and Harness, for every £100	
Leather—		value	10 0 0
Sole, per cwt.	0 7 0	Sago, per cwt.	0 3 6
Kip and Calf, per lb.	0 0 1½	Salt—	
Basils, per dozen	0 0 9	Coarse, per ton	0 6 0
Kangaroo, per dozen	0 3 0	Fine, per ton	0 10 0
All other sorts, for every £100 value	10 0 0	Saltpetre, per cwt.	0 3 6
Linen Manufactures—		Scotch and Pearl Barley, per cwt.	0 2 4
White or Plain, per yard	0 0 1	Silk Manufactures—	
Checked, Striped, Printed, Stained,		Silk and Satins, per yard	0 0 6
or Dyed, per yard... ..	0 0 1	Hosiery, viz., Stockings, per dozen	
Cambrics and Lawns, at per yard	0 0 2	pairs	0 5 0
Damask and Diaper, at per yard	0 0 1½	Ditto, not otherwise described, for	
Sail Cloth and Sails	Free.	every £100 value	10 0 0
Ticking, at per yard	0 0 0½	Stuffs, Ribbons, Lace, Fringe, Trim-	
Hosiery, viz., Stockings, per dozen		mings, &c., for every £100 value... ..	10 0 0
pairs	0 1 0	Sewing Silk, per lb.	0 1 0
Ditto, all other sorts, for every £100		Twist and Yarn, per lb.	0 1 6
value	10 0 0	Stockings of Silk and Cotton, per	
Tape and Small Wares, for every		dozen pairs	0 2 0
£100 value	10 0 0	Ditto of Silk and Linen, per dozen	
Thread, for Stitching or Sewing, per		pairs	0 2 0
lb.	0 0 2	Ditto of Silk and Worsted, per dozen	
Yarn, per lb.	0 0 1	pairs	0 2 0
Litharge of Lead, per cwt.	0 3 0	Velvet, per yard	0 1 6
		Slates (see Stones).	
M.		Ditto in frame, per dozen	0 0 9
Macaroni and Vermicelli, per lb.	0 0 2	Slops—	
Machines, Thrashing, Winnowing, and		Trowsers, Moleskin and Tweed, per	
Draining	Free.	pair	0 0 4
Machinery for Mills	Free.	Shirts, Blue and Red Serge, per dozen	0 4 0
Matches—		Ditto, Regatta and Cotton Striped,	
Lucifer or Congreve, per gross	0 0 8	per dozen	0 1 6
Vestas, per gross	0 1 6	Ditto, White, per dozen	0 2 0
Molasses, per cwt.	0 1 2	Soap—	
Musical Instruments, for every £100		Common, per cwt.	0 3 0
value	10 0 0	Fancy, per cwt.	0 6 0
Mustard, in bulk, per lb.	0 0 1	Spades and Shovels, per dozen	0 3 0
Ditto, in 1 lb. bottles, per dozen	0 1 6	Specimens illustrative of Natural His-	
Ditto, in ½ lb. bottles, per dozen	0 0 9	tory	Free
Mutton, Salted, per cwt.	0 2 0	Spices—	
		Cassia, Cinnamon, Cloves, Mace,	
O.		Pimento, and Nutmegs, per lb.	0 0 6
Oakum	Free	Ginger, per lb.	0 0 1
Oil Cloth, per square yard	0 0 3	Pepper, Red or Cayenne, per lb.	0 0 1
Oils—		Ditto, Black and White, per lb.	0 0 1
Cocoa Nut, Linseed, Rape Seed,		Spirits of Tar, per gallon	0 0 6
Hemp Seed, Neats' Foot, per gal.	0 0 4	Spirits of Turpentine, per gallon	0 0 6
Olive, Castor, and unenumerated		Spirits—	
Vegetable, per gallon	0 2 0	Brandy, Gin, Rum, and Whisky,	
Oil, Blubber, and Bone, the produce		not exceeding Hydrometer proof,	
of Fish or creatures living in the		and so in proportion for Spirits	
Sea	Free	of a greater strength	
Oil of Turpentine, per gallon	0 0 6	All Cordials, sweetened Spirits,	
		and Liqueurs, being rated as	
P.		proof Spirits, at the rate of for	
Paints, per cwt... ..	0 3 0	every gallon Imperial measure }	0 6 0
Painters' and Dyers' Colours and Ma-		Starch, per cwt.	0 4 8
terials, not otherwise described, for		Stationery, not otherwise described,	
every £100 value	10 0 0	for every £100 value	10 0 0
Paper—		Steel, per cwt.	0 4 8
Brown, Wrapping, or Blotting, per		Stone-Blue, per lb.	0 0 1
cwt.	0 4 0	Stones—	
Printing and Cartridge, per cwt.	0 7 0	Hearth, Flag, and Slab, per ton	0 5 0
Writing, per lb.	0 0 1½	Grindstones, per foot	0 0 3
Paper Hangings, per dozen yards	0 0 1	Slate, Ladies, per 1,000	0 10 0
Parchment and Vellum, per skin	0 0 2	Ditto, Countess and Duchesse, per 1,000	0 15 0
Perfumery of all sorts, for every £100		Sugar—	
value	10 0 0	Refined, Loaf, Crushed, and Candy,	
Perry (see Cider).		per cwt.	0 4 8
Pickles and Sauces—		Raw, per cwt.	0 2 4
In quart bottles, per dozen	0 1 6	Syrup, in bottles, per dozen.	0 1 6
		Tapioca,	

Provincial Councils.

	Duty.				Duty.		
	£	s.	d.		£	s.	d.
T.				Wood—continued.			
Tapioca, per cwt.	0	4	0	Cedar, per 100 feet	0	2	0
Tar			Free.	Casks (empty)			Free.
Tea, per lb.	0	0	2	Handspikes, Masts, Yards, Bowsprits, Oars, Treenails or Trunnels			Free.
Tin—				Shingles and Laths, per 1,000	0	1	0
Plates, per cwt.	0	3	0	Palings, per 1,000	0	10	0
Block, per lb.... ..	0	0	1	Wooden Ware, for every £100 value... ..	10	0	0
Ware, for every £100 value	10	0	0	Wool, Unmanufactured			Free.
Tobacco—				Woolen Manufactures—			
Cigars and Snuffs, per lb.	0	2	0	Cloths, Broad, per yard	0	1	3
Manufactured, per lb.	0	1	0	Kerseymere, per yard	0	0	8
Unmanufactured, per lb.	0	0	9	Baizes of all sorts, per yard	0	0	3
Stems	0	0	9	Pilot and Flushing, per yard	0	0	4
For Sheep Wash*			Free.	Flannel, per yard	0	0	1
Tobacco Pipes—				Tweeds, per yard	0	0	3
Common Clay, per gross	0	0	4	Blankets, per pair	0	2	0
Other Sorts, not described, for every £100 value	10	0	0	Blanketing, per yard	0	0	9
Tongues, per barrel	0	5	0	Carpets and Carpeting, per yard	0	0	3
Toys, for every £100 value	10	0	0	Rugs or Coverlets for Beds, each	0	0	4
Treacle (see Molasses).				Stuffs, Woollen or Worsted, for every £100 value... ..	10	0	0
Turpentine (see Oil or Spirits of).				Hosiery, viz., Stockings, per dozen pair... ..	0	1	0
Twine (except sewing Twine), per lb... ..	0	0	1	Ditto, all other sorts, for every £100 value	10	0	0
				Tapes and Small Wares, for every £100 value... ..	10	0	0
V.				Woollen or Worsted Yarn, per lb... ..	0	0	0½
Varnish, for every £100 value... ..	10	0	0	Woolpacks, each	0	0	6
Vinegar, per gallon	0	0	2				
				Z.			
W.				Zinc, per cwt.	0	3	6
Watches (see Clocks and Watches).				All Goods, Wares, and Merchandise not otherwise enumerated, for every £100 value	10	0	0
Wines, in cask, per gallon	0	1	6				
Ditto, bottled, per dozen of two gallons	0	5	0				
Wood—							
Board, Plank, and Scantling, per 100 feet	0	1	0				

No. VI.

AN ORDINANCE to provide for the establishment of Provincial Legislative Councils, and for the Election, &c., of Members to serve therein.

PROVINCIAL
COUNCILS.

[9th July, 1851.]

WHEREAS in pursuance of the provisions of an Act made and enacted in the Parliament holden in the ninth and tenth years of the reign of Her Majesty Queen Victoria, intituled "*An Act to make further provision for the Government of the New Zealand Islands,*" Her Majesty by certain Letters Patent under the Great Seal of the United Kingdom, bearing date on the twenty-third day of December, one thousand eight hundred and forty-six, did ordain and appoint that the said Islands of New Zealand should be divided into two separate Provinces, to be called respectively the "Province of New Ulster and the Province of New Munster:" And whereas by an Act made and enacted in the Parliament holden in the eleventh year of the reign of Her Majesty, intituled "*An Act to suspend for Five Years the operation of certain parts of an Act of the tenth year of Her present Majesty for making further provision for the Government of the New Zealand Islands, and to make other provisions in lieu thereof,*" it is amongst other things enacted, that it shall be lawful for the Governor-in-Chief of New Zealand, by and with the advice and consent

Preamble reciting
division of Colony
into Provinces.

And 11 Vict., c. 5.

* Subject to its being rendered unfit for human consumption, and to be only admitted free under such regulations and restrictions as may from time to time be made in that behalf by His Excellency the Governor.

Provincial Councils.

consent of the Legislative Council thereof, by Ordinance to constitute within and for any of the Provinces into which the Islands of New Zealand were then or might thereafter be divided, a Provincial Legislative Council to be appointed or elected, or appointed and elected in such manner by such person or persons as by such Ordinance shall be provided in that behalf, and that the Provincial Legislative Council or Councils so constituted shall have all such rights powers jurisdiction and authority as shall be granted in that behalf to the said Provincial Legislative Council or Councils or either of them by such Ordinance and none other: And whereas by an Ordinance enacted by the Governor-in-Chief of New Zealand, with the advice and consent of the Legislative Council thereof, (Session IX., No. 1,) intituled "*An Ordinance to provide for the establishment of Provincial Legislative Councils in the Colony of New Zealand,*" it is amongst other things enacted that for each of the Provinces into which the Islands of New Zealand then were or might thereafter be divided there shall be a Legislative Council of not less than nine Members, to consist of the Members of the Executive Council of the Province and of such other persons as the Governor or Lieutenant-Governor might summon and appoint to be Members of such Legislative Council: And whereas it is expedient that in the Province of New Ulster and in the Province of New Munster a portion of the Members of the said Council be elected by the inhabitants of the said Provinces respectively; and in any Province which may hereafter be constituted, that a portion of the Members of such Council should also be elected so soon as electoral districts can be defined therein for the purposes of such election, and other necessary provisions can conveniently be made in that behalf:

And Ordinance No. 1, Session IX.

Ordinance No. 1, Session IX., repealed.

NOW THEREFORE BE IT ENACTED by the Governor-in-Chief of New Zealand, with the advice and consent of the Legislative Council thereof, that the said recited Ordinance so far as relates to the Provinces of New Ulster and New Munster be repealed on the passing hereof, and, so far as relates to any new Province as aforesaid, that the said recited Ordinance shall be repealed at such time as the Governor-in-Chief by Proclamation in the New Zealand Government *Gazette* shall for that purpose direct and appoint.

I.—CONSTITUTION OF THE COUNCIL AND THE ELECTION ETC. OF MEMBERS.

A Legislative Council to be established in every Province.

1. For each of the Provinces into which the Islands of New Zealand now are or may hereafter be divided there shall be a Legislative Council, to consist of such number of Members—not less than nine—as the Governor-in-Chief shall by Proclamation in that behalf from time to time direct and appoint; and every such Legislative Council shall have such power and authority and be subject to such limitations and restrictions as are hereinafter provided.

One-third of the Members to be appointed and two-thirds to be elected.

2. One-third of the Members of every such Council shall be appointed by the Governor of the Province, and two-thirds of the Members of every such Council shall be elected by the inhabitants of the Province, as hereinafter provided.

Electoral districts and time place and mode of election.

3. It shall be lawful for the Governor-in-Chief, until provision be made by law in that behalf, by Proclamation to be published in the New Zealand Government *Gazette*, to constitute within every such Province convenient electoral districts, and to appoint and declare the number of Members to be elected for each such district, and to make provision for the registration and division of lists of all persons qualified to vote at the elections to be holden within such districts, and for the appointing of Returning Officers, and for the issuing executing and returning the necessary writs for such elections, and for taking the

Provincial Councils.

the poll thereat, and for determining the validity of all disputed returns, and otherwise for insuring the orderly effective and impartial conduct of such elections: Provided always that the mode of election be by open voting, and that the voting shall finally close at (four) of the clock in the afternoon of the day on which the election shall commence: And provided also that in determining the number and extent of such electoral districts, regard shall be had to the population and wealth of the same, and that in determining the number of Members to be elected for each district regard be had to the number of electors within the same, so that the number of Members to be assigned to any one district may bear to the whole number of the elective Members of the said Council, the same proportion as the number of electors within such district shall bear to the whole number of electors within the limits of the Province.

4. Every person within the Province who shall be legally qualified as an elector and duly registered as such shall be qualified to be elected a Member of the said Legislative Council: Provided always that it shall not be necessary that he reside or possess the qualification in the particular district for which he may be elected to serve as a Member. Qualification of Members.

5. The elective Members of every such Council shall be chosen by the votes of the inhabitants of the Province who may be qualified as hereinafter mentioned, that is to say,—Every man of the age of twenty-one years or (except as hereinafter mentioned) upwards, and having a freehold estate in possession situate within the district for which the vote is to be given of the clear value of fifty pounds above all charges and incumbrances, and of or to which he has been seized or entitled either at law or in equity for at least six calendar months next before the last registration of electors, or being a householder within such district occupying a tenement within the limits of a town (to be proclaimed as such by the Governor-in-Chief for the purposes of this Ordinance) of the clear annual value of ten pounds, or without the limits of a town of the clear annual value of five pounds, and having resided therein six calendar months next before such registration as aforesaid, or having a leasehold estate in possession situate within the district for which the vote is to be given of the value of ten pounds per annum held upon a lease which at the date of such registration shall have not less than three years to run, or having a leasehold estate situated and of the value as aforesaid of which at the date of such registration he shall have been in possession for three years or upwards previous to the date of such registration, shall, if duly registered, be entitled to vote at the election of a Member or Members for the district. Qualification of electors.

6. Provided always that no person shall be entitled to vote at any such election who is an alien, or who at any time theretofore shall have been attainted or convicted of any treason felony or infamous offence within any part of Her Majesty's dominions. Disqualification.

7. The non-elective Members of every such Council shall be appointed in manner hereinafter mentioned, that is to say,—It shall be lawful for the Governor of the Province, by Letters Patent under the Great Seal of the Province, from time to time to appoint such persons as he may think proper to be personally or by virtue of their office non-elective Members of any such Council: Provided always that no such appointment shall be made until the return of the writs for the election of the elective Members. Appointment of non-elective Members.

8. Every non-elective Member of any such Council shall hold his seat therein for two years from the day of his appointment, or until the Council shall be sooner dissolved. Duration of office.

Provincial Councils.

Resignation of
Councillors.

9. It shall be lawful for any Legislative Councillor—elective or non-elective—by writing under his hand addressed to the Governor of the Province, to resign his seat in the said Council, and upon such resignation the seat of such Legislative Councillor shall become vacant.

Seats in Council how
forfeited.

10. If any Legislative Councillor shall for two successive Sessions of the Legislature of the Province fail to give his attendance in the said Council, or shall become bankrupt, or take the benefit of any law relating to insolvent debtors, or become a public defaulter, or be attainted of treason, or be convicted of felony or any infamous offence, or shall become *non compos mentis*, his seat in such Council shall thereupon become vacant.

Councillor sitting
virtute officii, to
vacate his seat when
out of office.

11. If any person who shall have been designated as a non-elective Member of any such Council as the holder of a public office shall cease to hold such office his seat in the said Council shall thereupon become vacant.

Questions of vacancy
how to be decided.

12. Any question which shall arise respecting any vacancy in the said Council on occasion of any of the matters aforesaid shall be heard and determined by such Council, on such questions being referred to them for that purpose by the Governor of the Province, or by the Speaker of the said Council, and not otherwise.

Vacancies how to be
filled up.

13. Whenever it shall be established to the satisfaction of the Governor of the Province that the seat of any Legislative Councillor hath become vacant, such Governor shall forthwith issue a writ for the election of, or shall forthwith appoint a new Member (as the case may require) to serve in the place so vacated during the remainder of the term of the continuance of such Council and no longer.

New elections how to
be made.

14. Every such new appointment or election shall be made in manner hereinbefore provided.

Duration of Council.

15. Every such Legislative Council shall continue for the period of two years from the day of the return of the writs for choosing the same and no longer, subject nevertheless to be sooner prorogued or dissolved as hereinafter mentioned.

Council to meet at
least once a year.

16. There shall be a Session of every such Council once at least in every year, so that a greater period than twelve calendar months shall not intervene between the last sitting of the Council in one Session to the first sitting of the Council in the next Session.

First meeting of
Council.

17. The first writs for the election of Members of such Council for the Provinces of New Ulster and New Munster shall be issued at some period not later than twelve calendar months after the passing of this Ordinance; and the first writs for the election of Members of such Council for any such new Province as aforesaid shall be issued at some period not later than twelve calendar months after this Ordinance shall be proclaimed to come into operation within the same as hereinafter provided.

Time and place of
meeting.

18. It shall be lawful for the Governor of the Province for the time being, by Proclamation in the Government *Gazette*, to fix such place or places within the limits of the Province, and such times for holding the first and every other Session of the said Council as he may think fit, and from time to time in manner aforesaid to alter and vary the same as he may judge advisable and most consistent with general convenience.

Prorogation &c. of
Council.

19. It shall also be lawful for the Governor of the Province to prorogue the said Council from time to time, and by Proclamation or otherwise to dissolve the same whenever he shall deem it expedient so to do.

Expenses of Members.

20. Every Member of the said Council whose ordinary place of abode shall be more than ten miles from the place where any meeting of such

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such Council may be holden shall be entitled to receive, and there shall be paid over to him on the first day of each Session by the Clerk of the Council, the sum of fifty pounds for and towards defraying the travelling and other expenses incurred by such Member in attending the meeting of the Council, and all sums so paid shall be chargeable upon and payable out of the general revenue of the Province.

II.—JURISDICTION OF THE COUNCIL.

21. It shall be lawful for the Governor of the Province, with the advice and consent of the Legislative Council thereof, to make and ordain all such Laws and Ordinances as may be required for the peace order and good government of the Province, subject nevertheless to the exceptions limitations and restrictions hereinafter contained. General jurisdiction.

22. All Laws and Ordinances to be made by the said Council shall be subject to the confirmation or disallowance of the Governor-in-Chief on behalf of Her Majesty, in such manner and according to such regulations as Her Majesty shall from time to time prescribe in that behalf. Laws to be subject to disallowance of Her Majesty by the Governor-in-Chief.

23. In the making of such Laws and Ordinances the said Council shall conform to and observe all such instructions as Her Majesty shall from time to time make for their guidance therein. Council to conform to Her Majesty's instructions.

24. No such Law or Ordinance shall be repugnant to the law of England or to any Ordinance to be made and enacted by the Governor-in-Chief, with the advice and consent of the Legislative Council of New Zealand, or by any General Assembly thereof. Laws not to be repugnant to law of England.

25. All duties taxes rates tolls and assessments imposed and made payable by virtue of any Ordinance now in force, or which may hereafter be imposed or made payable by virtue of any Ordinance to be made by the Governor-in-Chief, with the advice and consent of the Legislative Council of New Zealand, or by any General Assembly of the Colony, shall be appropriated to such specific purposes as by any such Ordinance shall be prescribed in that behalf, and to no other save as hereinafter excepted. Appropriation of revenue.

26. The first application of any such duties taxes rates tolls and assessments shall be towards defraying all the expenses of the collecting receiving managing and auditing the same. Cost of collection.

27. Subject to such deduction as aforesaid, and to any charge which by any Law or Ordinance now in force may have been made on the general revenue of New Zealand, or of the Provinces into which the Colony may be divided, the proceeds of all such duties taxes rates tolls and assessments shall be paid over to the respective Treasurers of the said Provinces for the public uses thereof, and be subject to the appropriation of the respective Legislative Councils of the said Province respectively. Subject thereto, surplus to be appropriated by Council.

28. In the apportionment of any such ultimate surplus between the said Provinces, the part of the surplus to be assigned to each shall bear to the whole of such surplus the same proportion which the part of the gross proceeds raised and collected within such Province may have borne to the total amount of the gross proceeds of any such duty tax rate or assessment. Apportionment between the several Provinces.

29. It shall not be competent for the said Council to make or enact any Law or Ordinance for any of the purposes hereinafter mentioned, that is to say,— Subjects on which Council prohibited from Legislating.

- (1.) For the regulation of duties of Customs to be imposed on the importation or exportation of any goods at any port or place in the said Islands of New Zealand.
- (2.) For the establishment of a General Supreme Court, to be a Court of original Jurisdiction or of Appeal from any of the

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the Superior Courts of any such separate Province as aforesaid.

- (3.) For determining the extent of the jurisdiction or the course or manner of proceeding of such General Supreme Court or of the said Superior Courts.
- (4.) For regulating the current coin of the said Islands, or any part thereof, or the issue therein of any bills notes or other paper currency.
- (5.) For determining the weights and measures to be used in the said Islands or in any part thereof.
- (6.) For regulating the Post Offices within and the carriage of letters within the said Islands.
- (7.) For establishing laws relating to bankruptcy and insolvency.
- (8.) For the erection and maintenance of beacons and lighthouses on the coasts of the said Islands.
- (9.) For the imposition of any duty or other charges on shipping at any port or harbour within the same.
- (10.) For regulating marriages within the same, or any part thereof.
- (11.) For affecting Crown lands or lands belonging to the aboriginal native owners.
- (12.) For inflicting any disabilities or restrictions on persons of the Native race, to which persons of European birth or descent would not also be subjected.
- (13.) For inflicting the punishment of death or transportation for any crime or offence.
- (14.) For regulating the course of inheritance of real or personal property, or for affecting the law relating to wills.

Any Ordinance on any such subject to be void.

30. And any Ordinance or pretended Ordinance which may be made by the said Council for any of the purposes hereinbefore set forth, shall be absolutely null and void to all intents and purposes.

III.—PROCEEDINGS ETC. OF THE COUNCIL.

Speaker to be elected.

31. Every such Legislative Council shall, immediately on their first meeting and before proceeding to the despatch of any other business, elect one of their Members to be the Speaker thereof, which election being confirmed by the Governor of the Province shall be valid and effectual during the continuance of such Council, except in case of vacancy in the said office by death resignation or otherwise, in which case the election shall be repeated and confirmed as hereinbefore provided.

Speaker to preside.

32. The Speaker so to be elected as aforesaid shall preside at the meetings of the said Council, but in his absence some Member elected by the Council shall preside.

Majority of Council a quorum.

33. The said Council shall not be competent to the despatch of any business unless a majority of the whole number of Members be present.

Majority present to decide.

34. All questions which shall arise in the said Council shall be decided by the majority of votes of those Members of the Council who shall be present other than the Speaker or presiding Member, but in all cases wherein the votes shall be equal the Speaker or presiding Member shall have a casting vote.

Standing Rules to be made.

35. The said Council at their first meeting, and from time to time afterwards, as occasion may require, shall prepare and adopt such Standing Rules and Orders as may be best adapted for the orderly conduct of the business of such Council, which Rules and Orders shall

be

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be laid before the Governor of the Province, and shall then become binding and in force.

36. "Minutes" shall be kept of all the proceedings of the said Council by the Clerk thereof, and such Council shall not proceed to the despatch of business until the "Minutes" of the last meeting have been read over and confirmed or corrected as necessary. And minutes to be kept.

37. All laws to be enacted by the said Council shall be styled "Ordinances" enacted by the Governor (or the Lieutenant-Governor, as the case may be) of the Province of _____, with the advice and consent of the Legislative Council thereof. Laws to be styled "Ordinances."

38. Every such Ordinance shall take effect from a time to be therein for that purpose appointed. Ordinances when to take effect.

39. All Ordinances made for levying moneys and for imposing fines penalties or forfeitures shall grant or reserve the same to Her Majesty, her heirs and successors, for the public uses of the Province and the support of the Government thereof, in such manner as by such Ordinances may be directed; and no such money shall by any such Ordinances be made issuable save only by warrants to be granted in pursuance thereof by the Governor of the Province. Fines penalties &c. to be reserved to Her Majesty.

40. It shall be lawful for the Governor of the Province to transmit to the said Council for their consideration the draft of any such Law as it may appear to such Governor desirable to introduce, and any amendments which he shall desire to be made in any Bill presented to him for the assent of the Governor-in-Chief, and such proposed Law shall thereupon be considered by the Council in like manner as if the same were a Bill which had originated therein. And it shall be lawful for the Council to return any Bill to which the Governor shall have so made any amendments, with a message signifying to which of the amendments the Council agree, and those to which they disagree, and thereupon the Governor of the Province shall give or withhold his assent to, or reserve such Bill at his discretion as hereinafter provided. Governor may propose laws.

41. Every Ordinance which may have been passed by the said Council, and also every Law proposed by the Governor of the Province, which shall have been passed by the said Council, whether with or without amendments, shall be presented to the Governor of the Province for the assent of the Governor-in-Chief. Ordinances to be presented to Governor.

42. It shall be lawful for the Governor of the Province at his discretion to declare that he assents to such Bills on behalf of the Governor-in-Chief, or that he withholds the assent of the Governor-in-Chief, or that he reserves such Bill for the signification of the Governor-in-Chief's pleasure thereon: Provided that all Bills altering and affecting the divisions and extent of the several districts and towns which shall be represented in the said Council, or establishing new or other divisions of the same, or altering the number of the Members of the Council to be chosen by the said districts and towns respectively, or altering the number of the Members of such Council, shall in every such case be so reserved as aforesaid. Power to Governor to assent to, disallow, or reserve Ordinances.

43. Whenever any Ordinance which shall have been presented to the Governor of the Province for the assent of the Governor-in-Chief shall by such Governor have been assented to on behalf of the Governor-in-Chief, the Governor of the Province shall by the first convenient opportunity transmit to the Governor-in-Chief an authentic copy of such Ordinance so assented to. When assented to by Governor, to be sent to Governor-in-Chief.

44. It shall be lawful for the Governor-in-Chief, at any time within six calendar months after any such Ordinance shall have been received by him, by Proclamation in the *Government Gazette*, to declare his disallowance of such Ordinance, and such disallowance shall Power to Governor-in-Chief on behalf of Crown to disallow Ordinances.

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shall make void and annul the same from and after a day to be named in such Proclamation as aforesaid.

Reserved Ordinances.

45. The Ordinances which shall be reserved for the signification of the assent of the Governor-in-Chief thereon shall not have any force or authority within the Province, until the Governor of the Province shall signify, either by speech or message to the said Council or by Proclamation as aforesaid, that such Ordinances have been laid before the Governor-in-Chief and that the Governor-in-Chief has assented to the same.

Assent of Governor-in-Chief to be entered on Journal.

46. An entry shall be made in the Journals of the said Council of every such speech message or Proclamation as aforesaid, and a duplicate thereof, duly attested, shall be delivered to the Registrar of the Supreme Court, or other proper officer, to be kept among the records of the Province.

Assent to reserved Ordinances to be given within six months.

47. The Ordinance which shall be so reserved as aforesaid, shall not have any force or authority in the Province unless the assent of the Governor-in-Chief thereto shall have been so signified as aforesaid, within the space of six calendar months from the day on which such Bill shall have been presented to the Governor of the Province for the assent of the Governor-in-Chief as hereinbefore provided.

Also if to take effect from the time to be fixed by Governor-in-Chief.

48. If any such Ordinance shall be made to take effect from the time of the signification of the pleasure of the Governor-in-Chief therein, then unless such confirmation thereof shall have been signified within six calendar months next after the date thereof, every such Ordinance shall from and after the expiration of that time be considered as being disallowed.

Reserved Ordinances when deemed to be disallowed.

49. If any such Ordinance shall be reserved by the Governor of the Province for the signification of the pleasure of the Governor-in-Chief, as hereinbefore provided, then in like manner such Ordinance shall be considered to be disallowed, unless the confirmation thereof shall have been signified, as hereinbefore provided, within six calendar months next after the date of the same.

Effect of disallowance.

50. If any such Ordinance shall be or be deemed to be disallowed by the Governor-in-Chief, the said Ordinance shall cease to have any operation or effect either upon and from such lapse of time as aforesaid, or from a day to be named in the Proclamation signifying such disallowance, but no such disallowance shall have any retrospective operation, or shall render invalid or void any act done under the authority or in pursuance of any Ordinance before such signification of the disallowance thereof as aforesaid.

Construction of Ordinances to be passed by Provincial Councils.

51. In the construction of all such Ordinances so to be made as aforesaid the word "Governor" shall be taken to include the Lieutenant-Governor, or the Officer Administering the Government; and any word or words importing the singular number or the masculine gender only shall respectively be understood to include several persons matters and things as well as one person matter or thing, and females as well as males, unless there be something in the subject or context repugnant to such construction.

Construction of this Ordinance.

52. In the construction of this Ordinance the term "Governor-in-Chief" shall be deemed to include the person for the time being acting in that capacity, and the term "Governor" shall be deemed to include the Lieutenant-Governor or the Officer Administering the Government.

Commencement of Ordinance.

53. This Ordinance shall come into operation, so far as relates to the Provinces of New Ulster and New Munster, on the passing hereof, and so far as relates to any such new Province as aforesaid, at such time as the Governor-in-Chief, by Proclamation in the New Zealand Government *Gazette*, shall for that purpose direct and appoint.

Marriage Amendment.

No. VII.

AN ORDINANCE to amend an Ordinance for regulating
Marriages in the Islands of New Zealand.MARRIAGE
AMENDMENT.

[15th July, 1851.]

WHEREAS by an Ordinance enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, (Session VIII., No. 7,) intituled "*An Ordinance for regulating Marriages in the Colony of New Zealand*," it is amongst other things enacted that licenses to marry without publication of banns may be issued according to the Ecclesiastical Laws of the United Church of England and Ireland and the Roman Catholic Church, by the proper authorities according to such laws, for marriages to be celebrated agreeably to the form and usages of the said Churches, provided that no such license for marriage shall be issued in any case in which any person whose consent to any marriage would have been required shall not have previously given his or her consent: And whereas it is expedient that, subject to such provisions as aforesaid, licenses for marriages to be celebrated according to the forms and usages of the Wesleyan Methodist Society, of the Church of Scotland, and of the Free Church of Scotland respectively, without publication of banns, should be authorized to be granted in manner hereinafter mentioned:

Preamble.

BE IT THEREFORE ENACTED by the Governor-in-Chief of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

1. It shall be lawful for the Superintendent of Wesleyan Missions, for the Moderator of the Presbyteries of the Church of Scotland and of the Free Church of Scotland for the time being respectively, and for any Officiating Minister, to grant licenses for marriages without publication of banns, to be celebrated agreeably to the forms and usages of the Wesleyan Methodist Society, of the Church of Scotland, or of the Free Church of Scotland, or of the respective Religious Societies of which they may be Ministers.

Superintendent of Wesleyan Mission, and Moderator of the Presbyteries of the Church of Scotland and of the Free Church of Scotland, and Officiating Ministers authorized to grant licenses.

2. It shall be lawful for any such Superintendent or Moderator, if he shall deem it expedient so to do, by an instrument in writing under his hand and seal, to authorize one or more fit person or persons to grant such licenses as aforesaid.

Superintendent of Wesleyan Mission, and Moderator of the Presbyteries of the Church of Scotland and of the Free Church of Scotland, empowered to authorize others to grant licenses.

3. Provided always that in case there shall be no Moderator of the Presbytery of the Church of Scotland or of the Free Church of Scotland in the Islands of New Zealand, it shall be lawful for the Governor or other Officer Administering the Government of the Colony for the time being, by an instrument in writing under his hand and seal, to authorize one or more fit persons to grant licenses for marriages to be celebrated agreeably to the forms and usages of the Church of Scotland, or of the Free Church of Scotland, without publication of banns.

If there be no such Moderator, Governor may grant such authority.

4. Before any such license as aforesaid shall be granted, one of the parties intending marriage shall appear personally before the person authorized to grant the same, and shall make oath that he or she believeth that there is not any impediment of kindred or alliance or other lawful impediment to the said marriage; and where either of the parties not being a widow or widower shall be under the age of twenty-one years, that the consent of the person or persons whose consent to such marriage is required by the said recited Ordinance

Oath or declaration &c. to be made by party applying for license.

hath

Marriage Amendment.

hath been ordained thereto, or that there is no person having authority to give such consent, as the case may be.

Penalty for granting license without requiring such oath &c.

5. If any person authorized under and by virtue of the provisions of this Ordinance to grant licenses to marry without publication of banns, shall grant any such license without first taking from one of the parties intending marriage such oath affirmation or declaration as aforesaid, he shall forfeit and pay for every such offence the sum of one hundred pounds, to be recovered in a summary way.

Penalty for making false oath &c.

6. Every person who shall knowingly and wilfully make any false oath affirmation or declaration for the purpose of procuring any such license as aforesaid, shall be deemed to be guilty of a misdemeanour.

Marriage by license to be as valid as by banns.

7. Every marriage to be had and solemnized under the authority of any license so to be granted as aforesaid shall be as good valid and effectual to all intents and purposes as if such marriage had been had and solemnized after the due publication of banns, anything in the said recited Ordinance contained to the contrary notwithstanding.

II.—OFFICIATING MINISTERS.

Any Minister of a congregation of forty may require to be entered as an Officiating Minister.

8. And be it further enacted that any Minister of Religion who shall have been for a period of twelve calendar months in charge of a Christian congregation consisting of at least forty householders resident in the Province, may apply to the Registrar-General of Births Deaths and Marriages, and the Registrar-General, on production of certificates signed in duplicate by such forty householders at least, stating that the applicant has been for such period of twelve calendar months a Minister of Religion in charge of such congregation of which they are members, shall enter such applicant as an Officiating Minister within the meaning of the said recited Ordinance in a book to be kept for that purpose, and shall file and preserve one of such certificates among the records of his office, and shall give public notice thereof in the *Government Gazette*.

Power to Governor to cause a Minister to be entered as an Officiating Minister.

9. It shall be lawful for the Governor or other the Officer Administering the Government of the Colony for the time being, on the application of any Minister of Religion, accompanied by such proof as His Excellency may require, by an instrument under his hand, to direct such Registrar-General to enter such applicant as an Officiating Minister within the meaning of the aforesaid recited Ordinance. And it shall be the duty of every such Registrar-General, and he is hereby required, to make entry accordingly in the book to be kept by him as aforesaid, and also to file and preserve such instrument among the records of his office, and to give notice thereof in the *Government Gazette*.

Such entries may be cancelled.

10. If, subsequently to the entry of any such Officiating Minister as aforesaid, it shall be made to appear to the satisfaction of the Governor of the Colony for the time being that such person has ceased to be a Minister in charge of a Christian congregation consisting of forty resident householders, or, in the case of any such person as may have been entered under the direction of such Governor, that there are proper and sufficient reasons for disallowing such person to be entered as aforesaid for officiating in virtue of the said recited Ordinance, it shall be lawful for His Excellency, by an instrument under his hand, to direct the Registrar-General to cancel such entry, and the Registrar-General shall cancel such entry accordingly, and certify the same in the *Government Gazette*, and such person in either case shall thereupon cease to be or to be deemed an Officiating Minister within the meaning of the said recited Ordinance.

11. This

Census.

11. This Ordinance shall be construed with and shall be deemed and taken to all intents and purposes to form a part of the said recited Ordinance for regulating marriages within the Colony of New Zealand.

This Ordinance to be deemed to form part of the Marriage Ordinance.

No. VIII.

AN ORDINANCE for taking a Census of the Colony of New Zealand. [15th July, 1851.]

CENSUS.

WHEREAS it is expedient that authentic statistical information of the Colony of New Zealand be periodically obtained :

Preamble.

BE IT THEREFORE ENACTED by His Excellency the Governor-in-Chief of New Zealand, with the advice and consent of the Legislative Council thereof, as follows :—

1. That a Census of the number and condition of the population of the Islands of New Zealand shall be taken in the first fourth and seventh years of every decade of years, on the days and in the manner hereinafter declared.

Census to be taken at certain periods in each decade of years.

2. That the first decade shall be deemed to commence with the year of the passing hereof.

Commencement of first decade.

3. That the Governor-in-Chief shall appoint persons to collect the information required by this Ordinance, and may cause an allowance to be made to any such person at a rate not exceeding ten shillings per day.

Persons to be appointed to leave and collect Schedules &c. How to be remunerated.

4. That in each of the years hereinbefore particularized the Senior Resident Magistrate in every settlement in the said Islands, or, where there is no Resident Magistrate, some fit person to be appointed by His Excellency the Governor-in-Chief, shall, on or before the first day of March, cause notices to be affixed on the several Churches, Chapels, Court Houses, and Police Stations, and in such other conspicuous places as he shall deem proper, within such district as shall be to him assigned for that purpose by His Excellency the Governor-in-Chief, requiring every householder to be prepared, on the thirty-first day of March, or as soon thereafter as he may be called upon so to do by a Collector appointed as aforesaid, to give all such information as is required by the Schedule hereunto annexed.

Resident Magistrate to warn all householders to be ready with information by a certain day.

5. That the said Collectors shall, on or before the twenty-fifth day of March in each of the years hereinbefore particularized, leave at every house within the districts assigned to them respectively a Schedule, being a blank copy of the Schedule to this Ordinance annexed ; and every householder able to write shall, on the thirty-first day of March, furnish in writing the information required by the said Schedule, by filling up the same and subscribing his name at the foot thereof, and shall deliver the same when called for to one of the said Collectors.

Collectors to leave Schedules at every house.

Householder to fill up same.

6. That each Collector shall, as soon after the thirty-first day of March as practicable, call at every house in his district to collect the Schedules, and is hereby authorized to put such questions as may be indispensable to the complete filling up thereof, to any householder who, from inability to write, shall not have duly filled up the same, and the Collector shall thereupon fill it up himself with the information so supplied.

Collectors to call for Schedules and complete them in certain cases.

7. That every householder who shall wilfully refuse or without lawful excuse neglect to fill up the said Schedule to the best of his knowledge and belief, or to sign and deliver the same, or shall make

Penalties for not filling up Schedule or answering Collector's questions.

Naturalization.

sign or deliver, or cause to be made signed or delivered, any false return of any of the matters specified in the said Schedule, or who shall refuse to answer, or wilfully give a false answer to such questions as aforesaid, shall for every such refusal or wilfully false answer, forfeit a sum not exceeding five pounds nor less than twenty shillings.

Proviso with respect to the taking of the first Census.

8. Provided always that with respect to the present year the Census shall be taken on the first day of November, the notices given on or before the first day of October, the Schedules left on or before the twenty-fifth day of October, and filled up by the householder on the first day of November, and called for and filled up, when requisite, by the Collector, as soon after that day as practicable, all in manner aforesaid.

Commencement of Ordinance.

9. This Ordinance shall come into operation on the first day of August, one thousand eight hundred and fifty-one.

No. IX.

NATURALIZATION.

AN ORDINANCE for the Naturalization of certain Persons in the Islands of New Zealand.

[17th July, 1851.]

Preamble.

WHEREAS the persons particularly described in the Schedule to this Ordinance annexed have settled in this Colony: And it is expedient that there should be removed from them (within this Colony) the disabilities to which aliens are by law subjected:

BE IT THEREFORE ENACTED by the Governor-in-Chief of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

Persons named in the Schedule to be naturalized.

1. All and singular the persons who are particularly described in the Schedule hereunto annexed shall be to all intents and purposes whatsoever, within the Islands of New Zealand, deemed and taken to be and to have been from the dates set opposite to their names respectively, and in the absence of such dates from the date of the passing of this Ordinance, natural born subjects of Her Majesty, as if they had been respectively born within the realm of England.

Persons declared to come within operation of this Ordinance by Proclamation, to be deemed, until next Session of General Legislature, natural born subjects.

2. And whereas there are certain other persons resident in New Zealand whom it is expedient to relieve from the disabilities to which aliens are by law subject, but whose names and description have not been accurately ascertained: Be it enacted that all and singular the persons who shall be declared to come within the operation of this Ordinance by any Proclamation to be issued in that behalf by His Excellency the Governor-in-Chief, shall be deemed and taken, until the next Session of the General Legislature, within the Islands of New Zealand, to be natural born subjects of Her Majesty, as fully to all intents and purposes as if their names had respectively been inserted in the Schedule hereunto annexed.

Commencement of Ordinance.

3. This Ordinance shall come into operation from and after the passing hereof.

SCHEDULE.

Henry William Rotermund, Licensed Victualler, Wellington, 20th October, 1848.

Kauffman, Samuel, Merchant, Wellington, 1st January, 1840.

Jean Baptiste Francois Pompallier, Bishop of the Roman Catholic Church at Auckland, 8th October, 1850.

Henry

Crown Lands Amendment and Extension.

Henry Cort Schnackenberg, Catechist of the Wesleyan Mission, Mokau, 21st August, 1849.

Frederick Hannken, Auckland, 12th October, 1849.

Hans Jacobsen, Shipbuilder, Nelson, 26th January, 1851.

Anna Wilhelmina Jacobsen, Nelson, 26th January, 1851.

Johann S. M. Jacobsen, Nelson, 26th January, 1851.

Johann Andreas Jacobsen, Nelson, 26th January, 1851.

Johann Christian Jacob Jacobsen, Nelson, 26th January, 1851.

Johann Julius Heinrick Jacobsen, Nelson, 26th January, 1851.

John Gotty, Wanganui, 1st August, 1851.

Alfred Cooper, Auckland, 23rd November, 1850.

No. X.

AN ORDINANCE to amend "*The Crown Lands Ordinance*," (No. 1, Session X.,) and to extend the operation thereof to the Islands of New Zealand.

[28th July, 1851.]

CROWN LANDS
AMENDMENT AND
EXTENSION.

WHEREAS an Ordinance was enacted by the Governor-in-Chief of New Zealand, with the advice and consent of the Legislative Council thereof, (Session X., No. 1,) intituled "*An Ordinance to regulate the occupation of Waste Lands of the Crown in the Province of New Ulster*:" And whereas it is expedient that the said Ordinance be amended as follows, and that such Ordinance so amended be extended to the Islands of New Zealand, except as hereinafter provided:

Preamble, reciting
No. 1, Session X.

BE IT THEREFORE ENACTED by the Governor-in-Chief of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

1. So much of the said recited Ordinance, section 12, as requires a "Return" of cattle in his possession to be made by "any person depasturing cattle on any waste lands of the Crown not being within the limits of a hundred," shall be and the same is hereby repealed. And such "Return" shall, from and after the passing of this Ordinance, be made by "every holder of a depasturing license." And every such last-mentioned person shall do all such acts as by the said recited section of such Ordinance were required to be done by "any person depasturing cattle on any waste lands of the Crown." And in default thereof, or in case such person shall knowingly make any false statements in any such "Return," he shall be liable to such and the like penalties as are imposed in and by such section as aforesaid.

Section 12 of No. 1,
Session X., amended.

2. And whereas by the said recited Ordinance power is given to the persons to whom depasturing licenses within the limits of a hundred may have been issued to elect "three persons to be called Wardens:" And whereas it may in certain cases be desirable that a greater number of persons should be elected to act as such Wardens as aforesaid: Be it enacted that it shall be lawful for the persons to whom such licenses may have been issued, to elect as Wardens of any hundred such number of persons, not being less than three, as the Governor may from time to time by Proclamation in that behalf direct and appoint, who shall continue in office until the election of their successors, and shall have the regulation and apportionment of the right of pasturage within the hundred for the current year, or until some other regulation and apportionment thereof shall be lawfully made in that behalf.

Number of Wardens
may be increased,
who shall continue in
office until successors
are appointed, and
shall have regulation
of pasturage.

3. At

Crown Lands Amendment and Extension.

Who to preside at election of Wardens.

3. At every meeting to be held for the election of Wardens, a Commissioner of Crown Lands or such other person, being a Justice of the Peace, as the Governor or the Lieutenant-Governor shall in that behalf appoint, shall preside; and in case of an equality of votes at any such election, such Commissioner, or other person shall have a casting vote.

Impounding of cattle.

4. If any cattle shall be found unlawfully trespassing upon any lands or public roads within the limits of a hundred, whether such land shall be the property of the Crown or shall belong to any private person, and whether such land shall be fenced or not, it shall be lawful for any of the Wardens of such hundred, or for any person authorized by them, to impound the cattle so trespassing, in any public pound, to be dealt with according to law.

Operation of by-laws to be extended.

5. And whereas by the said recited Ordinance the Wardens of any hundred, or any two of them, are authorized to make by-laws for the purposes in the said Ordinance mentioned, and it is expedient that the operation of the by-laws so to be made should be extended as follows: Be it enacted that the by-laws to be hereafter made by the Wardens of any hundred, or by the majority of such Wardens, shall extend and be applicable not only to persons to whom such licenses as aforesaid may have been issued, but to persons to whom no such licenses shall have been issued, and to the lands of such last-mentioned persons being situated within the limits of the hundred.

Transfer of licenses.

6. It shall be lawful for the Wardens of any hundred, or the majority of them, to authorize the transfer of any such license as aforesaid, from the person to whom the same may have been issued to any other person being an occupant of land held under a grant from the Crown, and situated within the limits of the hundred in respect of which such license may have been originally issued.

Licenses may be issued for part of a year.

7. It shall also be lawful for such Wardens, or the majority of them, to issue such depasturing licenses as aforesaid, at any period of the year, for the remaining portion of the then current year.

Ordinance not to apply to limits of any hundred until certain portions of the same shall have been granted by the Crown, and Ordinance shall have been proclaimed to come into operation within such hundred.

8. And whereas it is expedient that the provisions of the said recited Ordinance should not come into operation within the limits of any hundred until a considerable portion of the land comprised therein shall have been granted by the Crown, and shall be in the actual occupation of the grantee or others deriving title therefrom: Be it therefore enacted that the said recited Ordinance shall not apply to or come into operation within any such hundred until, by Proclamation to be issued by the Governor of the Province, with the advice of the Executive Council thereof, it shall be proclaimed and declared so to be: Provided always that if more than one-fifth part of any licensed run shall be comprised within the limits of any such hundred, such portion of any such run shall not be deemed to form part of such hundred for any of the purposes of the said recited Ordinance until the expiration of twelve calendar months from the date of such Proclamation as aforesaid.

More than one-fifth part of a run comprised within limits of a hundred not to be deemed to form part of such hundred until expiration of twelve calendar months.

Power to holders of licenses in pastoral districts to elect Pastoral Wardens.

9. And whereas it may be expedient that the holders of depasturing licenses in the pastoral districts of New Zealand should be authorized to take measures for providing as far as may be for the preservation of cattle and sheep, and for the prevention and cure of disease in sheep to be depastured within any such district, and for the preservation of such sheep from destruction by dogs: Be it therefore enacted that it shall be lawful for the holders of such licenses within any district which may be proclaimed to come within the operation of this enactment, either in person or by proxy, to elect from among themselves by a majority of votes such number of persons, not less than

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than three, to be and to be called Pastoral Wardens, as the Governor shall in that behalf proclaim and direct.

10. The election of the said Pastoral Wardens shall take place at the time and shall be conducted in the manner prescribed by the said recited Ordinance for the election of the Wardens of hundreds.

Their election to be conducted in same manner as that of Wardens.

11. For the purpose of providing for the safety of cattle and sheep to be depastured within any such proclaimed district, it shall be lawful for the said Pastoral Wardens, or for the majority of them, from time to time, to make such by-laws as to them may seem meet, and by such by-laws to impose any fine not exceeding thirty pounds, to be recovered in a summary way, upon any person offending against the same: Provided always that no such by-law shall come into operation until it shall have received the assent of the Governor, and until the expiration of one calendar month after a copy of such by-law shall have been published in the *Government Gazette*.

Power to Pastoral Wardens to make by-laws for health and safety of flocks &c.

12. It shall also be lawful for the said Pastoral Wardens, or for the majority of them, to take or authorize to be taken such measures for the destruction of dogs found at large within any such district, as to such Pastoral Wardens may from time to time appear to be necessary for the safety of the flocks depastured therein.

And to cause dogs to be destroyed.

13. And be it further enacted that the said recited Ordinance, as amended hereby, and this present Ordinance, shall extend and apply to the Islands of New Zealand, save and except that portion of the said Islands described in a Schedule annexed to an Act passed in the Parliament holden in the thirteenth and fourteenth years of the reign of Her Majesty, intituled "*An Act empowering the Canterbury Association to Dispose of certain Lands in New Zealand*," until such portion of the said Islands shall be lawfully proclaimed by the Governor to come within the operation of this Ordinance.

No. 1, Session X. as amended, to extend to the whole Islands.

14. This Ordinance shall come into operation the first day of September, one thousand eight hundred and fifty-one.

Commencement of Ordinance.

RULES AND REGULATIONS FOR THE ISSUE OF PASTURE AND TIMBER LICENSES FOR THE OCCUPATION OF WASTE LANDS OF THE CROWN OUTSIDE HUNDREDS.

ISSUE OF DEPASTURING LICENSES OUTSIDE THE BOUNDARIES OF PROCLAIMED HUNDREDS.

1. All persons requiring licenses for runs on unoccupied portions of the Crown lands, or for portions of the same which they now occupy, shall lodge a description of such run (as near as may be in the form of Schedule B hereunto annexed) with the Commissioner of Crown Lands for the district in which such run is situated.

2. If no objection exist to the applicant being allowed to occupy such run, the Commissioner will thereupon publicly notify that it has been claimed as a run, and he will at the same time publish (in the *Government Gazette* or in a local newspaper), whenever he has the means of so doing, the name of the person claiming the run and the description of it.

3. No person shall be allowed to dispute the claim of another person to any run described according to these Regulations, unless he shall do so within three months subsequently to the date of the publication above alluded to.

4. From the date of the expiration of the above-named period of three months, the applicant will be required to pay rent for the run at the rate and in the manner after mentioned; and he will be re-

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quired to distinguish, by marked trees or posts, or in such manner as shall be satisfactory to the Commissioner, such boundaries of the run as are not distinctly defined by streams or natural boundaries.

5. Any person who shall have a run or any considerable part thereof unoccupied by the requisite amount of stock for a period of six months after he shall have claimed the same, shall be liable to be regarded as having abandoned such run or part thereof; and if the Commissioner of Crown Lands shall find it necessary publicly to notify that such run or part thereof has been so abandoned, it shall thereupon be given into the occupation of the first applicant for it.

6. In estimating the sufficiency of stock for any run applied for, the Commissioner shall not allow for natural increase in any proportions with respect to the amounts of stock on the run greater than those set forth in the following scale:—

For any number of sheep up to 500, inclusive, run to be granted for any number not exceeding	5,000 sheep.
For every additional 100 between 500 and 1,000 for	500 additional sheep.
For every additional 100 between 1,000 and 3,000 for	400 additional sheep.
For every additional 100 between 3,000 and 5,000 for	200 additional sheep.
For every additional 100 between 5,000 and 10,000 for	100 additional sheep.

And in no case shall a run be granted capable of containing more than 25,000 sheep. In estimating runs for great cattle, one head of such cattle shall be rated as six sheep.

7. In case of any questions arising as to attempts to evade the foregoing Regulation, or to obtain unduly the benefits thereof, the Commissioner shall have full power to decide such questions in such manner as may most effectually carry out the true spirit and meaning of such Regulation.

8. So soon after the time at which rent for a run may have become payable under these Regulations as the occupant may in the opinion of the Commissioner have sufficiently stocked the same, he will be entitled to a license to depasture stock upon it for fourteen years, in the form of Schedule A hereunto annexed, and subject to the following conditions:—

- (1.) If at any time during the currency of such license the land comprised therein, or any part thereof, shall be included within the boundaries of any hundred, the said license shall cease and determine as to so much of the land as shall be included within such boundaries, from and after the day of the date of the Proclamation by which such hundred shall be constituted.
- (2.) If at any time during the currency of such license the land comprised therein, or any part thereof, shall be sold by or on behalf of the Crown, then and in that case also the said license shall cease and determine as to so much of the land as shall be so sold as aforesaid, from and after the day of the date of the Government *Gazette* in which notice of such sale shall be published.
- (3.) The annual license fee shall be in all cases at least five pounds, and each person who occupies a run shall pay annually in addition a further license fee at the rate of one pound sterling for every thousand sheep above five thousand which

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which the run so occupied shall be estimated to be capable of containing, and in the same proportion for great cattle, six sheep being rated as one head of great cattle.

- (4.) If at any time during the currency of such license such annual fees and the annual assessment imposed by law should not be paid by the holder of it in the manner and at the time required by the local Ordinance and by these Regulations, then and in that case the said license shall cease and determine, and the Commissioner of Crown Lands will thereupon be empowered to notify publicly the forfeiture of such license, and to let the run to which it relates by public auction to the highest bidder for a term of fourteen years, subject to the conditions of these Regulations and of any law for the regulation of pastoral pursuits.

9. No such license for fourteen years will be granted to any applicant for a run until he shall have paid all arrears of rent and assessments which may be owing by him for such run.

10. In the event of any dispute arising between two or more claimants regarding the boundaries of their respective runs, it shall be in the power of the Commissioner of Crown Lands to make such alterations in the boundaries of their runs or of any of them as he may upon inquiry judge to be just and expedient.

11. Every proper facility will be afforded for the acquisition of homesteads on their runs, not exceeding eighty acres, to persons who may be desirous of purchasing the same; but the Government will not undertake to survey and offer for sale any smaller block than fifty acres of land.

12. Whenever it becomes necessary to offer for sale by public auction any homestead of the licensed occupier of a run on which he has made improvements, such improvements will be valued by two arbitrators appointed respectively by the Government and by the lessee, or by an umpire chosen by them, and the homestead will be offered for sale at a price made up of the upset price of the land and the value of the improvements. Should the holder of the license not become the purchaser, the value of his improvements, estimated as above, will be paid to him immediately after the sale; but should there be no bidding for such homestead, the holder of the license will be required to purchase the land at the upset price immediately after the sale. Should he not do so, the Government will at any time sell the homestead at the price at which it shall have been last offered to the holder of the license, or at any other price which it may judge expedient.

ISSUE OF TIMBER LICENSES.

13. Persons occupying waste land of the Crown for the purpose of cutting timber will be required to pay a fee of five pounds yearly to the Crown upon the issue of the license.

14. The Commissioner of Crown Lands will determine the extent of land to which such license shall give a right of occupancy, and the licenses are only to have effect within the district specified in them.

15. No fresh applicant for a license will be permitted injuriously to interfere with a portion of forest upon which any other person may have expended capital and labour.

16. In the event of any occupant of a portion of forest, upon which he may have expended any considerable sum in the formation of roads or improvements to facilitate the removal of timber, wishing to resign his license, he will, if in the consideration of the Commissioner

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sioner he should be regarded as having established a claim to this indulgence, be permitted to transfer his license and right of pre-occupancy to such person as he may select.

17. All applicants for timber licenses must address their applications to the Commissioner of Crown Lands, stating their names and residences in full.

18. When the application has been approved it will be forwarded to the Colonial Treasurer, by whom, upon payment of the required fee, the license will be issued.

19. No person will be allowed to cut or remove timber on or from the Crown lands which have been reserved by Government for the public use.

20. The form of timber license will be according to Schedule C hereunto annexed.

GENERAL.

21. All annual licenses to be drawn so as to expire simultaneously on the last day of each year.

22. Licenses applied for after the first of June in each year will only be chargeable with half of the usual fee.

23. Licenses to be signed and issued by the Colonial or Provincial Treasurer upon payment of the proper fee.

24. No license will preclude the Government from including within a hundred, or selling, or will in any way affect the rights of the Crown to land occupied in virtue of such licenses.

25. All disputes between holders of licenses having reference to depasturing stock or cutting timber shall be heard and decided by the Commissioner of Crown Lands, who is authorized by the Crown Lands Ordinance to charge, at his discretion, to the party against whom his decision shall be made, a fee of five pounds.

26. Licenses for depasturing purposes can be transferred from one person to another, with the authority of the Government previously obtained through the Commissioner of Crown Lands.

27. These Regulations are not intended to affect any rights already acquired by occupants of purchased land to depasture upon Crown lands in their vicinity a certain quantity of cattle in proportion to the extent of purchased land which they may occupy, whether such rights have been acquired under Regulations issued by the Government or by the New Zealand Company.

SCHEDULES.

SCHEDULE A.

FORM OF LICENSE.

WHEREAS , of , has made application for a license to [depasture stock] upon the waste lands of the Crown within the district of [boundaries], and has this day paid into my hands the sum of £ s. d. I , do hereby license the said to [depasture stock] upon the said land for the term of fourteen years from the date hereof, subject nevertheless to be sooner determined pursuant to the provisions of and of the Regulations under which this license is issued, and to be cancelled as by law and these Regulations is provided.

Dated this day of

Signed ()

SCHEDULE B.

DESCRIPTION OF A RUN ON THE WASTE LANDS OF THE CROWN, claimed by

Situation

Boundaries

Estimated extent

Number and description of Stock left upon the Run.

(Signature.)

SCHEDULE C.

Building and Land Societies.

SCHEDULE C.

TIMBER LICENSE TO AT .

PERMISSION to cut saw split and remove timber on and from the waste Crown lands at _____, within such limits as may at any time be assigned by the Commissioner of Crown Lands, subject to the provisions of _____, and to the provisions of such rules as may be duly made by His Excellency the Governor-in-Chief in conformity with law, is hereby granted to _____, of _____, by direction of the Governor of New _____.

Colonial Treasurer.

N.B.—If the holder of the above license shall contravene or violate any order or regulation of the Government made with respect to any of the purposes for which this license is granted, the Government reserves to itself the power of declaring the license of any such person so offending to be cancelled, and such license shall thereupon become null and void, and shall not be pleaded in justification of any offence committed against the provisions of any Ordinance relating thereto.

No. XI.

AN ORDINANCE for the Regulation of Building and Land Societies. [28th July, 1851.]

BUILDING AND LAND SOCIETIES.

BE IT ENACTED by the Governor-in-Chief of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

1. It shall be lawful for any number of persons in New Zealand to form themselves into and establish Societies for the purpose of raising, by subscriptions to shares not exceeding the value of one hundred and fifty pounds for each share and such subscriptions not to exceed in the whole twenty shillings per month for each share, a stock or fund for the purpose of enabling any member of such Society to receive out of the same the amount or value of his share, to erect or purchase dwelling-houses or other real or leasehold estate, to be secured by way of mortgage to such Society until the amount or value of his share shall have been fully repaid to such Society, with interest and all fines and other payments incurred in respect thereof; and for the assurance from loss by fire of houses mortgaged to such Societies; and also for the several members of each Society from time to time to assemble together and make such rules and regulations for the government of the same as to the major part of the members so assembled shall seem meet, so as such rules shall not be repugnant to the express provisions of this Ordinance and to the general laws of the realm; and to impose reasonable fines and penalties upon any member who shall offend against any such rules, to be paid to and for the benefit of the Society as such rules shall direct, and also from time to time to alter and amend or repeal such rules and make new rules in lieu thereof: Provided that no member shall receive from the funds of the Society any interest or dividend by way of annual or other periodical profit upon any share, until the amount or value of such share shall have been realized, except on the withdrawal of such member according to the rules then in force.

Formation of Societies; members may receive shares in advance, execute mortgages to Societies, frame rules, impose fines, but not receive annual profits.

2. Any such Society may have and receive from any member thereof any sum of money, by way of bonus on any share, for the privilege of receiving the same in advance prior to its being realized, and also any interest for the share so received or any part thereof.

May receive bonus on shares advanced.

Building and Land Societies.

May describe forms of conveyance &c.

3. Any such Society may in its rules prescribe the form of conveyance mortgage transfer agreement bond or other instrument which may be necessary for carrying its purposes into execution, so as the same be set forth in a Schedule to be annexed to such rules.

Must in rules declare all the purposes of the Society.

4. Every such Society, before any of the rules thereof shall be confirmed as hereinafter directed, shall in such rules declare all the purposes for which the Society is intended to be established, and also the uses and purposes to which the money which shall from time to time be subscribed to or shall in any wise belong to such Society shall be applied, and in what shares and proportions and under what circumstances any member or other person shall become entitled to such money, provided the application thereof shall not be repugnant to the uses and purposes so to be declared as aforesaid; and the moneys so subscribed to or belonging to the Society shall not be misapplied by any officer or member intrusted therewith under such penalty as such rules may impose.

Rules to be submitted to Revising Officer and deposited with the Clerk to the Magistrates.

5. Two copies, fairly printed on parchment, of all rules made in pursuance of this Ordinance, signed by three members and countersigned by the Clerk or Secretary, (accompanied, in the case of any amendment of rules, with an affidavit of the Clerk or Secretary or other officer of the said Society that the provisions of this Ordinance have been duly complied with,) shall with all convenient speed be submitted to such Revising Officer as shall be appointed in that behalf by the Governor, for the purpose of ascertaining whether such rules or amendment thereof are calculated to carry into effect the intention of the parties framing the same, and are in conformity to law. And the said Revising Officer shall advise with the said Clerk or Secretary if required, and shall give a certificate on each of the said copies that the same are in conformity to law, or point out wherein the same are repugnant thereto. And the said Revising Officer for so advising and perusing such rules or amendment and giving such certificate as aforesaid, shall demand no further fee than five guineas. And one of such copies when so certified shall be returned to the Society, and the other shall be transmitted to the Clerk of the Magistrates for the district in which the Society is established, to be by him filed without fee or reward.

No fee on amendment within three years.

6. Provided always that the said Revising Officer shall be entitled to no further fee in respect of any amendment of any rules upon which one fee has been already paid within the period of three years: Provided also that if any rules or amendments are sent to such officer, accompanied with an affidavit of being a copy of any rules or amendments of rules which shall have been already certified by him, the said officer shall certify and return the same as aforesaid without any fee.

Revising Officer refusing to certify, a Judge of the Supreme Court may allow rules.

7. In case the said Revising Officer shall refuse to certify any such rules, it shall be lawful for any such Society to submit the same to a Judge of the Supreme Court, together with the reasons assigned by the said officer in writing for such his refusal, whereupon such Judge may, if he think fit, confirm and allow such rules.

Rules to be entered in a book for inspection of members.

8. No such Society shall have the benefit of this Ordinance unless all the rules for the management thereof shall be entered in a book to be kept for that purpose, which book shall be open at all reasonable times for the inspection of the members.

Rules to be binding.

9. All rules so certified and in force and entered in such book and deposited with the Clerk to the Magistrates as aforesaid, shall be binding on the members and officers of such Society, and on all other parties having interest therein, all of whom shall be deemed and taken to have full notice thereof by such entry and deposit. And such entry of the rules or the copy thereof so deposited, or a copy examined with
the

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the original and proved to be a true copy, shall be received as evidence of such rules in all cases; and no *certiorari* or other legal process shall be brought or allowed to remove any such rules into any of Her Majesty's Courts of Record, and every copy of the copy deposited with the Clerk of the Magistrates shall be made without fee or reward, except the actual expense of making such copy.

A proved copy to be evidence.

10. No rule certified by the said Revising Officer or allowed by a Judge of the Supreme Court shall be altered or repealed except at a general meeting of members, convened by public notice signed by the Secretary or Clerk of such Society in pursuance of a requisition for that purpose by seven or more members, which requisition and notice shall be publicly read at the two usual meetings of the Society to be held next before the general meeting for the purpose of such alteration or repeal: Provided always that if a Committee of members shall be nominated for that purpose at such general meeting, such Committee shall have the like power to make such alteration or repeal: Provided also that such alteration or repeal shall be made with the concurrence and approbation of three-fourths of the members present at such meeting, or by the like proportion of such Committee.

Alteration of rules.

11. Every Society shall in its rules specify the place at which it is intended to hold its meetings, and shall contain provisions with respect to the powers and duties of the members at large, and of any Committee or officers to be appointed for the management of its affairs: Provided always that the Society may alter its place of meeting upon giving one week's notice thereof in writing to the Clerk to the Magistrates for the district in which the Society is established, such notice to be signed by the Clerk or Secretary and also by three or more members, and provided that the new place of meeting shall be situate within the district in which the rules of the Society are deposited as aforesaid.

Must specify place of meeting.

12. Every such Society may, at any of its usual meetings, or by any Committee to be appointed for the management of its affairs, appoint a Steward, President, Warden, Treasurer or Trustee, and also such Clerks and other officers as shall be necessary to carry into execution the purposes of such Society, and may appoint others in the room of any who may vacate or die; and such Treasurer, Trustee, and every other person who shall be appointed to any office in any wise concerning the receipt management or expenditure of the Society's money shall, before he be admitted to take upon him the execution of any such office or trust (if required so to do by the rules of the Society), become bound in a bond according to the form prescribed in the Schedule A to this Ordinance annexed, with two sureties, for the faithful execution of such office or trust, and for rendering a true account according to the rules of the Society, and in all matters lawful to pay obedience to the same, in such penal sum of money as by the major part of the members present at any general meeting shall be thought expedient; and every such bond shall be given to the Clerk to the Magistrates where the Society shall be established without fee or reward; and in case of forfeiture it shall be lawful to sue upon such bond in the name of the Clerk to the Magistrates for the time being for the use of the Society, fully indemnifying and saving harmless such Clerk to the Magistrates from all costs and charges in respect of such suit.

Society may appoint officers who shall give bond.

13. Every such Society may from time to time appoint any number of its members to be a Committee for general purposes, the number thereof to be declared in its rules, and may delegate to such Committee any powers given by this Ordinance, such powers and their duration being first declared in the rules; and may also appoint Committees for particular purposes, the powers delegated to each Committee being

May appoint Committees.

Building and Land Societies.

being reduced into writing and entered into a book by the Secretary or Clerk; and a majority of the members of any Committee shall at all times be necessary to concur in any act; and every Committee shall in all things delegated to it act for and in the name of the Society, and all acts and orders of such Committee under the powers delegated to it shall have the like force and effect as the acts and orders of the Society, at any general meeting thereof, could have had in pursuance of this Ordinance: Provided always that the transactions of every Committee shall be entered in a book belonging to the Society, and shall be at all times subject to the review, allowance or disallowance, and control of the Society, in such manner as the Society shall by its rules direct.

Treasurer or Trustees
to invest surplus
moneys.

14. The Treasurer or Trustee for the time being of any such Society is hereby authorized and required from time to time, with the consent of the Society to be testified in such manner as shall be directed by its rules, to lay out or invest such part of all sums of money at any time received by him for the beneficial purposes of the Society as the exigencies of the Society shall not call for the immediate application or expenditure of, either on real or Government securities, in the proper name of such Treasurer or Trustee; and from time to time, with such consent as aforesaid, to alter transfer and sell such securities; and all dividends and proceeds to arise from the moneys so laid out or invested shall be regularly brought to account by such Treasurer or Trustee, and shall be applied according to the rules of the Society.

To render accounts
and pay over
balances.

15. Every person who shall have or receive any money or effects belonging to any such Society, or shall in any manner be entrusted with the disposal management or custody thereof, or of any securities books papers or property of the Society, shall, or in the event of his death his executors shall, upon demand made or notice in writing given or left at the last or usual place of residence of such person or of such executors, in pursuance of any order of the Society or of any Committee to be appointed as aforesaid, immediately give his account to the Society or to such Committee thereof, to be examined and allowed or disallowed; and shall on the like demand or notice pay over all moneys remaining in his hands, and assign and deliver all securities and effects books papers and property taken or standing in his name as aforesaid or being in his hands or custody, to the Treasurer or Trustee for the time being, or to such other person as the Society or Committee shall appoint; and in case of any neglect or refusal to comply with such demand or notice, it shall be lawful for every such Society, in the name of some principal officer thereof, to exhibit a petition in the Supreme Court, which may proceed thereupon in a summary way, and make such order therein as to such Court shall seem just, which order shall be final and conclusive, and all assignments sales and transfers made in pursuance of such order shall be good and effectual in law to all intents and purposes whatsoever.

In absence of
Trustee, Supreme
Court may appoint
person to convey.

16. When any person seized or possessed of any land, Government securities, or other property, or any estate or interest therein, as a Trustee of any such Society, shall be out of the jurisdiction of or not amenable to the process of the Supreme Court, or shall be idiot, lunatic, or of unsound mind, or it shall be unknown or uncertain whether he be living or dead, or such person shall refuse to convey or otherwise assure such land property estate or interest, or to transfer or endorse such Government securities to the person duly nominated as Trustee of such Society in his stead, either alone or together with any continuing Trustee, as occasion shall require, it shall be lawful for a Judge of the said Court to appoint a person on behalf and in the name of the person seized or possessed as aforesaid, to convey surrender
release

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release assign or otherwise assure the said land or property estate or interest, or indorse or transfer such Government securities, to such Trustee so duly nominated as aforesaid; and every such conveyance release surrender assignment or assurance indorsation or transfer shall be as valid and effectual to all intents and purposes as if the person being out of the jurisdiction of or not amenable to the process of the said Court, or not known to be alive, or having refused, or being idiot lunatic or of unsound mind, had been at the time of the execution thereof of sane mind memory and understanding, and had himself executed the same.

17. No fee or gratuity whatever shall be demanded or received by any officer or minister of such Court for anything done in such Court in pursuance of this Ordinance.

No fee for any proceeding in Court.

18. If any person appointed to any office in any such Society, and being entrusted with the keeping of the accounts, or having in his hands or possession by virtue of his office any moneys or effects deeds or securities belonging to the Society or relating thereto, shall die, or become bankrupt or insolvent, or have any execution or attachment or other process issued or action raised against his lands or effects, or make any assignment 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, or the party using such action or execution, shall, within forty days after demand made in writing by the order of the Society, or of any Committee thereof, or the major part of them assembled at any meeting, deliver and pay over all moneys and other things belonging to the Society to such officer of the Society as shall be appointed for that purpose; and shall pay out of the estates assets or effects of such person all sums of money remaining due which such person may have received by virtue of his said office, before any other of his debts shall be paid or satisfied, or before the money directed to be levied by such process as aforesaid or which may be recovered or recoverable under such execution, and all such lands and effects shall be bound to the payment and discharge thereof accordingly.

Money of Society in hand of officer dying or insolvent to be first paid.

19. All property whatever, and all securities and evidences, and all rights or claims belonging to such Society, shall be vested in the Treasurer or Trustee for the time being, for the use and benefit of the Society; and after the death or removal of any Treasurer or Trustee, shall vest in the succeeding Treasurer or Trustee for the same estate and interest as the former Treasurer or Trustee had therein, and subject to the same trusts, without any assignment or conveyance whatever; and also shall, for all purposes of action or suit, as well criminal as civil, in law or in equity, be deemed and taken to be the property of the person appointed to the office of Treasurer or Trustee of such Society for the time being, in his proper name, without further description; and such person shall and he is hereby authorized to bring or defend any action or prosecution, criminal as well as civil, in law or in equity, touching the property right or claim aforesaid of or belonging to the Society, provided such person shall have been thereunto duly authorized by the consent of the majority of members present at any meeting of the Society or Committee; and such person so appointed shall and may, in all cases concerning the property right or claim aforesaid, sue and be sued in his proper name as such Treasurer or Trustee without other description; and no such action or prosecution shall be discontinued or abate by the death of such person or his removal from the office of Treasurer or Trustee, but the same shall be proceeded in by the succeeding Treasurer or Trustee in the proper name of the person commencing the same, and such succeeding

Treasurer or Trustee may bring and defend action.

Building and Land Societies.

Treasurer or Trustee shall pay or receive like costs as if the action had been commenced in his name, for the benefit of or to be reimbursed from the funds of the Society.

Members may be witnesses.

20. On the trial of any action or other proceeding respecting the property of any such Society, or in any proceeding before any Justice of the Peace, any member of such Society shall be a competent witness, and shall not be objected to on account of any interest he may have as such member in the result of such action or other proceeding.

Responsibility of Treasurer or Trustees.

21. The Treasurer or Trustee or any other officer of any such Society shall not be liable to make good any deficiency which may arise in the funds of such Society: Provided always that the said Treasurer, Trustee, and every other officer of any such Society shall be personally liable for all moneys actually received by them on account of or for the use of the said Society.

Payment to persons appearing to be next of kin valid.

22. Whenever the Trustees of any such Society at any time after the decease of any member shall have paid any sum of money to any person 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 such sum of money shall be valid and effectual with respect to any demand of any other person as next of kin or lawful representative of such member against the funds of such Society or against the Trustees thereof, but nevertheless such next of kin or representative shall have remedy for such money so paid as aforesaid against the person who shall have received the same.

Sums not exceeding £20, when members die intestate, may be paid without administration.

23. In case any member of any such Society shall die who shall be entitled to any sum not exceeding twenty pounds, it shall be lawful for the Trustees or Treasurer of such Society, if they shall be satisfied that no will was made and left by such deceased member, and that no letters of administration will be taken out of the goods of such member, to pay the same at any time after the decease of such member according to the rules of the Society; and in the event of there being no rules made in that behalf, then the said Trustees or Treasurer are hereby authorized to pay the same to the person or persons entitled to the effects of the deceased member, without administration.

Proceedings before Justices in cases of fraud.

24. For the more effectually preventing fraud on such Societies, if any person whatever shall fraudulently obtain possession of any moneys of such Society, or having in his possession any sum of money belonging to such Society shall fraudulently withhold the same, and for which offence no especial provision shall be made in the rules of the Society, it shall be lawful for any one Justice of the Peace residing within the district within which the Society is established, upon complaint made on oath by an officer of the Society appointed for that purpose, 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 appearance, or in default thereof upon proof on oath of the service of such summons, it shall be lawful for any two Justices residing within the district aforesaid to hear and determine the said complaint according to the rules of the Society, and upon conviction for such fraud the said Justices shall award double the amount of the money so fraudulently obtained or withheld, to be recovered in a summary way, and to be paid to the Treasurer of the Society, together with such costs as to such Justices shall seem meet: Provided nevertheless that nothing herein contained shall prevent the Society from proceeding by indictment or complaint against the party complained of, and provided also that no party shall be proceeded against by indictment or complaint if a previous conviction has been obtained under the provisions of this Ordinance.

Building and Land Societies.

25. It shall not be lawful for any such Society, by any rule at any general meeting or otherwise, to dissolve or determine itself, so long as the intent or purposes declared by it or any of them remain to be carried into effect, without obtaining the votes of consent of five-sixths in value of the shares held by the then existing members, to be ascertained in manner hereinafter mentioned, and to be notified under their hands respectively; and for the purpose of ascertaining the votes of such five-sixths in value every member shall be entitled to one vote in respect of each share held by him which he shall not have received in advance. And in all cases of dissolution the intended distribution of the property of such Society 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 the Society by any rule to direct any such distribution amongst its members other than for carrying into effect the general intents and purposes of the Society as declared by them and certified as aforesaid, but any such rules for the dissolution or determination of any such Society without such consent as aforesaid, or for the distribution of the property of such Society contrary to the rules which shall have been certified as aforesaid, shall be void and of none effect; and in the event of such distribution without such consent, the Trustee or other officer or person aiding or abetting therein shall be liable to the like penalties as are hereinbefore provided for in cases of fraud.

Dissolution of Society not lawful in certain circumstances.

26. Provision shall be made by one or more of the rules of every such Society, specifying whether a reference of every matter in dispute between the Society or any person acting under them, and any member thereof or person claiming on account of any member, shall be made to two or more Justices of the Peace for the district in which the Society may be established, or to arbitrators to be appointed in manner hereinafter directed.

Disputes to be settled by arbitration, or referred to Justices.

27. When the matter in dispute as aforesaid shall be referred to arbitration, certain arbitrators who shall not be beneficially interested in the funds of the Society shall be elected at the first meeting of the Society or General Committee thereof that shall be held after the deposit of its rules with the Clerk to the Magistrates as aforesaid, three of whom shall be chosen by ballot in each such case of dispute, the mode of ballot being determined by such rules: Provided always that the names of such arbitrators shall be duly entered in the book in which the rules are entered as aforesaid, and in case of the death or refusal or neglect of any of the said arbitrators to act, the Society or its General Committee shall at their next meeting elect new arbitrators as aforesaid to act in the place of the arbitrators so dying or refusing or neglecting to act; and whatever award shall be made by the said arbitrators or the major part of them, according to the true purport and meaning of such rules, shall be in the form to this Ordinance annexed, and shall be binding and conclusive on all parties, and shall not be removable into any Court of Law or restrainable by the injunction of any Court of Equity. And if either of the said parties in dispute shall refuse or neglect to conform to any such award, it shall be lawful for any one Justice of the Peace residing within the district within which the Society is established, upon proof of such award having been made and the refusal of the party to conform thereto, 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 appearance, or in default thereof upon proof upon oath of the service of such summons, any two Justices of the Peace may proceed to make such order thereupon as to them may seem just; and if any sum of money so awarded, together with such costs as to such Justices shall

Proceedings where disputes referred to arbitrators.

Building and Land Societies.

shall seem meet, shall not be immediately paid, the same shall be recoverable in a summary way.

Proceedings where
disputes referred to
Justices.

28. When the matter in dispute as aforesaid shall be referred to the decision of Justices of the Peace, it shall be lawful for any one Justice, on complaint being made to him of any refusal or neglect to comply with the rules of the Society by any member or officer thereof, 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 appearance, or in default thereof upon proof on oath of the service of such summons, it shall be lawful for any two Justices to proceed to hear and determine the complaint according to the rules of the Society; and in case the said Justices shall adjudge any sum of money to be paid by the person against whom such complaint shall be made, and such sum of money shall not be immediately paid, then the same shall be recovered in a summary way.

Orders of Justices
to be final.

29. Every sentence order and adjudication of any Justice under this Ordinance shall be final and conclusive to all intents and purposes, and shall not be subject to appeal, and shall not be removable into any Court of Law or restrainable by the injunction of any Court of Equity.

Annual statement
of Society's funds
to be made.

30. The rules of every such Society shall provide that the Treasurer, Trustees, Stewards, or other principal officers thereof shall, once in every year at least, prepare a general statement of the funds and effects of such Society, specifying in whose custody or possession the said funds or effects shall be then remaining, together with an account of all sums of money received and expended on account of the said Society since the publication of the preceding periodical statement; and every such periodical statement shall be attested by two or more members of the Society appointed Auditors for that purpose, and shall be countersigned by the Secretary or Clerk of the Society; and every member shall be entitled to receive a copy of such periodical statement.

Receipt indorsed
of mortgage money
to operate as re-
conveyance.

31. It shall be lawful for the Trustees named in any mortgage made on behalf of such Trustees for the time being, to indorse upon any mortgage or further charge given by any member of such Society to the Trustees thereof for moneys advanced by the Society to any member, a receipt for all moneys intended to be secured by such mortgage or further charge, which shall be sufficient to vacate the same and vest the estate of and in the property comprised in such security in the person or persons for the time being entitled to the equity of redemption, without its being necessary for such Trustees to give any re-conveyance of the property so mortgaged, the form of which receipt shall be specified in a schedule to be annexed to the rules of the Society duly certified and deposited as aforesaid.

Mortgages not to be
made invalid by
members owning
more than one share.

32. Any mortgage or other security given or executed in pursuance of this Ordinance shall not be affected or rendered invalid by any member or members of any such Society holding more than one share: Provided always that the number of shares held by any one such member shall not exceed five.

SCHEDULES.

SCHEDULE A.

Know all men by these presents that we, A.B., of _____, Treasurer [or Trustee, &c.] of the _____ Society, established at _____, in the Colony of New Zealand, and C.D., of _____, and G.H., of _____ (as sureties on behalf of the said A.B.), are jointly and severally held and firmly bound to E.F., the present Clerk to the Magistrates for the district of _____, in the sum of _____, to be paid to the said E.F., as such Clerk to the _____ Magistrates.

Appropriation.

Magistrates, or his successor for the time being, or his certain attorney, for which payment to be well and truly made we jointly and severally bind ourselves and each of us by these presents, sealed with our seals.

Dated the day of , in the year of our Lord, one thousand eight hundred and .

WHEREAS the above bounden A.B. hath been duly appointed Treasurer [*or* Trustee, &c.] of the Society established as aforesaid, and he, together with the above bounden C.D. and G.H., 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* Trustee, &c.] 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 or 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* Trustee, &c.] 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.

SCHEDULE B.

WE, the major part of the Arbitrators duly appointed by the Society established at , in the district of , do hereby award and order that A.B. [*specifying by name the party or officer or member of the Society*], do, on the day of , pay to C.D. [*specifying as before mentioned*] the sum of [*or stating the act or acts to be done as the case may be.*]

Dated this day of one thousand eight hundred and .

E.F.
G.H.

No. XII.

AN ORDINANCE to appropriate the Revenue of the Province of New Ulster and New Munster for the Year One thousand eight hundred and fifty-one.

APPROPRIATION.

[29th July, 1851.]

OBSOLETE.

	£	s.	d.
Total sum appropriated for New Ulster ...	31,108	3	5
Total sum appropriated for New Munster ...	29,735	10	10

No. XIII.

AN ORDINANCE to authorize the Governor-in-Chief to grant Charters of Incorporation to Banking Companies. [30th July, 1851.]

BANK CHARTERS.

WHEREAS it is expedient that the Governor-in-Chief of New Zealand should be authorized to incorporate Banking Companies, by Charter or Letters Patent, on the terms and conditions and subject to the limitations and restrictions hereinafter prescribed:

Preamble.

Bank Charters.

BE IT THEREFORE ENACTED by the Governor-in-Chief of New Zealand, with the advice and consent of the Legislative Council thereof:—

Governor-in-Chief
authorized to grant
Charters of Incorporation
to Banking
Companies.

1. That it shall be lawful for the Governor-in-Chief of New Zealand, by Letters Patent under the Seal of the Islands of New Zealand, to grant and ordain that certain persons to be therein named or described shall be and constitute a Body Corporate, with perpetual succession and a Common Seal, for the purpose of carrying on the business of banking.

Terms, conditions,
&c., of Charter.

2. Provided always that every Banking Company to be incorporated under the provisions of this Ordinance, and that every Charter of Incorporation to be issued under the authority hereof, shall be subject to the regulations limitations and conditions hereinafter set forth, that is to say,—

- (1.) The amount of the capital of the Company shall be fixed and set forth in the Charter, and the whole of such fixed amount must be subscribed for within such a period as may be prescribed by the Charter, not exceeding eighteen months from the date of the Charter.
- (2.) The Bank shall not commence business until the whole of the capital shall be subscribed and a moiety at least of the subscription paid up.
- (3.) The whole amount of the capital shall be paid up within such period from the date of the Charter, not exceeding four years, as shall in such Charter be prescribed in that behalf.
- (4.) The debts and engagements of the Company must not exceed at any time three times the amount of the paid-up capital, with the addition of the amount of such deposits as may be made with the Company's establishment by individuals in specie or Government paper.
- (5.) Suspension of specie payments on demand at any of the Company's establishments for such period as may be prescribed in the Charter, but in no case exceeding sixty days within any one year, either consecutively or at intervals, shall forfeit the Charter of the Company.
- (6.) In the event of the assets of the Company being insufficient to meet its engagements, the shareholders shall be responsible to the extent of twice the amount of their subscribed shares (that is, for the amount subscribed and paid up and for an additional amount equal thereto).
- (7.) The Company shall not hold shares in its own stock nor make advances on the security of those shares.
- (8.) The discount or advances by the Company on securities bearing the name of any Director or officer thereof, as drawer, acceptor, or indorser, shall not at any time exceed one-third of the total advances and discounts of the Bank.
- (9.) The Company shall not advance money on security of lands or houses or ships or on pledge of merchandize, nor hold land or houses except for the transaction of business, nor own ships, nor be engaged in trade except as dealers in bullion or bills of exchange, but shall confine its transactions to discounting commercial paper negotiable securities and other legitimate banking business.
- (10.) The dividends to shareholders shall be made out of profits only, and not out of the capital of the Company.
- (11.) The Company shall make up and publish periodical statements of its assets and liabilities at such times and in such manner

Paper Currency Amendment.

manner as may be prescribed in the Charter of Incorporation, and shall, upon requisition from the Lords Commissioners of Her Majesty's Treasury or from the Governor-in-Chief, furnish such further information respecting the state or proceeding of its banking establishments as such Commissioners or Governor-in-Chief shall from time to time require.

- (12.) Every Charter of Incorporation shall contain such provisions and be made subject to such conditions as may for the time being be in force in that behalf under or by virtue of regulations to be prescribed by Her Majesty through one of Her Majesty's Secretaries of State.

No. XIV.

AN ORDINANCE to amend "*The Paper Currency Ordinance*," Session VIII., No. 16. [31st July, 1851.]

PAPER CURRENCY
AMENDMENT.

WHEREAS by an Ordinance enacted by the Lieutenant-Governor of New Zealand, with the advice and consent of the Legislative Council thereof, (Session VIII., No. 16,) intituled "*An Ordinance to authorize the establishment of a Colonial Bank of Issue by the Government of New Zealand, to make and issue a Paper Currency, and to prohibit the making and issuing of Paper Money by Private Individuals*," it is provided that a certain amount of the cash to be received at any office of the said Bank shall be kept by the Manager to meet the current demands of the public, and that the residue thereof shall be invested or placed out at interest by or under the direction of the Governor for the time being: And whereas it is expedient that other provision be made in that behalf:

Preamble.

BE IT THEREFORE ENACTED by the Governor-in-Chief of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

1. So much of the said recited Ordinance as relates to the amount of cash to be kept by such Manager for the purpose aforesaid, and to the investment of the residue of the cash to be received at any such office, shall be and the same is hereby repealed.

Part of Paper
Currency Ordinance
repealed.

2. And be it further enacted that the cash to be from time to time received at any such office in exchange for notes shall be applied and disposed of in manner following and not otherwise, that is to say,—So much of the said cash as shall be equal in amount to one-third part, at the least, of the amount of such notes for the time being in circulation shall always be kept to meet the current demands of the public by the Manager conducting the business of such office under his own control and custody, subject nevertheless to inspection and account as in the said recited Ordinance mentioned, and the residue of such cash shall from time to time be invested in the public securities of Great Britain, by or under the direction of the Governor for the time being.

One-third of the
cash to be retained
in the Bank, and the
residue to be invested
in the public securi-
ties of Great Britain.

3. And whereas by the said recited Ordinance it is enacted that it shall be lawful for the Union Bank of Australia to continue to issue its own bank notes to the extent of the amount certified in the said recited Ordinance mentioned until a day to be fixed by the Governor

Period fixed to Bank
of Australia respect-
ing issue of its notes.

in

New Zealand Company's Land Claimants.

in Council : And whereas it is expedient that other provision be made in that behalf ; Be it enacted that the said Union Bank of Australia shall cease to issue its own notes to an amount which has been ascertained in the manner aforesaid on and after the first day of October, one thousand eight hundred and fifty-two.

Commencement of Ordinance.

4. This Ordinance shall come into operation on the first day of October, one thousand eight hundred and fifty-one.

No. XV.

NEW ZEALAND
COMPANY'S LAND
CLAIMANTS.

AN ORDINANCE to ascertain the Contracts and Engagements entered into by the New Zealand Company for the disposal of certain Lands in the Islands of New Zealand, and to provide for the completion of such Contracts and Engagements by the Colonial Government." [2nd August, 1851.]

Preamble reciting the establishment of the New Zealand Company by Royal Charter &c.

WHEREAS Her Majesty, by her Royal Letters Patent, did grant and ordain that certain persons therein named and described should be and constitute a Body Corporate, with perpetual succession, by the name of "The New Zealand Company," for the purpose of purchasing settling selling granting and otherwise dealing with lands tenements and hereditaments within the Islands of New Zealand, and for other the purposes in the said Charter mentioned : And whereas certain lands claimed to have been purchased by them from the aboriginal native owners have been conveyed to the said Company by grants from the Crown : And whereas, by an Act of Parliament holden in the tenth and eleventh years of the reign of Her Majesty, intituled "*An Act to promote Colonization in New Zealand, and to authorize a Loan to the New Zealand Company,*" all the demesne lands of the Crown in the Province of New Munster were for a limited period vested in the said Company for the purpose of promoting the efficient colonization of New Zealand and the welfare of the colonists thereof : And whereas the said Company, while in possession of their said Charter, did from time to time make and issue divers land orders or contracts for the sale of lands in New Zealand, and certain scrip purporting to confer upon the holders thereof the right of selecting land in the said Islands, and many of Her Majesty's subjects have immigrated to New Zealand at the instance of the said Company, and have expended much of their capital in forming settlements on land so granted to the said Company and by them sold or contracted to be sold, but no legal title or conveyance was given by the said Company to the persons claiming title from through or under them in respect of such land orders contracts or scrip as aforesaid : And whereas, by an Act passed in the Parliament holden in the ninth and tenth years of the reign of Her Majesty, intituled "*An Act to grant certain powers to the New Zealand Company,*" provision was made for the better enabling the said Company to make valid conveyances of the lands so sold or contracted to be sold by them as aforesaid, but no conveyances were made by the said Company pursuant to the provisions of the said

10 and 11 Vict.,
c. 12.

Contracts for sale
of land by Company
&c.

9 and 10 Vict.

recited

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recited Act: And whereas in certain cases possession hath not been given by the said Company of the lands so sold or contracted to be sold by them as aforesaid to the purchaser or purchasers thereof, and the right of selection purporting to be conferred by such scrip as aforesaid in many cases still remains unexercised: And whereas, pursuant to the authority and under the provisions of the said hereinbefore in part recited Act, intituled "*An Act to promote Colonization in New Zealand, and to authorize a Loan to the New Zealand Company,*" the Directors of the New Zealand Company gave notice that they were ready to surrender the Charters of the said Company to Her Majesty, whereupon all claim and title to the lands granted and awarded to the said Company did, by virtue of the said recited Act, cease and determine, and all the lands tenements and hereditaments of the said Company in the Colony of New Zealand reverted to and became vested in Her Majesty, as part of the demesne lands of the Crown, subject nevertheless to any contracts which should be then subsisting in regard to any of the said lands: And whereas it is essential to the efficient colonization of New Zealand, and to the welfare of the colonists thereof, that means should be taken for ascertaining what are the contracts and engagements of the said New Zealand Company which may be now subsisting in regard to the said lands, with a view to their satisfactory adjustment, and that deeds of grant conveying a valid title to such lands should, as speedily as may be, be issued to all persons claiming title from through or under the said Company, and who may be found legally entitled thereto.

Surrender of Charter
by Company.

BE IT THEREFORE ENACTED by the Governor-in-Chief of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

1. It shall be lawful for His Excellency the Governor, by warrant under his hand, to appoint one or more fit persons to act as Commissioners for hearing and deciding claims to land by persons claiming title thereto, from through or under the said New Zealand Company, and such Commissioners or any of them to displace and remove and to appoint another or others in his or their place as to the Governor shall seem meet.

Power to Governor
to appoint Commis-
sioners.

2. Every such Commissioner shall, upon his appointment and before proceeding to execute the duties of his office, take and subscribe an oath well and faithfully to execute the trusts and powers reposed in him by virtue of such appointment, which oath any Justice of the Peace is hereby authorized to administer.

Commissioners to
take oath.

3. Every person resident within the Islands of New Zealand who shall be desirous of taking advantage of the provisions of this Ordinance shall, by himself or his agent, on or before the first day of January, one thousand eight hundred and fifty-two, give notice in writing to the Colonial Secretary of the Province of New Munster, or to such other person as the Governor shall in that behalf appoint, of his desire and intention so to do; and every person resident elsewhere who shall be so desirous as aforesaid shall, by himself or his agent, on or before the first day of January, one thousand eight hundred and fifty-three, give a similar notice in writing to the said Colonial Secretary, or such other person as aforesaid, of such his desire and intention. Every such claimant shall in such notice specify the nature of his claim to any such land as aforesaid, and whether the same shall arise in respect of such land order contract or scrip as aforesaid, and whether such claim be original or derivative, and if derivative on what title his claim may be founded.

All claims derived
through New Zealand
Company to be
preferred within
limited period.

4. No claim to land in the Islands of New Zealand in respect of any such land order contract or scrip as aforesaid, which shall not have been preferred in writing to the said Colonial Secretary or other person

Claims not made
within limited period
not to come under
this Ordinance.

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as aforesaid on or before the said first days of January, one thousand eight hundred and fifty-two and one thousand eight hundred and fifty-three respectively as aforesaid, shall be deemed by the Colonial Government to come within the provisions of this Ordinance for the adjustment thereof unless it shall be made to appear, to the satisfaction of the Governor for the time being, that any claimant preferring his claim after the said date was, from some reasonable and sufficient cause, unable to give the notice within the prescribed time, in which case it shall be lawful for the Governor to refer such claim to a Commissioner as hereinafter provided: Provided always that it shall be lawful for the Governor at any time, if no such notice of a claim be given but the existence of a claim may be presumed, to refer such presumed claim to a Commissioner, to be heard and decided as hereinafter provided.

Exceptions.

Governor may refer presumed claims.

Claims to be decided by a Commissioner.

Report to be made by Commissioner.

Decision of Commissioner to be published.

Appeal to Supreme Court from Commissioner's decision.

Commissioner may submit case to a Judge where doubt exists as to disputed claims.

Also in cases where the claims not disputed.

Judge may order further evidence.

Deed of grant made by Governor to convey a valid title.

5. All such claims shall be referred to a Commissioner as aforesaid, to the end that the same may be duly heard and decided; and in the hearing and deciding on any such claim the said Commissioner shall be guided by the real justice and good conscience of the case, and shall direct himself by the best evidence he can procure or which shall be laid before him.

6. As soon as conveniently may be after hearing and deciding any claim which may have been referred to him for that purpose by or by the direction of the Governor, the said Commissioner shall make a report thereof in writing, attested by his signature, in such manner and form as may be prescribed by the Governor in that behalf, which report shall be recorded in the office of the said Colonial Secretary.

7. Every such decision shall be forthwith published in the *Government Gazette*, and the claimant in whose favour such decision shall be made shall be deemed to be entitled to a deed of grant or to Government scrip as hereinafter provided as the case may be, unless the decision of such Commissioner shall be amended or revised upon appeal as hereinafter provided.

8. Where the Commissioner shall have adjudicated upon any adverse claim, the party aggrieved by such adjudication may at any time within three calendar months appeal to a Judge of the Supreme Court, who shall decide upon such claim summarily, and who shall have power to amend reverse or confirm such Commissioner's decision, or make such other order or decision as to such Judge shall seem meet, according to the equity and justice of the case and according to the true intent and meaning of this Ordinance.

9. It shall also be lawful for any Commissioner, in cases in which he shall have any doubt respecting any disputed claims, at the request of either party and at such Commissioner's discretion, to submit a case for the opinion of a Judge of the Supreme Court, either generally upon the whole case or confined to such points respecting which such doubts shall have arisen, whereupon such Judge shall certify to such Commissioner his opinion according to the justice and equity of the case and according to the true intent and meaning of this Ordinance.

10. It shall also be lawful for any Commissioner, in all cases, whether upon claims disputed or not and without the request of the claimants of either party, to submit a like case to a Judge of the Supreme Court for such Commissioner's own information, and such Judge shall thereupon certify in the manner hereinbefore provided.

11. If such Judge shall be of opinion that the equity and justice of the case required other and better evidence than was given before the Commissioner, it shall be lawful for such Judge to require and permit such evidence to be produced.

12. And whereas from deaths of and dealings by purchasers from the said Company, and from those claiming from through or under

New Zealand Company's Land Claimants.

under them, various and conflicting claims to conveyances and to such land orders or contracts may arise: Be it enacted that every deed of grant which shall be made by the Governor, in the name and on behalf of the Crown, of the land to which any such land order contract or scrip as aforesaid shall relate, for the estate and interest thereby contracted to be conveyed remaining unexpired and undetermined at the date of such grant to the purchaser or purchasers named in such land order contract or scrip, or to any person or persons deriving title from through or under such purchaser or purchasers, and on proof of his her or their title respectively to the satisfaction of any such Commissioner as aforesaid, shall be deemed both at law and in equity a full and complete performance by the Crown on behalf of the said Company of the contract or obligation contained in or resulting from any such land order contract or scrip as aforesaid, and shall be deemed and taken to be a good valid and effectual conveyance of the land purported to be conveyed by such grant as against Her Majesty, her heirs and successors, and against all other persons whatsoever.

13. Every such grant as aforesaid shall be in the form in the Schedule hereunto annexed, and may be made for the conveyance of one or more sections of land, or of a part or parts of a section or sections, and without reference to the original survey of the same either as regards the boundaries thereof or any lines of road already or to be hereafter reserved thereupon: Provided always that whenever it shall be necessary to take any land which shall be in actual cultivation for the purpose of laying out any new line of road, it shall be lawful for the Governor to cause the value of the land so taken, and also any injury thereby done to the owner or occupier of the same, to be ascertained and determined by two appraisers, one to be appointed by the Government and the other by such owner or occupier, who shall (or an umpire to be appointed by them) declare the amount of such valuation and injury, whereupon the Governor shall issue to the party injured, Government scrip to the amount so declared.

Grant to be in prescribed form.

14. In case the boundaries of any such land shall be disputed between two or more claimants, it shall be lawful for any such Commissioner as aforesaid to determine the boundaries by which the said land shall be described in any such grant as aforesaid.

Disputed boundaries how to be settled.

15. And whereas in certain cases various dealings have been had between the persons claiming title to the lands in regard to which such land orders relate, and others: And whereas, for the purpose of preventing injury and inconvenience to persons who may have dealt with such claimants in respect of the lands so claimed by them, it may be expedient that the legal estate in the land to be comprised in any such grant should in certain cases be deemed to have been in the grantee prior to the date of such grant: Be it enacted that it shall be lawful for the Commissioner who shall hear and decide any such claim, at his discretion, to report that for the purposes aforesaid it would be expedient that such legal estate should be deemed to have been in such grantee from and after a date to be named by such claimant in that behalf.

Commissioner to report when legal estate be deemed to vest in grantee.

16. In every such case it shall be the duty of the said Colonial Secretary, before issuing any such grant, to indorse thereon the date so reported as aforesaid, and the legal estate in the land to be comprised in such grant shall be deemed to have been in the grantee thereof from the date so to be indorsed as aforesaid.

Legal estate in certain cases to be deemed to vest as reported.

17. In case it shall be made to appear to the satisfaction of such Commissioner that the land to be comprised in any deed of grant to be issued under the authority hereof is subject to any legal or equitable mortgage

In case of mortgage, Commissioner may impose conditions on issue of grants.

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mortgage charge or lien, it shall be lawful for such Commissioner to prescribe such terms and conditions for the delivery of such deed to the grantee thereof as to him may appear just and equitable in relation thereto.

In case possession of land cannot be given by Government, value to be ascertained.

18. In case the said Company shall have contracted with any purchaser for the disposal of a particular section of land, and it shall not be in the power of the Government to give possession of such land to the person entitled to the same, it shall be lawful for the Governor to cause the value of such land or part thereof to be ascertained and determined by two appraisers, one to be appointed by the said Colonial Secretary or such other person as aforesaid on the part of the Government and the other by the person entitled to such section as aforesaid; but in case such appraisers cannot agree as to the value of the land so to be submitted to them for their appraisal, then it shall be lawful for any such Commissioner as aforesaid to determine the value thereof: Provided always that the valuation of the said Commissioner shall not be less than the least estimate nor more than the highest estimate to be made by such appraisers as aforesaid.

Right of a claimant in certain cases to be appraised.

19. Wherever the said Company shall have contracted with any purchaser for the disposal of a particular section of land not comprised within any district reverting to the Crown under the provisions of the hereinbefore recited Act of the tenth and eleventh of Victoria, it shall be lawful for the Governor to cause the right of such claimant, under all the circumstances connected therewith, to be appraised in manner aforesaid.

Power in such case to Governor to issue scrip to claimant.

20. It shall also be lawful for the Governor to issue to the person who may be found by such Commissioner to have a rightful claim to such land or any right therein as aforesaid, scrip for the amount so ascertained and determined as aforesaid: Provided always that the amount of scrip to be issued in any such case as aforesaid shall in no case be less than the amount which shall be found by such Commissioner to have been paid to the said Company in the original purchase of the land, or a proportionate part thereof, as the case may be.

Power to claimant to exchange land for scrip.

21. It shall be lawful for any claimant who may be reported by the said Commissioner to be entitled to some particular section or sections of land by virtue of any such land order or contract as aforesaid, to exchange the said land for such an amount of the said Government scrip as shall be equal to the sum which shall be reported by the said Commissioner to have been originally paid to the said Company in respect of such land: Provided always that no claimant who shall have received or shall hereafter receive any New Zealand Company's scrip or Government scrip in respect of any claim for compensation under or by virtue of any land order or contract of the said Company, shall under any circumstances receive more than one pound of Government scrip for each acre of land he may desire to exchange as aforesaid: Provided also that any claimant who may intend to avail himself of the foregoing provision shall, within six months from the passing hereof if he be resident within the Islands of New Zealand and within eighteen months from the passing hereof if he be resident elsewhere, give notice in writing, by himself or his agent, to the said Colonial Secretary or other person as aforesaid, of his intention so to do.

Power to claimant to exchange Company's scrip and supplementary land orders and land selected by virtue thereof, for Government scrip.

22. And whereas the said Company have issued supplementary land orders and also scrip of various kinds, in some cases purporting to confer upon the holder thereof a right to select a certain number of acres of land and in some cases a right to select land of the value in such scrip mentioned: Be it enacted that it shall be lawful for any claimant as aforesaid, who may be reported by such Commissioner to be entitled to such right of selection, to exchange

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change such scrip or supplementary land orders, or any land which may be reported by the said Commissioner to have been duly selected by virtue thereof, for Government scrip at the rate following, that is to say,—One pound sterling in Government scrip for every acre of land where the said Company's scrip or supplementary land order shall certify the claimant to be entitled to select a number of acres, or one pound sterling of Government scrip for every pound sterling where the said Company's scrip shall certify the claimant to be entitled to select land to the value of a number of pounds: Provided always that every claimant who may be desirous of effecting such exchange shall, within six calendar months after the passing hereof if he be resident in the Islands of New Zealand and within eighteen months if he be resident elsewhere, give notice in writing to the said Colonial Secretary or other person as aforesaid, of his intention so to do.

23. All Government scrip to be issued under the authority of this Ordinance shall be transferable, and shall be received as cash by the Colonial Treasurer of the Province of New Munster in or towards the purchase of demesne lands of the Crown in any part of the said Province which may from time to time be offered for sale by or on behalf of the Colonial Government, and by the Colonial Treasurer of the Province of New Ulster, in or towards the purchase of demesne lands of the Crown in any part of the said Province of New Ulster (not being within the limits of any hundred or within the limits of the town site of New Plymouth) which may from time to time be offered for sale by or on behalf of the said Colonial Government.

Government scrip to be available at sales of Crown land in New Munster and New Ulster.

24. Upon the receipt of such scrip all right title interest claim and demand of the person to whom the same shall have been issued, and of all other persons whatsoever to the land in respect of which scrip shall have been issued, shall be extinguished. And the issue of such scrip by the New Zealand Government shall be deemed, both at law and in equity, a full and complete performance by the Crown, on behalf of the said Company, of the contract or obligation of the said Company in respect of which such scrip shall have been issued as aforesaid: And so much of the land to which any such land order or contract as aforesaid shall relate as shall not be granted to the claimant thereof as hereinbefore provided, shall be deemed and taken to be part of the demesne lands of the Crown, free from all incumbrances whatever: And whereas the New Zealand Company is alleged to have conferred upon some of its purchasers of land the privilege of depasturage upon waste lands in proportion to the land purchased: Be it enacted that in every case in which any such purchaser shall exchange any part of the land so purchased by him for scrip under the provisions of this Ordinance, such alleged privilege shall altogether cease and determine.

Receipt of Government scrip by claimant to extinguish his title.

25. And whereas the persons particularly named and described in the Schedule hereunto annexed have already applied to the Government for grants of land in the settlement of Nelson: Be it enacted that the applications so made by such persons as aforesaid shall be deemed and taken to be as good valid and effectual as if the same had been made within the time and in the manner hereinbefore prescribed in that behalf, anything herein contained to the contrary notwithstanding.

Nelson grants.

26. And whereas certain leases of lands in the New Zealand Company's settlements have been made by the Resident Agents for the time being of the said Company in the name or on the behalf of the said Company, but the said leases have not been sealed with the seal of the said Company: Be it enacted that every lease of land in the said settlements, made or purporting to be made in the name or on

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the behalf of the said Company and signed by any such Agent, shall be deemed and taken to be to all intents and purposes a good valid and effectual lease of the land comprised therein; and that every deed of grant to be made or to be deemed to be made under the authority of this Ordinance in respect of any land comprised in such lease shall be deemed and taken to be subject thereto.

Claims by absentee proprietors of land in Nelson, how to be adjusted.

27. And whereas it is expedient that any claims to be advanced by the absentee proprietors of land in the Settlement of Nelson to compensation under any contract of the said Company should be entertained and adjusted on the same general principle as that which was adopted for the adjustment of similar claims of absentee proprietors of land in the Settlements of Wellington and New Plymouth: Be it enacted that any such claims to compensation by absentee proprietors of land in the Nelson Settlement shall be entertained and adjusted on the general principal aforesaid, and that, upon report by any Commissioner appointed under this Ordinance (to whom any such claim shall have been referred by the Governor), that the claimant is entitled to any compensation under such contract as aforesaid, it shall be lawful for the Governor to issue scrip to such claimant to an amount not exceeding in any case the sum of one hundred and fifty pounds upon any allotment where the claimant shall retain the land originally purchased by him, or the sum of fifty pounds upon any allotment where the claimant shall exchange the land for scrip under the provisions of this Ordinance.

Fees on Crown grants issued under this Ordinance.

28. And whereas by the second clause of an Ordinance passed in the tenth year of the reign of Her Majesty Queen Victoria, intituled "*An Ordinance to repeal the Crown Grants Ordinance, Session V., No. 3, and to impose a Fee for the Delivery of all Crown Grants,*" it is enacted that a fee of twenty shillings shall be paid on the delivery of all Crown Grants: Be it enacted that the said fee of twenty shillings to be received under the authority of the above-recited Ordinance for grants from the Crown for land purchased prior to the date of the passing of this Ordinance, in the settlements of the New Zealand Company, shall be applied towards defraying the expenses incurred under this Ordinance.

Claims under Nanto-Bordelaise Company.

29. And whereas the New Zealand Company purchased or claimed to have purchased a certain tract of land at Banks' Peninsula from the Company or Association commonly known as the Nanto-Bordelaise Company, subject nevertheless to the rights of all persons claiming title from or under such last-mentioned Company: Be it enacted and declared that all and singular the persons claiming right under or being purchasers of land from the said Nanto-Bordelaise Company, subject to whose claims the said New Zealand Company made or claimed to make such purchase as aforesaid, shall for the purposes of this Ordinance be deemed and taken to be claimants of land from the New Zealand Company.

Provisions of 13th chapter of Royal Instructions when to come into force.

30. And whereas, by certain Instructions under the Royal Signet and Sign Manual, bearing date the twelfth day of August, one thousand eight hundred and fifty, Her Majesty did revoke and determine so much and such part only of the thirteenth chapter of the Royal Instructions bearing date the twenty-third day of December, one thousand eight hundred and forty-six, as relates to the lands comprised in or affected by the contracts between the New Zealand Company and the settlers at Wellington, Nelson, and New Plymouth, and the Associations of Otago and Canterbury, and so far as the same might be inconsistent with the said contracts respectively or any part thereof: And Her Majesty did declare that on the expiration or sooner determination of any such contract the regulations comprised in the said
thirteenth

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thirteenth chapter of the said recited Instructions should again become and remain in force as regards the lands comprised in or affected by such contract: Be it enacted, and it is hereby declared, that for the purposes of the said first-mentioned Instructions all such contract as aforesaid shall be deemed to have expired and to have determined on the first day of September now next ensuing; and the said thirteenth chapter of such Royal Instructions shall thereupon again become and remain in force as regards the lands comprised in or affected by such contracts, so far as such Instructions shall not be repugnant to the provisions of this Ordinance.

31. Provided always that nothing herein contained shall be deemed in any way to affect any right or prerogative of the Crown, whether exercised by Her Majesty or His Excellency the Governor under and by virtue of his Commission or the Charter of the Colony.

Prerogative of the
Crown reserved.

SCHEDULES.

SCHEDULE A.

FORM OF GRANT.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, and so forth: To all to whom these presents shall come, Greeting:

WHEREAS under and by virtue of a certain Act of Parliament made and passed in the eleventh year of our reign, intituled "*An Act to promote Colonization in New Zealand, and to authorize a Loan to the New Zealand Company,*" the said Company have, under the provisions of the said Act, given notice that they were ready to surrender the Charters of the said Company to us, whereby all the lands tenements and hereditaments of the said Company in the Colony of New Zealand have become vested in us as part of the demense lands of the Crown, subject nevertheless to any contracts subsisting in regard to any of the said lands: And whereas it hath been made manifest to us that of _____, under and by virtue of a contract some time since entered into by the said Company, is entitled to a grant of the land hereinafter described: Now know ye that in part performance and fulfilment of the several subsisting contracts entered into by the said Company for the sale and conveyance of land in our said territory as provided for in the said recited Act, we for us, our heirs and successors, do hereby grant unto the said _____, all that allotment or parcel of land in our said territory situated _____, and which said land is more particularly delineated and described in the plan drawn in the margin hereof, with all the rights and appurtenances whatsoever thereto belonging, to hold unto the said _____

In testimony whereof we have caused this our grant to be sealed with the Seal of our _____

Witness our trusty and well-beloved _____, at _____, in New Zealand aforesaid, this _____ day of _____, in the _____ year of our reign, and in the year of our Lord one thousand eight hundred and fifty _____.

SCHEDULE B.

APPLICATIONS FOR GRANTS AT NELSON.

A.

Adam, Stephen, tanner, Nelson.
Adam, George, labourer, Nelson.
Aitken, Alexander, storekeeper, Nelson.
Andrews, Joseph, storekeeper, Nelson.
Andrews, Wm. and Thomas, farmers, Nelson.
Askew, Thomas, boatman, Nelson.
Askew, William, farmer, Nelson.
Atkins, Thomas, farmer, Nelson.
Avis, James, labourer, Nelson.

B.

Barnicoat, John W., and T. J. Thompson, surveyors, Nelson.
Barnicoat, John Wallis, surveyor, Nelson.
Bagient, Edward, miller, Nelson.
Barnett, William, shoemaker, Nelson.
Bell, Francis Dillon, and T. Renwick, gentlemen, Nelson.
Bell, Francis Dillon, esquire, Nelson.

Bell, William Gordon, the elder, farmer, Nelson.
Bell, William Gordon, the younger, farmer, Nelson.
Berry, Thomas Richard, storekeeper, Nelson.
Berry, Frederick Thomas, farmer, Nelson.
Bedborough, Henry, gentleman, Nelson.
Blick, William, farmer, Nelson.
Blick, Thomas, tanner, Nelson.
Blick, William, labourer, Nelson.
Blick, Enoch, labourer, Nelson.
Boys, John Cowell, surveyor, Nelson.
Brunner, Thomas, surveyor, Nelson.
Brown, John, mason, Nelson.
Bradley, James, labourer, Nelson.
Burn, Robert, tinsmith, Nelson.
Busch, Hans Heinrich, farmer, Nelson.

C.

Campbell, Mathew, miller, Nelson.
Carter, John, farmer, Nelson.
Cautley, William Oldfield, esquire, Nelson.

Cate,

New Zealand Company's Land Claimants.

Cate, John, labourer, Nelson.
 Cawte, John, Serg.-Major of police, Nelson.
 Chamberlain, John, farmer, Nelson.
 Christie, Charles, gentleman, Nelson.
 Chapman, Henry Samuel, Judge of the Supreme Court, Wellington.
 Coleman, Edward, cabinet-maker, Nelson.
 Collins, William, esquire, Nelson.
 Cox, Charles Henry, farmer, Nelson.
 Cross, James Smith, pilot, Nelson.
 Cullen, William, farmer, Nelson.

D.

Daniell, Henry Cooper, accountant, Nelson.
 Dane, Hiram, boatman, Nelson.
 Dent, William, labourer, Nelson.
 Dillon, Constantine A., and William Fox, esquires, Nelson.
 Dillon, Hon. Constantine A., esquire, Nelson.
 Domett, Alfred, Colonial Secretary, N.M., Wellington
 Dickenson, William, farmer, Nelson.
 Doran, Plunkett, gentleman, Nelson.
 Dyson, William, carpenter, Nelson.

E.

Elliott, Charles, and Thomas Bright, Trustees of the Nelson Land Association, Nelson.
 Elliott, Charles, printer, Nelson.
 Empson, Charles, merchant, Nelson.
 Epps, Thomas, nurseryman, Nelson.
 Eves, William, labourer, Nelson.
 Eyles, Daniel, labourer, Nelson.

F.

Fagan, Thomas, carpenter, Nelson.
 Fearon, Edward, and John Ward, gentlemen, Nelson.
 Fearon, Edward, farmer, Nelson.
 Fell, Alfred, merchant, Nelson.
 Fisher, Joseph, gentleman, Nelson.
 Fiven, Henry, farmer, Nelson.
 Flowers, Henry, carpenter, Nelson.
 Fox, William, carpenter, Nelson.
 Foy, Thomas, butcher, Nelson.

G.

Gapper, Bernard, landing waiter, Nelson.
 Gaukroger, Thomas, carpenter, Nelson.
 Gentry, Charles, brickmaker, Nelson.
 Gibson, John, constable, Nelson.
 Gifford, James, farmer, Nelson.
 Gifford, Isaac, farmer, Nelson.
 Gill, William, farmer, Nelson.
 Gibbs, James, farmer, Nelson.
 Gillott, John, labourer, Nelson.
 Godfrey, Henry, gentleman, Nelson.
 Greenwood, John Danforth, esquire, Nelson.
 Graham, James, miller, Nelson.
 Grooby, Francis, the elder, Francis Grooby the younger, and Edward Grooby, farmers, Nelson.
 Greaves, Joseph, gentleman, Nelson.
 Griffiths, John, labourer, Nelson.

H.

Hart, George, gentleman, Wellington.
 Harper, James, shoemaker, Nelson.
 Haslam, Jonathan, labourer, Nelson.
 Hargreaves, Henry, butcher, Nelson.
 Harley, Charles, publican, Nelson.
 Hale, William, gardener, Nelson.
 Hammond, William, farmer, Nelson.
 Hebbard, Isaac Welden, carpenter, Nelson.
 Herrick, Wm. John, farmer, Nelson.
 Higgins, Sidney, labourer, Nelson.
 Henryson, Francis Henry, esquire, Nelson.
 Hewitt, John, farmer, Nelson.
 Hildreth, William, farmer, Nelson.
 Hooper, George, brewer, Nelson.
 Hough, William, storekeeper, Nelson.
 Hodgson, Benjamin Oliver, writing clerk, Nelson.
 Hodgson, William Charles, and Benjamin Oliver Hodgson, gentlemen, Nelson.
 Holland, George, farmer, Nelson.
 Houlst, Joseph, bricklayer, Nelson.
 Hill, Isaac Mason, storekeeper, Nelson.
 Hughes, Benjamin, labourer, Nelson.

I.

Ironside, Rev. Samuel, Wesleyan Minister, Nelson.
 Ives, William, shoemaker, Nelson.

J.

Jackson, Benjamin, shoemaker, Nelson.
 Jessop, William, bricklayer, Nelson.
 Jeffries, William, labourer, Nelson.
 Jenkins, Alfred George, gentleman, Nelson.
 Jennings, William, baker, Nelson.
 Johnson, William, bricklayer, Nelson.
 Jollie, Francis, esquire, Nelson.
 Jones, William, farmer, Nelson.

K.

Kelling, Charles, Fedor Kelling, and John Ferdinand Benoit, farmers, Nelson.
 Kelling, Charles, and Fedor Kelling, farmers, Nelson.
 King, Ann, sempstress, Nelson.
 Kidson, John, labourer, Nelson.

L.

Laking, Francis Alexander, surgeon, Nelson.
 Livick, Jonathan Dixon, miller, Nelson.
 Lloyd, Rev. Robert John, clerk in orders, Nelson.
 Lloyd, Richard, shoemaker, Nelson.
 Lodder, William, farmer, Nelson.

M.

MacEachan, Archibald, carpenter, Nelson.
 MacVicar, Neil, gardener, Nelson.
 MacArtney, Joseph, constable, Nelson.
 MacDonald, John, shoemaker, Nelson.
 MacDonald, James, labourer, Nelson.
 MacDonald, John, gardener, Nelson.
 MacMahon, Bernard, sawyer, Nelson.
 MacGowan, William, farmer, Nelson.
 Macshane, Clara, druggist, Nelson.
 Mackay, James, esquire, Nelson.
 Martin, Hugh, esquire, Nelson.
 Martin, Hugh, and Charles Elliott, gentlemen, Nelson.
 Marsden, Thomas, farmer, Nelson.
 MacRae, William, sheep farmer, Nelson.
 MacRae, George, sheep farmer, Nelson.
 Meäter, Margaret Gordon, widow, Verviers, Kingdom of Netherlands.
 Monro, David, doctor of medicine, Nelson.
 Moore, Daniel, storekeeper, Nelson.
 Moore, Thomas, weaver, Nelson.
 Morrison, Alex., and David Sclanders, merchants, Nelson.
 Morse, Nathaniel George, esquire, Nelson.
 Myers, George Henry, esquire, Nelson.
 Moulder, George, sawyer, Nelson.
 Mowat, Marjory, wife of Alexander Mowat, sheep farmer, Nelson.

N.

Newport, Samuel, gardener, Nelson.
 Newth, Robert, brickmaker, Nelson.
 Newcome, Richard Kindersley, esquire, Nelson.
 Nicholson, Rev. Thomas Dixon, Presbyterian Minister, Nelson.
 Nicholson, Rev. T. D., David Sclanders, James MacKay, Thomas Renwick, William Gardener, George MacRae, Alexander Rankin, William Rogerson, and William Wilkie, trustees of the Scotch Church, Nelson.
 Nicholls, Richard Stephen Antony, surveyor, Nelson.
 Nixon, John, esquire, Nelson.

O.

Otterson, Francis, esquire, Nelson.
 Outridge, Richard Pitman, schoolmaster, Nelson.

P.

Paap, Christian, thatcher, Nelson.
 Pahl, William, cooper, Nelson.
 Pearce, Samuel, gentleman, Nelson.
 Petre, Hon. Henry William, esquire, Wellington.
 Plank, William, farmer, Nelson.
 Phipps, Mary, widow, Nelson.
 Poynter, John, gentleman, Nelson.
 Pratt, Thomas, carpenter, Nelson.

*Licensing Amendment, No. 2.***R.**

Ratt, George (the elder), carpenter, Nelson.
 Redwood, Henry (the elder), Francis Otterson,
 Joseph Ward, Henry Redwood (the younger),
 and John Armstrong, trustees of the Roman
 Catholic Church, Nelson.
 Redwood, Henry, farmer, Nelson.
 Renwick, Thomas, and George Hooper, brewers,
 Nelson.
 Rennell, Edward George, schoolmaster, Nelson.
 Riley, John, joiner, Nelson.
 Richmond, His Honor Mathew, Superintendent,
 Nelson.
 Rogerson, William, under gaoler, Nelson.

S.

Saxton, John Waring, esquire, Nelson.
 Saxton, Rev. Chas. Waring, clerk in orders, Nelson.
 Schroder, George William, merchant, Nelson.
 Sewell, Charles, teacher, Nelson.
 Seymour, Henry, esquire, Nelson.
 Selwyn, Right Rev. George Augustus, Bishop of
 New Zealand, Nelson.
 Shepherd, William Luke, gentleman, Nelson.
 Sheat, John, farmer, Nelson.
 Shepherd, Alexander, labourer, Nelson.
 Sharp, George, sawyer, Nelson.
 Shaw, John, esquire, Nelson.
 Schumacher, Frederick, cabinet-maker, Nelson.
 Sherman, William, shoemaker, Nelson.
 Slatter, George, carpenter, Nelson.
 Simpson, John, farmer, Nelson.
 Sinclair, Donald, gentleman, Nelson.
 Simmonds, Joseph, carpenter, Nelson.
 Silcock, Simon, sawyer, Nelson.
 Snow, William, farmer, Nelson.
 Smith, William, labourer, Nelson.
 Stallard, William, painter and glazier, Nelson.
 Stafford, Edward William, esquire, Nelson.
 Stephens, Samuel, esquire, Nelson.
 Strong, Samuel, merchant, Nelson.
 Staples, John, farmer, Nelson.

Stagg, Charles, sawyer, Nelson.
 Stagg, James, sawyer, Nelson.
 Sweet, Edward William, stockowner, Nelson.

T.

Taylor, William, boatman, Nelson.
 Taylor, Joseph, boarding-house keeper, Nelson.
 Taylor, George, dairyman, Nelson.
 Taylor, John Parkin, gentleman, Nelson.
 Thorn, John, gardener, Nelson.
 Thoms, Alexander, heir-at-law of Thos. Thoms,
 deceased, Nelson.
 Thoms, Ann, widow, Adelaide, South Australia.
 Thorp, Charles, esquire, Nelson.
 Tinline, John, esquire, Nelson.
 Trower, Thomas Noel, farmer, Nelson.
 Townsend, Richard, gardener, Nelson.
 Tytler, James Stuart, and George Michael Tytler,
 esquires, Edinburgh, Scotland.
 Tunncliff, Thomas, labourer, Nelson.

W.

Walsh, William, shoemaker, Nelson.
 Watts, Charles Fowell Willett, sheep farmer,
 Nelson.
 Ward, John, farmer, Nelson.
 Wadsworth, James, labourer, Nelson.
 Wagstaff, Thomas, labourer, Nelson.
 Watson, Jacob, labourer, Nelson.
 Wells, William, gentleman, Nelson.
 Weightman, William Alexander, gentleman, Nelson.
 White, Charles, labourer, Nelson.
 Whibby, Edward, farmer, Nelson.
 Wither, Charles Bigg, esquire, Nelson.
 Wilson, John Henry, gentleman, London, England.
 Wilson, Joseph Foord, surgeon, Nelson.
 Wilson, John, Lieutenant R.N., Nelson.
 Wodehouse, James Hay, esquire, Nelson.

Y.

Young, John, blacksmith, Nelson.

No. XVI.

AN ORDINANCE to amend "*An Ordinance* (Session II.,
 No. 12,) *for Regulating the Sale of Fermented and
 Spirituous Liquors.*" [2nd August, 1851.]

LICENSING
 AMENDMENT, No. 2.

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

Preamble.

BE IT THEREFORE ENACTED by His Excellency the Governor-in-
 Chief of the Islands of New Zealand, with the advice and consent of
 the Legislative Council thereof:—

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

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

Licensing Amendment, No. 2.

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

2. If any person not being duly licensed shall sell any quantity less than two gallons of any spirituous liquors, wine, ale, or beer, whether the said quantity of two gallons shall be composed of the same liquor or of a variety of liquors, or shall permit the same to be sold by any other person in or upon his house or premises, or shall permit to be removed from his premises for the purposes of sale any quantity less than two gallons of one liquor at any one time, he shall forfeit and pay for every such offence the sum of fifty pounds, to be recovered in a summary way.

Commencement of Ordinance.

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

Appropriation.

ANNO DECIMO SEXTO

VICTORIÆ REGINÆ.

Session XII. No. I.

AN ORDINANCE to appropriate the Revenue of the Islands of New Zealand, from the first day of January, One thousand eight hundred and fifty-three.

APPROPRIATION.

[29th December, 1852.]

WHEREAS by an Ordinance enacted by the Governor-in-Chief of the Islands of New Zealand, with the advice and consent of the General Legislative Council thereof, (Session XI., No. 12,) intituled "An Ordinance to appropriate the Revenue of the Provinces of New Ulster and New Munster for the Year 1851," provision was made for defraying the charge of the Government of the Provinces of New Ulster and New Munster for the years one thousand eight hundred and fifty-one and one thousand eight hundred and fifty-two.

Preamble.

BE IT ENACTED by the Governor-in-Chief of the New Zealand Islands, with the advice and consent of the Legislative Council thereof, as follows :—

1. That such appropriation of the revenue of the said Provinces of New Ulster and New Munster as was made by the above-mentioned Ordinance for the years one thousand eight hundred and fifty-one and one thousand eight hundred and fifty-two, shall be deemed and taken to apply to the appropriation of such revenue, or that of the districts at present comprised within the said Provinces, for the portion of the year one thousand eight hundred and fifty-three commencing on the first of January, one thousand eight hundred and fifty-three, and ending on the thirtieth day of September, one thousand eight hundred and fifty-three, unless the appropriation of the said revenue or any part thereof shall in the meantime be otherwise lawfully provided for.

Appropriation of the revenue of 1851 and 1852 to be an appropriation for nine months.

2. That in case of the appropriation of any part of the said revenue not being otherwise lawfully provided for, the Colonial Treasurer of New Ulster and the Colonial Treasurer of New Munster, or such other officer as may be appointed by the Governor in that behalf within the respective districts now comprised in the said Provinces, may issue from time to time any sum or sums of money for the purposes mentioned in the said Appropriation Ordinance for the years one thousand eight hundred and fifty-one and one thousand eight hundred and fifty-two, not exceeding in the whole the sums respectively specified, to such persons and in such proportions as the Governors or other Officers Administering the Government for the time being of the said Provinces of New Ulster and New Munster, or such districts as aforesaid respectively, shall by any order in writing signed by them from time to time direct ;

Any portion of revenue not otherwise lawfully provided for, to be disbursed as before.

Land Registration Amendment and Extension.

direct; and such Treasurers or other officers as aforesaid shall, in their accounts, be allowed credit for all sums paid by them in pursuance of such orders, and the receipts of the persons to whom such sums shall have been paid shall be to them a full discharge of the sum or sums for which such receipts shall have been given, and the amounts thereof shall be passed to their credit in account accordingly.

No. II.

LAND REGISTRATION
AMENDMENT AND
EXTENSION.

AN ORDINANCE to amend "*The Land Registration Ordinance*," and to extend the operation of the same to the Canterbury Settlement.

[29th December, 1852.]

Preamble.

WHEREAS by an Ordinance enacted by the Governor and Legislative Council of New Zealand, (Session II., No. 9,) intituled "*An Ordinance to provide for the Registration of Deeds and Instruments affecting Real Property*," it is provided that there shall be deposited in the Register Office of every county or district maps of all lands which shall from time to time be surveyed within the limits thereof, which maps shall be signed by the Surveyor-General of the Colony and by the Registrar:

BE IT ENACTED by the Governor-in-Chief of the Islands of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

Signature of any person duly authorized as effectual as that of Surveyor-General.

1. The signature of any person duly authorized in that behalf by His Excellency the Governor-in-Chief affixed to maps for the purposes of the in part recited Ordinance, or of this Ordinance, shall be of the same force and effect, to all intents and purposes whatsoever, as the signature of the Surveyor-General required to be fixed to maps by the said in part recited Ordinance.

Maps and plans to be registered with deeds.

2. And whereas doubts have arisen in the construction of the said recited Ordinance, Session II. No. 9, as to the necessity of registering maps or plans delineated upon instruments to be registered under the said Ordinance: Be it enacted that such maps or plans shall in all cases be registered in the same manner as and together with the instrument itself.

Extension of Ordinance to Canterbury Settlement.

3. And whereas the operation of the said in part recited Ordinance is confined to the registration of grants by the Crown of land within the Colony, and of deeds contracts wills judgments suits acceptances of office inquisitions bankruptcies insolvencies and private Ordinances, so far as regards any land to be affected thereby subsequently to the date of such grants: And whereas it is expedient to extend the operation of the said Ordinance to lands within the Canterbury Settlement: Be it enacted that every conveyance of land within the Canterbury Settlement, made or to be made by the Canterbury Association, incorporated by Her Majesty's Royal Charter bearing date at Westminster the thirteenth day of November, in the thirteenth year of her reign, by the name and style of "*The Canterbury Association for Founding a Settlement in New Zealand*," now called "*The Canterbury Settlement*," and every deed or contract, except as excepted in the above-named Ordinance, and every will judgment suit acceptance of office

Bank Charters Amendment.

office inquisition bankruptcy insolvency or private Ordinance whereby such land may be affected, subsequently to the date of such conveyance, may be registered in like manner as a grant by the Crown of land within the Colony, deed or contract will judgment suit acceptance of office inquisition bankruptcy insolvency or private Ordinance, may be registered, and such registration shall have the like force and effect to all intents and purposes whatsoever, and all the regulations and provisions contained therein or in the said recited Ordinance shall apply to the same :

4. Provided that nothing herein, or in the said in part recited Ordinance, shall be construed to confer any advantage on deeds contracts or wills registered by virtue of this Ordinance, by reason of their having been registered before other deeds contracts or wills previously executed, until after the first day of January, one thousand eight hundred and fifty-four.

Limitation of effect of registration.

5. That this Ordinance shall come into operation from and after the passing hereof.

Commencement.

No. III.

AN ORDINANCE to amend "*The Bank Charters Ordinance*," No. 13, Session XI.

BANK CHARTERS AMENDMENT.

[3rd January, 1853.]

WHEREAS it is expedient to amend the fifth regulation contained in the second clause of an Ordinance enacted by the Governor-in-Chief of New Zealand, with the advice and consent of the Legislative Council thereof, (Session XI., No. 13,) intituled "*An Ordinance to authorize the Governor-in-Chief to grant Charters of Incorporation to Banking Companies* :"

Preamble.

BE IT ENACTED by the Governor-in-Chief of New Zealand, with the advice and consent of the Legislative Council thereof, as follows :—

1. The fifth regulation contained in the second clause of the above in part recited Ordinance is hereby repealed, and the following regulation is substituted for the same :—

Fifth regulation in the second clause repealed, and another regulation substituted in its place.

Suspension of payments on demand at any of the Company's establishments for such period or periods as may be prescribed in the Charter shall forfeit the Charter of the Company.

2. This Ordinance shall come into operation from and after the day of the passing hereof.

Commencement.

No. IV.

AN ORDINANCE for the Naturalization of certain Persons in the Islands of New Zealand.

NATURALIZATION.

[3rd January, 1853.]

WHEREAS by an Ordinance enacted by the Governor-in-Chief of the New Zealand Islands, with the advice and consent of the General Legislative Council thereof, (Session XI., No. 9,) and intituled

Preamble.

Naturalization.

“*An Ordinance for the Naturalization of certain Persons in the Islands of New Zealand,*” it was provided that all persons who should be declared to come within the operation of the said Ordinance by any Proclamation to be issued in that behalf by His Excellency the Governor-in-Chief, should be deemed and taken, until the then next Session of the General Legislature within the Islands of New Zealand, to be natural born subjects of Her Majesty :

Persons named in Schedule to be naturalized.

1. Be it enacted that all and singular the persons who are particularly described in the Schedule hereunto annexed, and who have from time to time been declared, by virtue of the above-mentioned Ordinance, to come within the operation of the same, shall be to all intents and purposes whatsoever, within the Islands of New Zealand, deemed and taken to be and to have been, from the dates set opposite to their names respectively, and in the absence of such dates from the date of the passing of this Ordinance, natural born subjects of Her Majesty, as if they had been respectively born within the realm of England.

Persons declared to come within operation of this Ordinance by Proclamation, to be deemed, until next Session of General Legislature, natural born subjects.

2. And whereas there are certain other persons resident in New Zealand whom it is expedient to relieve from the disabilities to which aliens are by law subject, but whose names and description have not been accurately ascertained: Be it enacted that all and singular the persons who shall be declared to come within the operation of this Ordinance by any Proclamation to be issued in that behalf by His Excellency the Governor-in-Chief, shall be deemed and taken, until the next Session of the General Legislature, within the Islands of New Zealand, to be natural born subjects of Her Majesty, as fully to all intents and purposes as if their names had respectively been inserted in the Schedule hereunto annexed.

Commencement.

3. This Ordinance shall come into operation from and after the passing hereof.

SCHEDULE.

Date of Proclamation.	Names.	
21st August, 1851 ...	Anthony Martin, a Portuguese	June, 1846.
... ..	Emanuel Christian, do.	... ..
9th December, 1851 ...	Sigismund Schnee	21st October, 1851.
... ..	Elizabeth Schnee	... ..
... ..	Jacob Wackerle	30th October, 1851.
... ..	Marie Judith Wackerle	... ..
... ..	Phillip Woll	... ..
... ..	John Frederic Rubler	... ..
... ..	John Breitmeyer	... ..
... ..	Eva Marie Breitmeyer	... ..
... ..	John Breitmeyer	... ..
... ..	Catherine Breitmeyer	... ..
... ..	Elizabeth Breitmeyer	... ..
... ..	George Breitmeyer	... ..
... ..	Adele Breitmeyer	... ..
... ..	Rose Breitmeyer	... ..
... ..	Frederic John Breitmeyer	... ..
... ..	François Malmanche	... ..
... ..	Hypolite Gendrot	... ..
... ..	George Pierre Leroy	... ..
... ..	Louis Levallant	... ..
... ..	Charles François Lemonier	... ..
... ..	Guillaume David	... ..
... ..	Charles Masiey	... ..
... ..	Jean Baptiste Eteveneaux	... ..
... ..	Françoise Josephine Eteveneaux	... ..
... ..	Catherine Eteveneaux	... ..

Jean

Supreme Court Practitioners.

Date of Proclamation.	Names.	
...	Jean Pierre Eteveneaux	...
...	Jeanne Françoise Eteveneaux	...
...	Michel Alfred	...
...	Jean Déce	...
...	Pierre Bernard	...
...	Margaret Bernard	...
...	Theophile Patri	...
...	Etienne François Lelievre	...
...	Justine Lelievre	...
...	Pierre Benoit	...
...	Louise Benoit	...
...	Pierre David	...
...	Pierre Gendrot	...
...	Clemence Gendrot	...
...	Josephine Gendrot	...
...	François Rousselot	...
...	Françoise Rousselot (wife of the above)	...
...	Joseph Libeau	...
...	Madelene Libeau	...
...	Joseph Libeau, junior	...
...	Clemence Lebeau	...
...	François Libeau	...
...	Theodore Libeau	...
...	Louis Libeau	...
...	George Libeau	...
...	Theodore Barrier	...
...	François Norbez	...
...	Joseph Dulse	...
...	Emery Malmanche	...
29th January, 1852	William Possenniskie	10th December, 1851.
24th February, 1852	Jules Vernon	19th November, 1851.
...	Benjamin Guindon	...
24th April, 1852.	Heinrich Edmonstone	8th April, 1852.
15th July, 1852.	Frederic Augustus Benkenstein	2nd July, 1852.
...	John Frederick Engst	...
25th August, 1852.	Appo Hopton	2nd August, 1852.

No. V.

AN ORDINANCE to provide for the admission of Barristers, Attorneys, and Proctors, to practice in the Supreme Court other than those admissible under "*The Supreme Court Ordinance*," Session III., No. I.

[4th January, 1853.]

WHEREAS by an Ordinance enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, (Session III., No. 1,) and intituled "*An Ordinance for establishing a Supreme Court*," it is provided that no person but barristers or advocates in Great Britain or Ireland, or solicitors, attorneys, or writers in any of the Courts of Westminster, Dublin, or Edinburgh, or proctors in any Ecclesiastical Court in England, or who shall have served such term of clerkship with a solicitor of the Court as is required by the general rules thereof, or shall have established themselves in the exercise of their profession on or before the twenty-second

Preamble.

SUPREME COURT
PRACTITIONERS.

Supreme Court Practitioners.

second day of December, one thousand eight hundred and forty-one, shall be enrolled in the Court to practice therein: And whereas it is expedient to extend such enrolment to all persons qualified to practice as barristers, attorneys, or proctors in the neighbouring Colonies of Australia and Van Diemen's Land, and to all persons in Great Britain or Ireland as well as in Australia and Van Diemen's Land and New Zealand, who have served any portion of the term required by law to qualify them to practice as attorneys in those places on completion of the residue of such term in New Zealand:

All persons having been admitted as barristers attorneys, &c., in the neighbouring Colonies may be enrolled.

1. BE IT ENACTED by the Governor-in-Chief of the New Zealand Islands, with the advice and consent of the Legislative Council thereof, that all such persons as shall have been admitted as barristers, solicitors, attorneys, or proctors in any Court in Australia or Van Diemen's Land, and all such persons as shall have served any portion of the term of clerkship required by law to qualify them to practice as solicitors or attorneys in Great Britain or Ireland, or in any part of Australia or Van Diemen's Land or New Zealand, and shall have completed such term according to the rules of the Supreme Court of New Zealand in that behalf, may be enrolled to practice in the said Court upon making and signing such declaration of such previous admission or of such completed service, and on affording such proof thereof as the case shall require or as may be required by any rules hereafter to be made relative thereto; and such enrolment shall have the same force and effect to all intents and purposes within the jurisdiction of the said Supreme Court, as the enrolment of persons who had been admitted to practice as barristers in Great Britain or Ireland, or admitted as solicitors or attorneys in any of the Courts at Westminster, Dublin, or Edinburgh.

Commencement.

2. That this Ordinance shall come into operation from and after the day of the passing hereof.

LOCAL AND PERSONAL ORDINANCES.

New Zealand.



ANNO QUINTO

VICTORIÆ REGINÆ.

[Local and Personal.]

SESSION II. No. I.

AN ORDINANCE to simplify Legal Proceedings by and against the New Zealand Banking Company.

NEW ZEALAND
BANKING COMPANY.

[22nd December, 1841.]

WHEREAS several persons have formed themselves into a Joint Stock Banking Company in the Colony of New Zealand, under the name of "The New Zealand Banking Company," and it is expedient to simplify legal proceedings by and against the said Company :

Preamble.

BE IT THEREFORE ENACTED by His Excellency the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows :—

1. All legal proceedings to be commenced and carried on by or on behalf of the said Company shall be commenced and carried on in the name of the Manager for the time being of the said Bank.

Legal proceedings by the Company to be in the name of the Manager.

2. All legal proceedings to be commenced and carried on against the said Company shall be commenced and carried on against the Manager for the time being of the said Bank as the nominal defendant.

Against the Company in the name of the Manager.

3. The death resignation or removal, or any other act by which the office or power of such Manager shall cease, shall not abate any legal proceedings, but the same may be continued and carried on in the name of the succeeding Manager, or of any person who may become Manager of the said Bank for the time being.

Legal proceedings not to abate by the death of Manager.

4. All summonses subpoenas notices writs and other legal processes to be issued or served against or upon the said Company shall be issued or served against or upon the Manager for the time being of the said Bank, or at the usual place where the business of the said Bank shall be carried on at Auckland.

Legal process to be served on Manager.

5. Provided always that the body or goods lands or tenements of such Manager shall not, by reason of his name being used under the authority

Manager not to be personally liable; costs to be paid by the Company.

LOCAL AND PERSONAL

New Zealand Banking Company.

authority of this Ordinance in any legal proceedings, be liable to be arrested seized or taken in execution, and that all costs and expenses to be incurred by such Manager in any such proceedings as aforesaid for or on behalf of the said Company shall be defrayed out of the funds of the said Company.

The Manager and other officers of the Bank may give evidence notwithstanding interest in the same.

6. In all legal proceedings in which the name of the Manager for the time being of the said Company shall be used or in which they shall be interested or concerned, it shall be lawful for such Manager, or for any Director, Auditor, Treasurer, Secretary, Clerk, or any other officer engaged in the executive duties of the said Bank, or for any proprietor or shareholder in the said Bank, to give evidence notwithstanding such person shall be interested in the result of such proceedings.

Execution upon any judgment may be issued against any member of the Company.

7. When any decree order or judgment in any such legal proceedings as aforesaid shall be had against the Manager of the said Bank, execution thereon may be issued against and levied upon the goods and chattels lands and tenements of any member or members of the said Bank in like manner as if such decree order or judgment had been obtained against such member or members personally.

Who shall have his remedy against the other members.

8. Every Manager in whose name any such legal proceedings shall be commenced and carried on, and every member against whose goods and chattels lands and tenements execution upon any judgment order or decree shall be issued or levied as aforesaid, shall be reimbursed out of the funds of the said Company all such damages costs charges and expenses as he shall incur or be put to by reason of such execution, and all such remedies shall be allowed, as between the several members of the said Company for the time being, as if this Ordinance had not been passed.

List of members to be recorded on oath in the office of the Registrar of the Supreme Court.

9. For the purpose of giving effect to the provision hereinbefore contained, the Manager of the said Bank shall, within thirty clear days from the passing of this Ordinance, and thereafter in the month of January in each year, cause a memorial containing a true list of the names of all the then existing members of the said Company, with their respective places of abode and descriptions, to be recorded in the office of the Registrar of the Supreme Court in the form or to the effect set forth in the Schedule hereunto annexed, on oath before the Registrar thereof, who is hereby authorized to administer the same.

List to be open for inspection.

10. And the list so recorded shall be open for inspection at all reasonable times, by any person requiring the same, on payment of a fee of one shilling.

Penalty.

11. Any Manager of the said Bank who shall fail to cause such list to be recorded in manner aforesaid, shall be liable to a penalty of one hundred pounds, to be recovered by action in the Supreme Court by any person or persons who shall sue for the same.

Falsely swearing, how punishable.

12. If any Manager of the said Company who shall take any oath under the provisions of this Ordinance shall wilfully forswear himself, such Manager shall be deemed guilty of wilful and corrupt perjury.

Every person included in such list to be considered a member until new list be recorded.

13. Every person whose name shall be so recorded shall be considered a member of the said Company and be liable as such until a new list of the members' names shall be recorded as aforesaid, or until he shall have given notice in the *New Zealand Government Gazette* of his having ceased to be a member of the said Company.

Ordinance to be at all times valid notwithstanding change of members of the Company.

14. The provisions in this Ordinance contained shall extend to the said Banking Company at all times during the continuance of the same, whether the said Company be now or hereafter composed of some or all or any of the persons who were the original or are the present members thereof, or of all or some of those parties together with some other person or persons, or shall be composed altogether of persons who were not original or are not now members of the same.

15. All

New Zealand Banking Company.

LOCAL AND PERSONAL

15. All securities which have been or which shall or may at any time hereafter be taken in the name of any person as Manager of the said Bank, or in the name of any Director or Directors of the said Company, for and on account of the said Company, shall and may be put in suit in the name of the Manager in whose name the same may have been taken, or in the name of any person who shall or may succeed to that office and be the Manager of the said Bank at the time such proceedings shall be instituted, notwithstanding the name of any such succeeding Manager be not inserted in such security.

Securities taken in the name of the Manager may be put in suit in his name.

16. The legal estate in all lands and tenements belonging or mortgaged to the said Bank which may be vested in the Manager of the said Bank, and all other legal rights in respect of the said Bank which may be vested in him, shall become vested in any succeeding Manager immediately upon his appointment, and such vesting shall be deemed to relate to the time at which such legal estate or rights ceased to be vested in the preceding Manager.

Legal estate to vest in new Manager.

17. And be it enacted that in any action to be brought by any Manager of the said Bank by virtue of this Ordinance, the plaintiff therein shall not be nonsuited nor shall a verdict be given against the plaintiff for want of proof of the record of such memorial as hereinbefore mentioned, but in case the defendant in any such action shall make it appear on any such trial by a certificate of the Registrar of the Supreme Court, verified by the Seal thereof, that no such memorial has been recorded as aforesaid, then a nonsuit shall be entered in such action.

Plaintiff not to be nonsuited for want of proof of record of memorial.

18. Provided always that nothing herein contained shall have the effect of incorporating the members or proprietors of the said Company, or to relieve or discharge them or any of them from any responsibility whatsoever which by law they now are or at any time hereafter shall be subject or liable to, either between the said Company and others or in any other manner whatsoever, except so far as the same is affected by the provisions of this Ordinance.

Bank not incorporated by this Ordinance.

19. Provided always that this Ordinance shall not affect any right title or interest of Her Majesty, her heirs or successors, or of any body or bodies politic or corporate, or of any other person or persons excepting such as are mentioned herein or those claiming under them.

Nothing in this Ordinance contained to affect or apply to any right &c. of Her Majesty, or any bodies politic or corporate.

20. And be it enacted that this Ordinance shall be deemed and taken to be a public Ordinance, and shall be judicially taken notice of as such in all cases without being specially pleaded.

Ordinance to be a public Ordinance.

SCHEDULE.

A MEMORIAL of the names additions and places of abode respectively of the persons who, upon this day of , one thousand eight hundred and forty , are members of the Company carrying on business under the style and firm of "The New Zealand Banking Company," to be recorded in the Supreme Court of New Zealand, pursuant to an Ordinance of the Governor of New Zealand, enacted with the advice and consent of the Legislative Council thereof, intituled "*An Ordinance to simplify Legal Proceedings by and against the New Zealand Banking Company.*"

Names.	Trade or Profession.	Place of Abode.
A.B.,		
C.D.,		

E.F., Manager.

E.F., of , Manager of "The New Zealand Banking Company," maketh oath and saith that the above-written memorial contains a just and true account of the several particulars therein set forth, to the best of this deponent's knowledge and belief.

E.F., Manager.

Sworn before me this day of , one thousand eight hundred and forty .

ANNO OCTAVO
VICTORIÆ REGINÆ.

[Local and Personal.]

SESSION III. No. I.

UNION BANK OF AUSTRALIA.

AN ORDINANCE for facilitating Proceedings by and against a certain Joint Stock Company called the Union Bank of Australia, and for other purposes therein mentioned. [11th July, 1844].

Preamble.

WHEREAS a Joint Stock Company was long since formed in London, under the style or firm of "The Union Bank of Australia," for the purpose of carrying on the business of banking in its various branches in the Australian Colonies, and one branch of that Bank has been established at Wellington, and another at Port Nelson, and other branches are about to be established in this Colony, and the affairs of this Company in New Zealand are superintended and managed at the said branch Banks by certain persons resident in this Colony called Directors, such persons being respectively shareholders of and in the capital or joint stock of the said Company :

And whereas, for enabling the said Company the more readily to enforce payment of moneys that may become due to them from time to time, and to prosecute persons for offences against the said Company or their property, and also for providing a more easy remedy against the said Company in the cases hereinafter mentioned, it is expedient that the said Company should be able to sue by and be liable to be sued in the name of a public officer of the said Company in place and stead of the whole, and to use the name of such public officer as hereinafter mentioned :

Company to sue and be sued in the name of the local Manager or one of the local Directors.

I. BE IT THEREFORE ENACTED by His Excellency the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, That all actions or suits against any person or persons indebted to the said Joint Stock Company, and all other proceedings at law or in equity, and in any Courts of Admiralty or Vice-Admiralty, and in any Courts having jurisdiction in matters of bankruptcy or insolvency, and in all Courts of inferior jurisdiction, to be instituted or prosecuted by or on behalf of the said Joint Stock Company, or wherein the said Company is or shall be in any way concerned against any person or persons, body or bodies politic or corporate, may be lawfully instituted and prosecuted in the name of the Manager for the time being of the said branch or branches of the said Company, and in the event of his death or absence from the said Colony, in the name or names of any of the Board of Directors in Wellington or Port Nelson, or elsewhere in the said Colony, at the time any such action suit or other proceeding shall be instituted, as the nominal plaintiff complainant or petitioner for and on behalf of the said Company, and that all actions suits and other

Union Bank of Australia.

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other proceedings at law or in equity, Admiralty, Vice-Admiralty, and in all Courts of inferior jurisdiction, to be commenced instituted and prosecuted against the said Company, may be instituted and prosecuted against the said Manager or one of the said Directors for the time being of the said Board of Directors, as the nominal defendant for and on behalf of the said Company, or against the said Banking Company, according to the ordinary course of law, as the person by whom such proceedings may be commenced shall think fit; and that in all indictments informations and prosecutions to be had preferred instituted or carried on by or on behalf of the said Company for fraud upon or against the said Company, or for embezzlement forgery robbery or stealing or other offence committed against the said Company or the property thereof, or any felony or misdemeanour in which the said Company shall be concerned, it shall be lawful to state the property of the said Company to be the property of such Manager or Director for the time being of the said Board of Direction; and any offence committed with intent to injure or defraud the said Company shall and lawfully may, in such indictments informations prosecutions or proceedings, be stated or laid to have been committed with intent to injure or defraud such Manager or Director for the time being of the said Company, and any offender or offenders may therefore be lawfully convicted of any such offence; and generally that in all cases wherein it would otherwise have been necessary to mention the names of the members composing the said Company, it shall be sufficient to use the name of such Manager or Director for the time being of the Board of Direction.

2. And be it enacted, That it shall and may be lawful for the said Company to commence and prosecute, by and in the name of such Manager or Director as aforesaid, any action suit or other proceeding at law or in equity, or in any Court of Admiralty or Vice-Admiralty, or in any Court having jurisdiction in matters of bankruptcy or insolvency, and in all Courts of inferior jurisdiction, against any person then being or having been, or who thereafter may be or have been, a member of the said Company, either alone or jointly with any other person against whom the said Company has or may have any demand whatsoever, and that any person then being or having been, or who may thereafter be or have been, a member of the said Company, may in respect of any demand which such person may have either solely or jointly with any other person, as the case may require, any action suit or other proceeding in any Court of Law, Equity, Admiralty, Vice-Admiralty, Bankruptcy, Insolvency, and in all Courts of inferior jurisdiction, against the said Company by and in the name of such Manager or Director, and that every person then or thereafter being or having been a member of the said Company shall, either solely or jointly with any other person, as the case may require, be capable of proceeding against the said Company by such Manager or Director, and be liable to be proceeded against by the said Company by the said Manager or Director, by such proceedings and with the same legal consequences as if such person had not been a member of the said Company; and that no action or suit or other proceeding shall be in any wise affected or defeated by reason of the plaintiffs or defendants or any of them respectively, or any other person in whom any interest may be averred, or who may be in any wise interested or concerned in any such action or suit or other proceeding, being or having been a member of the said Company, and that all such actions suits and other proceedings shall be conducted and have the same effect as if the same had been between strangers.

3. And be it enacted, That no claim or demand which any member of the said Company may have in respect of his share in the capital

Right and liability of members of the Company to sue and be sued by the Company.

Member of Company not allowed to set off his pecuniary

OR

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interest in its stock against any demand of the Company.

Bonds and other securities may be put in suit &c. in the name of the Manager or one of the Directors for the time being, though not named in such security.

Any member of Company guilty of larceny embezzlement &c. of its property, liable to the same consequences as if he was not such member.

Actions and other legal proceedings not to abate or be pre-

or joint stock thereof, or of any dividends interest profit or bonus payable or apportionable in respect of such share, shall be capable of being set off either at law or in equity against any demands which the said Company may have against such member on account of any other matter or thing whatsoever, but all proceedings in respect of any such other matter or thing may be carried on as if no claim or demand existed in respect of such capital or joint stock, or of any dividends interest property bonus payable or apportionable in respect thereof.

4. And be it enacted, That all bonds, mortgages, warrants of attorney, and other securities not being assignable in law, and all contracts and agreements, whether parol or under seal, which have heretofore been or shall or may at any time hereafter be taken in the name of the Manager, or one of the Board of Directors for the time being of the said branches respectively, for or on account of the said Company, shall and may be put in suit and enforced, sued, and prosecuted upon at law or in equity in the name of the Manager, or one of the Board of Directors for the time being of the said branches respectively, in whose name the same may have been or shall be taken or entered into, or in the name of any person who shall or may succeed to that office and be the Manager or Director for the time being of the said branches respectively, at the time such proceeding or proceedings shall be instituted carried on or continued, notwithstanding the name of any such succeeding Manager or Director be not inserted in any such bond mortgage warrant of attorney or other such security, or in any such contract or agreement as an obligee, mortgagee, assignee, payer of the sum or sums of money therein respectively mentioned or secured; and the death resignation removal or other act of any Manager or Director for the time being of the said branches respectively, in whose name any such bond mortgage warrant of attorney or other such security as aforesaid, or any such contract or agreement, shall be so put in suit, shall not abate any action suit or other proceeding had thereon, but the same may be continued and carried on where it left off in the name of any person who may be or become the Manager or Director for the time being of the said branches respectively. And the legal estate in all lands tenements and all property real and personal belonging or mortgaged to the said Company for all legal rights and capacities in respect of the said Company, shall and may become vested in the succeeding Manager or Director for the time being of the said branches respectively immediately upon the recording of the memorial, hereinafter required, of the name of such succeeding Manager or Director for the time being of the said branches respectively, in the said Supreme Court, and so on *toties quoties* whensoever any new appointment election substitution of a Manager or Director of the said branches respectively shall take place, and such memorial thereof shall be recorded as hereinafter mentioned.

5. And be it enacted, That if any person or persons, being a member or members of the said Company, shall steal or embezzle any money goods effects bills notes securities or other property of or belonging to the said Company, or shall commit any fraud forgery crime or offence against or with intent to injure or defraud the said Company, such member or members shall be liable to information indictment prosecution or other proceeding for every such act of stealing and embezzlement and for every such fraud crime or offence, and may thereupon be lawfully convicted as if such person or persons had not been or was or were not a member or members of the said Company, any law custom or usage to the contrary notwithstanding.

6. And be it enacted, That neither the death, resignation, nor removal of any such Manager or Director for the time being shall abate

or

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or prejudice any such action suit indictment information prosecution or proceeding, but the same may be continued by or against the said Company in the name of the next or other succeeding Manager or Director for the time being of the said branch or branches of the said Company: Provided always that no second suit action or other proceeding shall be at any time commenced by or against any such Manager or Director for the same cause of action where the merits shall have been tried and decided in the first suit or action.

judged by the death resignation or removal of the nominal plaintiff or defendant.

7. And be it enacted, That a memorial of the name of the Manager of the said branch or branches of the said Company, and also of the Directors for the time being of the Board of Direction, in the form or to the effect of the form set forth in the Schedule to this Ordinance annexed, signed by the said Manager and by each of the Directors of the Board, shall be verified by a declaration in the form or to the effect of the form set forth in the said Schedule, to be taken and subscribed by such Manager as aforesaid or by one of such Directors as aforesaid, before a Judge or a Commissioner of the Supreme Court of New Zealand, or before any Justice of the Peace, and which declaration such Judge, Commissioner, and Justice are hereby empowered and required to administer; and the said memorial having been so verified, shall be recorded in the said Supreme Court in the month of January, one thousand eight hundred and forty-five; and when and so often as any person shall be newly elected Manager or Director of the said Board or Boards of Directors in New Zealand, a memorial of the name of such newly elected Manager or Director in the same form or to the same effect as the hereinbefore mentioned memorial, signed by such newly elected Manager or Director, shall in like manner be verified and recorded in the said Supreme Court within sixty days next after such new Manager or Director shall be elected: Provided always that until such memorial as hereinbefore first mentioned shall be recorded in the manner herein directed, no action, suit, or other proceeding shall be instituted or prosecuted by the said Company under the authority of this Ordinance.

Memorial of the name of the local Manager and Directors to be verified and recorded, and no legal proceedings to be taken by the complainant until that has been done.

8. And be it enacted, That in any action to be brought by any Manager or Director for the time being of the said branches respectively by virtue of this Ordinance, the plaintiff therein shall not be nonsuited, nor shall a verdict be given against the plaintiff, for want of proof of the record of such memorial or memorials as hereinbefore mentioned, nor shall the existence of such memorial be taken to be an issue unless specially denied by any defendant in any such action; but in case the defendant in any such action shall specially deny on the record that any such memorial has been duly recorded as aforesaid, and shall make it appear on such trial that no such memorial has been so recorded, then a nonsuit shall be entered in such action.

Plaintiff not to be nonsuited for want of proof of the memorial.

9. And whereas also it is deemed expedient and necessary that the names residences and descriptions of all the members of the said Company should be recorded for public information: Be it enacted that the Manager for the time being shall in the month of January, one thousand eight hundred and forty-five, and thereafter in the month of January in each succeeding year, cause a true list of all the then existing members of the said Company, with their respective places of abode and descriptions (as far as the same may be known to him), verified by a declaration in the form or to the effect of the form set forth in the Second Schedule to this Ordinance annexed, to be taken and subscribed by such Manager as aforesaid or by one of such Directors as aforesaid, before a Judge or Commissioner of the Supreme Court of New Zealand or any Justice of the Peace, and which declaration such Judge, Commissioner, and Justice of the Peace are hereby

List of members to be verified and recorded.

LOCAL AND PERSONAL

Union Bank of Australia.

respectively empowered and required to administer, to be recorded in the said Supreme Court, and that the same shall be open for inspection at all reasonable times by any person requiring the same, on payment of a fee of one shilling; and if any such Manager of the said branch or branches of the said Company shall fail to cause such list to be recorded in manner aforesaid, he shall be liable to a penalty of one hundred pounds, to be recovered by action of debt in the said Supreme Court by any person or persons who shall sue for the same.

Liability of members to be sued as such when to cease.

10. And be it enacted, That any person whose name shall be so recorded shall be considered a member of the said Company and be liable to be sued as such until a new list of members' names shall be recorded as aforesaid, or until he shall have given notice of his retirement in the *New Zealand Government Gazette*: Provided always that such notice of retirement or omission in such list shall not absolve such persons from any previous liability: Provided also that in all actions suits prosecutions or other proceedings in which such Manager or Director as aforesaid shall be on behalf of the said Company and under and by virtue of this Ordinance plaintiff, complainant, petitioner, or defendant, it shall and may be lawful for such Manager or Director, or for any other Director or other officer of the said Company, or for any member of the said Company, to give evidence in such action suit petition or other proceeding, notwithstanding the names of such Manager or Director shall be used as plaintiff, complainant, petitioner, or defendant, and notwithstanding that such witness shall or may be interested in the result of such action suit petition or other proceeding.

Members of the Company to be competent witnesses.

Copy of deed attested by Manager to be recorded.

11. And be it enacted, That a copy of the deed of copartnership and settlement, attested by the Manager for the time being to be a true transcript of the original deed of copartnership and settlement of the said Company, shall be recorded in the Supreme Court in each division of New Zealand in the month of January, one thousand eight hundred and forty-five, and that the same shall be open for inspection at all reasonable times by any person requiring the same on payment of a fee of one shilling; and if such Manager shall fail so to record such attested copy of the original deed of copartnership and settlement of the said Company as aforesaid, he shall be liable to a penalty of one hundred pounds, to be recovered by action of debt in the said Supreme Court by any person or persons who shall sue for the same.

Judgment decree or order against the Manager or Director to be enforced against the assets of the Company or against the private assets of the shareholders.

12. And be it enacted, That every judgment decree or order in any action suit or other proceeding at law or in equity against any such Manager or Director for the time being as aforesaid shall have the same effect and operation upon the Joint Stock Company and the separate property of every shareholder or proprietor thereof as if every such shareholder or proprietor had been party to such action suit or other proceeding, and such judgment decree or order had been obtained against him or them jointly and severally, and may be enforced accordingly against such joint stock and property, or against the separate property of any proprietor or shareholder of the said Company for the time being: Provided always that every such proprietor or shareholder shall be reimbursed all such costs damages and expenses as by any such event of any such suit action or other proceeding he shall sustain and be made liable to out of the joint stock and funds of the said Company, or in failure thereof out of the separate funds and property of the other members of the said Company in due proportion, as in ordinary cases of copartnership: Provided nevertheless that the body of such Manager or Director shall not, by reason of his being defendant in any such action suit or proceeding, be liable to be arrested seized or taken in execution.

13. And

Union Bank of Australia.

LOCAL AND PERSONAL

13. And be it enacted, That all contracts agreements conveyances leases releases mortgages assignments surrenders covenants receipts and other documents made or to be made given or granted by to or on behalf of the said Company, shall and may be made and executed and enforced by or to or against the Manager for the time being of the New Zealand branch or branches of the said Bank respectively, and the same shall be binding upon the said Company and the capital stock thereof.

Company may make contracts and conveyances in the name of the local Manager.

14. And be it enacted, That this Ordinance and the powers and provisions herein contained shall at all times extend to the said Company and every person who shall be a member thereof for the time being, at whatever time he may have become a member of the said Company, and whether originally a member thereof or not.

Ordinance to extend to all future proprietors.

15. Provided always and be it enacted, That nothing in this Ordinance contained shall be deemed to affect or apply to any right title or interest of Her Majesty, her heirs or successors, or of any body or bodies politic or corporate, or of any person or persons excepting such as are mentioned therein, or of those claiming by from or under him her or them.

Ordinance not to affect the right of Her Majesty.

16. Provided always and be it enacted, That nothing herein contained shall extend or be deemed taken or construed to incorporate the members of the said Company, or to relieve or discharge them or any of them from any responsibility duty contract or obligation whatsoever which by law they now are or at any time hereafter shall be subject or liable to, either between the said Company and others or between the individual members of the said Company or any of them and others or among themselves or in any manner whatsoever except so far as the same is affected by the provisions of this Ordinance and the true intent and meaning of the same.

Not to incorporate the members of the Company.

17. And be it enacted, That a copy of the deed of copartnership and settlement of the said Company, certified and attested under the hand and seal of some notary public to be a true transcript of the original deed of copartnership and settlement of the said Company, shall be received as legal evidence of the contents of such deed of copartnership and settlement in all Courts of Law Equity Admiralty Vice-Admiralty Bankruptcy or Insolvency, and in all Courts of inferior jurisdiction in the Colony of New Zealand, without any further proof thereof.

Notarial copy of deed of copartnership to be received as legal evidence in any Court of Law or Equity &c.

18. And be it enacted, That from and after the thirty-first day of December, one thousand eight hundred and forty-four, all promissory notes issued by the said Company payable to the bearer at sight or on demand shall bear date at the place where they are issued, and shall be paid and payable there in sterling money or other legal tender of the Colony.

Promissory notes to be payable in sterling money or other legal tender.

19. And be it enacted, That this Ordinance shall be printed by the Government Printer in this Colony, and a copy thereof so printed shall be admitted as evidence thereof by all Judges, Justices, and others, without any further proof thereof.

Evidence clause.

20. And be it enacted, That this Ordinance shall be deemed and taken to be a public Ordinance, and shall be judicially taken notice of as such by the Judges of the Supreme Court of New Zealand, and by all other Judges, Justices, and others within the Colony of New Zealand and its dependencies, without being specially pleaded.

Ordinance to be deemed a public Ordinance.

21. Be it enacted, That this Ordinance shall come into operation on the first day of January, one thousand eight hundred and forty-five.

Ordinance to come into operation 1st January, 1845.

LOCAL AND PERSONAL

German Settlers Naturalization.

SCHEDULES.

FIRST SCHEDULE.

MEMORIAL of the name of the Manager of the Branch of "The Union Bank of Australia" established at , and of the Directors for the time being of the Board of Directors of the said Branch, to be recorded in the Supreme Court of New Zealand, pursuant to an Ordinance of the Governor and Council, passed in the eighth year of Her Majesty Queen Victoria, intituled "An Ordinance for facilitating proceedings by and against a certain Joint Stock Company, called 'The Union Bank of Australia,' and for other purposes therein mentioned."

A.B., Manager.

C.D. } Directors. { I.K.
E.F. } L.M.
G.H. } N.O.

, of , in , truly declare that the foregoing Memorial is signed by the above-named Manager and Directors respectively whose names appear thereto.

Taken and subscribed this day of , one thousand eight hundred and forty , before .

SECOND SCHEDULE.

I, , of , in , Manager [or one of the Board of Directors] of the Branch of "The Union Bank of Australia" established at , do hereby declare that the foregoing [or subscribed or annexed, as the case may be] list of names is a true list of all the now existing Members of the said Company.

[Insert the name of the Declarant.]

Taken and subscribed this day of , A.D. one thousand eight hundred and forty- , before me [Insert the name and addition of the functionary before whom the declaration is taken and signed].

No. II.

GERMAN SETTLERS NATURALIZATION.

AN ORDINANCE for the Naturalization of certain German Settlers in the Colony of New Zealand.

[16th July, 1844.]

Preamble.

WHEREAS certain Germans, being the persons particularly described in the Schedule to this Ordinance annexed, have recently settled in this Colony, and Her Majesty has been graciously pleased to assent to the removal from them (within this Colony) of the disabilities to which aliens are by law subject:

BE IT THEREFORE ENACTED by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

Persons named in Schedule to be naturalized.

1. All and singular the persons who are particularly described in the Schedule hereunto annexed shall be, to all intents and purposes whatsoever within the Colony of New Zealand, deemed and taken to be and to have been, from the fourteenth day of June, one thousand eight hundred and forty-three, natural born subjects of Her Majesty, as if they had respectively been born within the realm of England.

SCHEDULE.

German Settlers Naturalization.

LOCAL AND PERSONAL

SCHEDULE.

- Karsten, J. C. M., joiner.
 Karsten, Cath. Elizabeth, wife.
 Karsten, Joh. Carol. Maria.
 Karsten, Joh. Dorothea, Fried.
 Karsten, Wilhelmine.
 Eisemaun, Ohil. Johan., joiner.
 Huter, Joseph, joiner.
 Huter, Couradine, wife.
 Beckmaun, J. Hy. Frederic, joiner.
 Beckmaun, Ann Maria, wife.
 Beckmaun, Frans Henry.
 Beckmaun, Maria.
 Beckmaun, Cather. Christine.
 Maussen, G. Hch. Conrad, gardener.
 Maussen, Joh. Cath. Elis., wife.
 Maussen, Car. Louise Henrt.
 Martin, Joh. Carl Hch., son of wife.
 Spanhake, Joh. Hch. Fried., agricultural labourer.
 Spanhake, Sophie Mary, wife.
 Spanhake, Otto Frd. Rudolph.
 Subritsky, Sophie Elisab., widow, mercer.
 Subritsky, Joh. Hch. Ludolph, agricultural labourer.
 Subritsky, Wilhelm Heinrich, agricultural labourer.
 Subritsky, John Anton, agricultural labourer.
 Körber, Joh. Hch. Samuel, agricultural labourer and shoemaker.
 Körber, Lürgen Hch. Reichd., agricultural labourer and shoemaker.
 Körber, Joh. Carl Joseph, agricultural labourer and shoemaker.
 Körber, Maria Elisab., wife.
 Haase, Fred. Wm. agricultural labourer and shoemaker.
 Haase, Friedericke, wife.
 De Fricke, Diederich, agricultural labourer and shoemaker.
 Schieb, Jacob, cooper and yeoman.
 Schieb, Clara Josephe.
 Schieb, Maria Josephe.
 Schieb, Antonia.
 Post, Philipp, vine-dresser and brewer.
 Post, Elisabeth, wife.
 Post, Valentin.
 Post, Philipp,
 Schneider, Peter, labourer.
 Schneider, Anne Schröder, wife.
 Hansen, Peter, ship's carpenter.
 Hansen, Margaret, wife.
 Assmann, Adolph, joiner.
 Assmann, Wilhelmina.
 Pahl, Wilhelm, cooper and yeoman.
 Pahl, Elisabeth, wife.
 Pahl, Friederic.
 Pahl, Magdalena.
 Pahl, Heinrich.
 Pahl, Elisabeth.
 Mohr, Herman, sawyer.
 Mohr, Anna, wife.
 Mohr, Anna Maria.
 Mohr, Frang Heinrich.
 Mohr, Wilhelm.
 Spring, Hch. Simon, cordwainer.
 Lange, Conrad Joh. Ferdinand, smith and farrier.
 Lange, Marie Jos. Elis., wife.
 Lange, Joh. Soph. Dorothea.
 Lange, Anna Maria.
 Sixtus, Joh. Fred. Andreas, smith.
 Sixtus, Joh. Carl Christ., printer.
 Sixtus, Joh. Christ. Andreas, agricultural labourer.
 Sixtus, Joh. Wm. Hy., agricultural labourer.
 Sixtus, Joh. Gottfd. George, agricultural labourer.
 Feserfeldt, Betty, domestic servant.
 Saensch, Ferdinand Robert, yeoman.
 Stade, Joh. Hch. Loach, mason.
 Stade, J. M. F., wife.
 Frank, Jacob, miller and vine-dresser.
 Frank, Christine, wife.
 Frank, Clara Josephe.
 Frank, Jacob.
 Frank, Christoph.
 Frank, Peter.
 Treban, Alois, yeoman, vine-dresser.
 Meyer, Doris Fred. Htte., domestic servant.
 Ovy, Justus Wine., joiner and yeoman.
 Bensemman, C. H., carpenter.
 Bensemman, A. M. Elisab., wife.
 Benseman, A. Cath. Maria.
 Benseman, Joh. Albert.
 Benseman, Joh. Henry.
 Hempel, Joh. Ge. Chs., joiner.
 Hempel, Meta Adelhide, wife.
 Hempel, Christel Ed.
 Hempel, Frd. Julius.
 Heine, Joh. Wm. Christophe, yeoman, missionary.
 Trost, Jn. Henry, shoemaker, missionary.
 Pahl, Joh. Fred. Carl, saddler, upholder, &c.
 Pahl, Anna Magdalena, wife.
 Pahl, Marg. Elisab.
 Pahl, Marg. Dorothea.
 Buschl, Michael, yeoman.
 Buschl, Maria, wife.
 Buschl, Anna.
 Buschl, Michael.
 Buschl, Johann.
 Buschl, Kresenzs.
 Behrends, Charles, yeoman.
 Schumacher, Fried. M. De, joiner.
 Schumacher, Maria, wife.
 Harenbein, August, bricklayer.
 Jung, Carl Frd. Wm., yeoman.
 Hilmer, Wilhelmine, domestic servant.
 Barjh, Theodor, butcher.
 Prahdel, Frd. Ed., agricultural labourer.
 Adam, Dorothea, domestic servant.
 Lamotte, C. Wm. Ferdinand, joiner.
 Dieckmann, H., smith and farrier.
 Ulrich, Bartold, agricultural labourer.
 Müller, J. D. F., locksmith.
 Müller, C. F., wife.
 Müller, Jn. W. C.
 Müller, Georgs F. C.
 Müller, Christina D.
 Müller, Dorothea.
 Schüler, Dorothea Henriette, domestic servant.
 Ahrens, Pet. Wm., agricultural labourer.
 Schencher, George, agricultural labourer and shoemaker.
 Schencher, Anne Dorothea, wife.
 Eberhard, Jn. Henry, child of wife.
 Göders, Jacob Friederic, doctor of medicine.
 Riemschneider, John Friederic, Protestant clergyman, missionary.
 Wohlers, John Hch. Friederic, Protestant clergyman, missionary.

ANNO OCTAVO
VICTORIÆ REGINÆ.

Session V. No. I.

NATURALIZATION.

AN ORDINANCE for the Naturalization of certain Persons in the Colony of New Zealand.

[3rd April, 1845.]

Preamble.

WHEREAS the persons particularly described in the Schedule to this Ordinance annexed have recently settled in this Colony, and it is expedient that there should be removed from them (within this Colony) the disabilities to which aliens are by law subject :

BE IT THEREFORE ENACTED by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows :—

Persons named in Schedule to be naturalized.

1. All and singular the persons who are particularly described in the Schedule hereunto annexed shall be, to all intents and purposes whatsoever within the Colony of New Zealand, deemed and taken to be and to have been, from the twenty-ninth day of January, one thousand eight hundred and forty, natural born subjects of Her Majesty, as if they had respectively been born within the realm of England.

Commencement of Ordinance.

2. This Ordinance shall not come into operation until it shall have received the Royal confirmation, and until such confirmation shall have been notified in the New Zealand Government Gazette by order of His Excellency the Governor of New Zealand for the time being.

SCHEDULE.

Phillip Kunst.
C. Henry Schnachenberg.

Ulriah Prophet.
Adèle de Witte.

No. II.

GERMAN SETTLERS NATURALIZATION.

AN ORDINANCE for the Naturalization of certain German Settlers in the Colony of New Zealand.

[3rd April, 1845.]

Preamble.

WHEREAS certain Germans being the persons particularly described in the Schedule to this Ordinance annexed have recently settled in this Colony, and Her Majesty has been graciously pleased

German Settlers Naturalization.

LOCAL AND PERSONAL

pleased to assent to the removal from them (within this Colony) of the disabilities to which aliens are by law subject :

BE IT THEREFORE ENACTED by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows :—

1. All and singular the persons who are particularly described in the Schedule hereunto annexed shall be, to all intents and purposes whatsoever within the Colony of New Zealand, deemed and taken to be and to have been, from the first day of January, one thousand eight hundred and forty-four, natural born subjects of Her Majesty, as if they had respectively been born within the realm of England.

Persons named in
Schedule to be
naturalized.

SCHEDULE.

Lange, Joh. Christian	Schroder, Johann Auton
Lange, Catharine Marie	Schroder, Sophia Catharina
Lange, Marie Magdalena Sophia	Schroder, Minna Freder. Sophia
Lange, Hein. Johann Joachim	Schroder, Maria Freder. Dorothea Georgina
Lange, Joh. Joachim Gottlieb	Schroder, Joh. Christ. Fried. Ludwig
Lange, Johann Friederich	Schroder, Joachim Daniel Heinrich
Lange, Joh. Christian Friederich	Schroder, Sophia Maria Dorothea
Westphal, Caspar Heinrich Christ.	Schroder, Joh. Heinr. Carl Gottlieb
Westphal, Dorothea Elisabeth	Schroder, Johann Heinrich Carl
Westphal, Anna Sophia Elis.	Wendelborn, Ludwig David Friederich
Westphal, Louise Joh. Henriette	Wendelborn, Sophia Dorothea Caroline
Westphal, Carl Christ. Johann	Wendelborn, Johann Christoph Hermann
Westphal, Sophia Maria Anna	Wendelborn, Heinr. Julius Friederich
Westphal, Heh. Daniel Caspar	Wendelborn, Ludwig Johann Christ.
Westphal, Maria Sophie Christ.	Wendelborn, Frederike Louise Henriette
Westphal, Carol. Cath. Sophie	Wendelborn, Fried. Wilhelm Carl Hartwig
Parbs, Johann Joachim	Balk, Joh. Friedr. Joachim
Parbs, Maria Fred. Sophia	Balk, Christine Wilhelmine
Parbs, Marie Sophie Dorothea	Balk, Anna Maria Auguste
Parbs, Joh. Joachim Christ.	Balk, Carl Friedr. Joachim
Busch, Hans Heinrich	Balk, Elise Catharine Wilhelmine
Busch, Dorothea	Balk, Sophia Maria Frederike
Busch, Christina Maria Sophie	Paap, Heinrich Christian
Busch, Hans Friederich Joh.	Paap, Catharina Margarette
Busch, Joh. Joachim Heinrich	Paap, Heinrich Christian
Busch, Hans Joachim Christian	Paap, Anna Maria Elisabeth
Busch, Hartwig Christ. Friederich	Paap, Joh. Christian Wilhelm
Lankon, Johann Joach. Daniel	Paap, Joh. Joachim Christian
Lankon, Christ. Sophie Margar.	Fansclon, Heinrich Carl Joachim
Lankon, Christine Elise Marie	Fansclon, Catharina Maria
Lankon, Elisab. Christ. Magdalena	Fansclon, Sophia Maria Dorothea
Lankon, Anna Maria Louise	Fansclon, Minna Louise Sophie
Lankon, Joach. Detlef Carl	Fansclon, Dorothea Sophie Catharino
Lankon, Dorothea Elisab. Magdalena	Fansclon, Maria Dorothea Magarette
Lankon, Joh. Gottlieb Hartwig	Fansclon, Hans Heinr. Christian
Lankon, Hans Joach. Heinrich	Fansclon, Hans Joachim Heinrich
Siggelkon, Aug. Heinr. Carl	Langbein, Joach. Gottfried Heinrich
Siggelkon, Yabourne Dowe	Langbein, Anna
Siggelkon, Sophie Carol. Maria	Langbein, Henr. Elise Dorothea Johanna
Siggelkon, Ernst Heinr. Christian	Hammerich, Carl Johann Heinrich
Siggelkon, Marie Amalia Antonio	Sterly, Catharina
Siggelkon, Heinrich Joh. Christian	Dube, Joh. Joachim Heinr. Hans
Siggelkon, Heinr. Theod. Wilh. Fredr.	Parbs, Johanna Maria Christina
Siggelkon, Fredericke Christ. Louise	Herbst, Joh. Heinr. Ludwig Friedr.
Siggelkon, Christian Fried. Johann	Herbst, Anna Charlotte Christina
Siggelkon, Joh. Ludwig Christian	Bruning, Matthias
Schwass, Christ. Fried. Johann	Bruning, Lena
Schwass, Sophie Elisab. Catharine	Bruning, Christian
Schwass, Ernst Heinrich	Heinius, Heinrich Friedrich
Schwass, Joh. Friedr. Heinrich	Heinius, Heinrich Fritz Johann
Schwass, Adalbert Fried. David	Heinius, Fritz Adolph. Johann
Schwass, Sophie Dorothea Joh. Amalie	Heinius, Maria Elisabeth
Schwass, Joh. Joachim Heinrich	Kiel, Minna Elisabeth
Schwass, Franz August Friedrich	Braasch, Johann Dietrich Wilhelm
Schwass, Frederike Sophia Maria	Braasch, Magdalena Maria Johanna

Schwass,

LOCAL AND PERSONAL*German Settlers Naturalization.*

Schwass, Maria Sophia Henrika	Gerhardt, Friedr. Johann Christ.
Schwass, Augt. Friedr. Gustav. Christ.	Schrepp, Heinrich Ernst
Gebert, Johann Adolph Bernhard	Schrepp, Sophia
Gebert, Maria Cath. Elisabeth	Schrepp, Elisa
Gebert, Ernst. Friedr. Paul Johann	Schrepp, Sophia
Gebert, Carl Friedrich Ludwig	Tietjen, Friedrich Heinrich
Bannier, Johann Joachim Carl	Meyer, Friedrich
Bannier, Dorothea Hanna Maria	Oualmann, Friederich Ludwig
Bannier, Joh. Friedrich Joachim	Oualmann, Sophie Marger. Elisabeth.
Bannier, Joachim Christ. Martin	Oualmann, Marie Sophie Louise
Bannier, Anna Maria Christiane	Oualmann, Christine Dorothea. Elisa
Bannier, Dorothea Sophie Maria	Rausch, Nicolaus Jacob.
Bannier, Carl Joachim Auton	

NEW MUNSTER ORDINANCES.

New Zealand.



ANNO TERTIO DECIMO

VICTORIÆ REGINÆ.

[*New Munster Ordinances.*]

SESSION I. No. I.

AN ORDINANCE to Naturalize certain Persons in the Province of New Munster.

NATURALIZATION.

[*23rd August, 1849.*]

WHEREAS the persons particularly described in the Schedule to this Ordinance annexed have recently settled in this Province, and it is expedient that there should be removed from them (within the Province) the disabilities to which aliens are by law subject.

Preamble.

1. Be it enacted by His Excellency the Lieutenant-Governor of New Munster, with the advice and consent of the Legislative Council thereof, as follows:—All and singular the persons who are particularly described in the Schedule hereunto annexed shall be to all intents and purposes whatsoever, within the Province of New Munster, deemed and taken to be and to have been, from the date set opposite their respective names in the said Schedule, natural born subjects of Her Majesty, as if they had respectively been born within the realm of England.

Persons described in Schedule to be naturalized.

2. Be it enacted, That this Ordinance do take effect from the day of the passing of the same.

Commencement of Ordinance.

SCHEDULE.

Germans	...	{	Charles Brown	...	...	December 17th, 1847.
			Francis Joseph Pagon	...	...	" " "
Italian	...		Salvatore Cemino	...	...	September 2nd, 1848.

No.

NEW MUNSTER
ORDINANCES.

Medical Practitioners.

No. II.

AN ORDINANCE to define the Qualifications and to provide for the Remuneration in certain cases of Medical Practitioners. [23rd August, 1849.]

MEDICAL
PRACTITIONERS.

Preamble.

WHEREAS it is expedient to define the qualifications and to provide for the remuneration, in certain cases, of medical practitioners within the Province of New Munster :

Who shall be deemed
a legally qualified
practitioner.

1. Be it enacted by His Excellency the Lieutenant-Governor of New Munster, by and with the advice and consent of the Legislative Council thereof, as follows :—That every person who is a doctor or bachelor of medicine of some University, or a physician or surgeon licensed or admitted as such by some College of Physicians or Surgeons in Great Britain or Ireland, or a member of the Company of Apothecaries of London or Dublin, or who is or has been a medical officer, duly appointed and confirmed, of Her Majesty's sea or land service, shall be deemed a legally qualified medical practitioner ; and that every such person, upon submitting his degree diploma certificate or other proof of such qualification for the examination of the Resident Magistrate in his district, shall be entitled to receive a certificate to that effect, and to have a notification of the same inserted in the *Government Gazette*, upon payment of the sum of five shillings to the Colonial Treasurer on behalf of Her Majesty for the public use of the Province of New Munster, and that such notification in the *Government Gazette* be received and taken in all cases as sufficient evidence that the person therein described is a legally qualified medical practitioner.

Remuneration to
medical witnesses.

2. Be it enacted, That where any legally qualified medical practitioner has attended at any inquest inquiry or trial in obedience to any summons or subpoena, he shall be entitled to receive the remuneration of one guinea, and (in addition thereto) for the making of any *post mortem* examination, the sum of two guineas ; and if the place of his residence be more than three miles distant from the place where his attendance has been required, he shall be entitled to two shillings and sixpence for every mile of such extra distance ; and until funds shall be specially provided for that purpose, the Lieutenant-Governor may order the payment of any such sum or sums from the public revenue of the Province : Provided that no remuneration shall be paid for any *post mortem* examination made without previous direction of the Coroner, Justice, or Court (as the case may be), unless such previous examination shall appear to the Court to have been essential to further the ends of justice, nor shall any remuneration be given to any medical officer holding the situation of Colonial Surgeon.

Commencement of
Ordinance.

3. Be it enacted, That this Ordinance shall come into operation from and after the day of the passing of the same.

*Entire Animal.*NEW MUNSTER
ORDINANCES.

No. III.

AN ORDINANCE to prevent Entire Horses and certain other Animals from being suffered to stray or run at large. [23rd August, 1849.]

ENTIRE ANIMAL.

WHEREAS great injury is likely to arise to the breed of stock in this Province by reason of entire horses and certain other animals of inferior kind being allowed to stray and run at large:

Preamble.

1. Be it therefore enacted by His Excellency the Lieutenant-Governor of New Munster, by and with the advice and consent of the Legislative Council thereof, That the owner of any entire horse bull entire ass or mule which shall be found straying or running at large shall be liable to a penalty of not more than five pounds nor less than two pounds: Provided always that this enactment shall not extend to any entire animals being depastured on any land belonging to or rented by the owner of such animal.

Owner of certain entire animals liable to a penalty of £5 for suffering the same to be at large.

2. Be it enacted, That all proceedings under this Ordinance shall be regulated by Ordinance No. 5, Session II., for the regulation of summary proceedings before Justices of the Peace.

Mode of procedure.

3. Be it enacted, That no horse ass or mule under the age of twelve months, or bull under the age of six months, shall be subject to the provisions of this Ordinance.

Animals under certain age not subject to provisions of this Ordinance.

4. Be it enacted, That this Ordinance do take effect from the day of the passing thereof.

Commencement of Ordinance.

No. IV.

AN ORDINANCE to prevent the Extension of the Infectious Disease called the Scab, as well as the Disease called the Influenza or Catarrh, in Sheep or Lambs. [23rd August, 1849.]

SCAB.

WHEREAS it is expedient to prevent as much as possible the extension of the infectious disease called scab, as well as the disease called influenza or catarrh, in sheep or lambs:

Preamble.

1. Be it therefore enacted by the Lieutenant-Governor of New Munster, by and with the advice and consent of the Legislative Council thereof, as follows,—That if any person shall himself, or by means of any one under his control, after the first day of October next, turn out depasture drive conduct or suffer to stray any sheep or lambs infected with any of the above diseases upon any land, such land not being the property of such person or rented by him, or along any road or public way within the Province of New Munster, he shall be liable to a penalty of not more than ten pounds nor less than twenty shillings: Provided always that nothing in this provision shall extend to infected sheep or lambs driven or conducted along any road or public way during the month of January in every year.

Penalty on persons suffering their diseased sheep to run at large.

2. Be it enacted, That if any person, after the first day of October next, shall himself, or by means of any one under his control, land or cause to be landed from any ship boat or other vessel, any sheep or lambs infected with either of the above diseases, he shall be liable to a

Penalty on persons landing diseased sheep from vessels &c.

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penalty of two shillings for every sheep or lamb in the flock among which there may be found any sheep or lambs infected with either of the aforesaid diseases.

Inspectors of Sheep
to be appointed.

Their duties and
regulations.

3. Be it enacted, That it shall be lawful for His Excellency the Lieutenant-Governor to appoint competent persons to be Inspectors of Sheep landed from any ship boat or vessel, and to authorize such Inspectors to examine all newly-landed sheep; and for this purpose every such Inspector shall keep a sufficient number of clean wooden hurdles wherewith to construct a pen or pens for the purpose of examining the sheep as aforesaid; and if the sheep or lambs thus examined are found to be free from disease, it shall then be the duty of the Inspector to grant a certificate to that effect to the master or supercargo or other person having charge of the aforesaid sheep; but if they shall prove to be infected with either of the aforesaid diseases, the circumstance shall be reported by the Inspector to the Resident Magistrate; and after every such examination, the aforesaid Inspector shall carefully wash, or cause to be washed, the hurdles which have been used, with a proper mixture of quick-lime and water, failing to do which he shall be liable to a penalty of not less than two pounds for each offence.

Duty of Inspectors
on the arrival of
vessels freighted with
sheep.

4. Be it enacted, That every Inspector appointed as aforesaid shall, as soon as practicable after the arrival of any ship or vessel containing sheep or lambs which it is intended to land, repair on board of any such ship or vessel, and shall point out to the master, supercargo, or owner of such sheep or lambs the place where they shall be landed and examined, and any master of a vessel, supercargo, or owner or other person in charge of such sheep, refusing to conform to such directions or obstructing any Inspector in the discharge of his duty, shall be liable to a penalty of not less than five pounds nor more than twenty pounds: Provided always that in giving directions as to where sheep shall be landed and the examination of them conducted, every such Inspector shall consult as far as possible the convenience of the master, owner, or supercargo, and use every precaution to avoid the risk of their being exposed to the infection of diseased flocks which may have been previously landed.

Inspector to consult,
as far as possible,
convenience of
owners of sheep.

Time within which
flocks shall be
deemed infected.

5. Be it enacted, As regards the disease called the influenza or catarrh, that all sheep or lambs belonging to any one flock in which there shall be at the time or may have been within three months previously any sheep or lambs infected with the said disease, shall be deemed to be infected within the meaning of this Ordinance.

When infected sheep
kept on land crossed
by a public way, notice
to be given.

6. Be it enacted, That if any person himself, or by means of any one under his control, shall turn out keep or depasture any sheep or lambs infected with either of the said diseases on any land intersected or crossed by any public road, and shall fail to affix a notice of the existence of such infection in some conspicuous place at each end of such public road where it intersects such land, or to renew or replace such notice as often as need be during the time of the existence of such infection, he shall be liable to a penalty of not more than ten pounds and of not less than two pounds.

Penalty for abandon-
ing diseased sheep.

7. Be it enacted, That if any person shall wilfully set at large and abandon any sheep or lambs infected with either of the said diseases, he shall be liable to a penalty of not less than five pounds and not more than twenty pounds.

Power to Justices to
assess damages caused
by communicating
infection.

8. Be it enacted, That if any person himself, or by means of any one under his control, shall by infraction of any provision of this Ordinance respecting the turning out depasturing driving conducting or suffering to stray of infected sheep or lambs cause the communication of either of the said diseases to any other sheep or lambs, he shall over and

above

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above any other penalty imposed by this Ordinance be liable to pay to the owners of any sheep or lambs to which either of the said diseases shall have been communicated, such sum of money as in the judgment of any two Justices of the Peace may be sufficient to reimburse such owner for any loss or damage which he may have sustained by such infectious communication, so that such sum shall not in any case exceed the sum of fifty pounds: Provided always, firstly, that no conviction for this offence as regards the disease called influenza or catarrh shall take place in any case where it shall appear that the infected sheep or lambs had become so after they had been turned out depastured driven or conducted along the road, and not been infected or mixed with infected sheep or lambs within three months previous to the alleged offence; secondly, where the disease called influenza or catarrh shall break out in any sheep or lambs when depastured upon the accustomed run where the same or other sheep or lambs of the same owner have been ordinarily kept, unless they shall have been removed thereto or therefrom so as to endanger the flocks of any other person.

9. Be it enacted, That if the owner of any sheep or lambs infected with the disease called influenza or catarrh at the time of its death shall fail to consume the carcase by fire, or fail to bury it at least three feet under the ground, within twelve hours after the discovery of the death of such sheep or lamb, he shall be liable to a penalty of not less than ten shillings and not more than five pounds for each carcase.

Penalty for not
destroying infected
carcases.

10. Be it enacted, That if any person himself, or by means of any one under his control, shall cast the carcase of any sheep or lamb infected with the disease called influenza or catarrh at the time of its death into any stream or pond or other water, he shall be liable to a penalty of not less than five pounds and not more than twenty pounds.

Penalty for casting
infected carcases into
running streams.

11. Be it enacted, That whenever, upon conviction of any person of an infraction of any of the provisions of this Ordinance respecting the turning out depasturing driving conducting or suffering to stray of infected sheep or lambs, it shall appear to any two Justices before whom such conviction shall have been had that it is necessary to remove the infected sheep or lambs to some place where they may be lawfully turned out or kept, such two Justices may grant a warrant, in the form in the Schedule hereunto annexed, authorizing the removal of such sheep or lambs; and any person disobeying or failing to obey such warrant shall be liable to a penalty of not less than twenty shillings and not more than ten pounds.

Power to Justices to
remove sheep by
warrant.

12. Be it enacted, That any Justice of the Peace having reasonable ground, from information stated on oath before him, to suspect that sheep or lambs infected with either of the said diseases are turned out kept depastured conducted or suffered to stray, contrary to any of the provisions of this Ordinance, may grant a warrant authorizing the examination by such competent person as he may appoint of any suspected sheep or lambs, or if necessary ordering their removal to the most convenient place for the purpose of examination, and may remunerate the individual so employed at the rate of five shillings per diem; and in case of such sheep or lambs proving to be infected, the expense of examination shall be borne by the owner, but if they should prove to be uninfected, then in that case by the informant.

Power to Justices to
cause examination of
suspected sheep.

13. Be it enacted, That if any person shall have in his possession for the purpose of slaughtering, or shall have slaughtered, or shall expose for sale, the carcase or any part thereof of any sheep or lamb infected with either of the said diseases, he shall be liable to a fine of not less than five or more than twenty shillings for each offence, one-half of the penalty to go to the informer, and such infected carcase or parts thereof shall

Penalty on any person
having carcase of
infected sheep &c.
in his possession.

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shall be destroyed in such manner as any Justice of the Peace may direct.

Mode of procedure.

14. Be it enacted, That all proceedings under this Ordinance shall be regulated by Ordinance No. 5, Session II., for the regulation of summary proceedings before Justices of the Peace.

Commencement of
Ordinance.

15. Be it enacted, This Ordinance shall take effect from the first day of October, one thousand eight hundred and forty-nine.

SCHEDULE.

Form of warrant.

FORM OF WARRANT FOR REMOVING SHEEP AFTER CONVICTION.

PROVINCE OF } I, A.B. [or we, A.B. and C.D.,] Justice [or Justices] of the Peace for
NEW MUNSTER } the Province of New Munster, having this day convicted E.F. [or
TO WIT. } G.H., shepherd of E.F.,] of having turned out [kept, depastured,
driven, or conducted, or suffered to stray, as the case may be,] certain sheep [or lambs]
infected with the disease called the scab [or influenza or catarrh, as the case may be]
the property of the said E.F., contrary to the provisions of the Ordinance in such case
made and provided, and it having been made to appear to my [or our] satisfaction that
it is necessary to remove the said sheep [or lambs] to _____, in the district of _____,
where the same may be lawfully turned out kept and depastured, do hereby, in pursu-
ance of the authority in me [or us] vested by a certain Ordinance of the Lieutenant-
Governor and Legislative Council, entitled, "*An Ordinance for preventing the Extension
of the Infectious Disease called the Scab, as well as the Disease called the Influenza or
Catarrh, in Sheep or Lambs, in the Province of New Munster,*" authorize and direct the
said E.F. [or the said G.H., shepherd to the said E.F.] to drive or conduct the said
sheep [or lambs] or to cause the same to be driven or conducted to _____
aforesaid. [Here point out the nearest or most convenient route or that by which the said sheep (or
lambs) are the least likely to spread the infection.]

This warrant to be and continue in force from the date hereof until the
day of _____

Given under my hand [or our hands] at _____, this _____ day of _____, one
thousand eight hundred and forty-

No. V.

EMPOWERING.

AN ORDINANCE to confer upon the Lieutenant-Governor of New Munster, within the Province, the same powers in certain cases as are conferred on the Officer Administering the Government of the Colony for the time being. [2nd October, 1849.]

Preamble.

WHEREAS by certain Ordinances passed by the Governors and by the Lieutenant-Governor of New Zealand, and the Legislative Council thereof, enumerated in a Schedule to this Ordinance annexed, certain powers are vested in the said Governors and in the said Lieutenant-Governor, or in the Officer Administering the Government of the Colony for the time being:

The same powers as have been conferred on the Governors, Lieutenant-Governor, or Officer Administering the Government of the Colony, conferred on the Lieutenant-Governor of New Munster.

1. Be it enacted by the Lieutenant-Governor of New Munster, with the advice and consent of the Legislative Council thereof, That all such powers as are conferred by the said Ordinances in the said Schedule enumerated, on the Governors, Lieutenant-Governor, or Officer Administering the Government of the Colony for the time being, are hereby, within the limits of the Province of New Munster, conferred on the Lieutenant-Governor thereof.

SCHEDULE.

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SCHEDULE.

- SESSION II., No. 9.—An Ordinance to provide for the Registration of Deeds and Instruments affecting Real Property.
- ” ” 13.—An Ordinance for Licensing Auctioneers.
- ” ” 17.—An Ordinance for imposing a Tax upon Raupo Houses.
- ” III., ” 2.—An Ordinance to make temporary provision for the Constitution of Juries.
- ” ” 8.—An Ordinance to establish Courts of Requests for the more easy and speedy recovery of Small Debts.
- ” ” 9.—An Ordinance for appointing a Board of Trustees for the Management of Property to be set apart for the Education and Advancement of the Native Race.
- ” V., ” 1.—An Ordinance for raising a Militia within the Colony.
- ” VI., ” 1.—An Ordinance to empower the Governors of New Zealand to regulate the Importation and Sale of Arms Gunpowder and other Warlike Stores.
- ” VII., ” 2.—An Ordinance to provide for the establishment and maintenance of a Constabulary Force.
- ” ” 4.—An Ordinance to regulate the Appointment and the Duties of Sheriff in the Colony of New Zealand.
- ” ” 5.—An Ordinance to regulate the Appointment and Duties of Coroners in the Colony of New Zealand.
- ” ” 6.—An Ordinance to authorize the importation of Wine Duty Free for Military and Naval Officers serving in the Colony of New Zealand.
- ” ” 7.—An Ordinance for the Regulation of Prisons.
- ” ” 16.—An Ordinance to provide for the establishment of Resident Magistrates' Courts, and to make special provision for the Administration of Justice in certain cases.
- ” ” 17.—An Ordinance to repeal “*The Cattle Trespass Ordinance*” and “*The Cattle Trespass Amendment Ordinance*,” and to provide for the Summary Recovery of Compensation for Damage done by Cattle Trespassing.
- ” ” 18.—An Ordinance to regulate the Removal and the Making and Repairing of Arms Gunpowder and other Warlike Stores within the Colony of New Zealand.
- ” ” 19.—An Ordinance to provide for the Prevention, by Summary Proceedings, of Unauthorized Purchases and Leases of Land.
- ” ” 20.—An Ordinance for establishing Courts of Sessions of the Peace.
- ” ” 21.—An Ordinance to make provision for the Safe Custody of and Prevention of Offences by Persons dangerously Insane, and for the Care and Maintenance of Persons of Unsound Mind.
- ” ” 22.—An Ordinance to authorize Compensation in Colonial Debentures to be made to certain Claimants to Land in the Colony of New Zealand.
- ” VIII., No. 2.—An Ordinance to prohibit the keeping of Gunpowder exceeding a certain quantity.
- ” ” 3.—An Ordinance to prohibit the Sale of Spirits and to regulate the Sale of other Intoxicating Liquors to Persons of the Native Race.
- ” ” 4.—An Ordinance to provide for the Management of Savings Banks.
- ” ” 5.—An Ordinance for regulating the Slaughtering of Cattle in certain places.
- ” ” 6.—An Ordinance to authorize and regulate the Impounding of Cattle.
- ” ” 7.—An Ordinance for regulating Marriages within the Colony of New Zealand.
- ” ” 9.—An Ordinance for Registering Births Deaths and Marriages in the Colony of New Zealand.
- ” ” 10.—An Ordinance for promoting the Education of Youth in the Colony of New Zealand.
- ” ” 12.—An Ordinance to provide for the protection of Footpaths in the Colony of New Zealand.

No. VI.

SUMMARY EJECT-
MENT.

AN ORDINANCE to provide a cheap and expeditious mode of procedure against persons occupying Land or Premises within the Province of New Munster without right title or license.

[2nd October, 1849.]

Preamble.

WHEREAS it is desirable to provide a cheap and expeditious mode of procedure against persons occupying lands or premises situate within the Province of New Munster without any right title or license :

Penalty for occupying land or premises without right, title, or license.

1. Be it enacted by the Lieutenant-Governor of the Province of New Munster, with the advice and consent of the Legislative Council thereof, That from and after the passing of this Ordinance, it shall be lawful for the Resident Magistrate of any district, upon the complaint of any person who shall show to the satisfaction of such Resident Magistrate that he is owner of or agent for any land or premises in the Province of New Munster, to summon before him and any two other Justices of the Peace any person complained of as being in possession of or as occupying land or premises without right title or license ; and if at the hearing of the case the defendant shall not produce or prove a title to or license to occupy such land or premises to the satisfaction of the said Resident Magistrate and Justices, he shall be liable to a penalty not exceeding the sum of ten pounds.

Justices may assess damages for occupation after notice has been given.

2. Be it enacted, That whenever any defendant shall be so fined as aforesaid, upon whom a notice in writing to quit the land or premises so occupied by him shall have been previously served by or by the direction of the complainant, the said Resident Magistrate and Justices may assess the amount of damages to be paid by the defendant to the complainant for such occupation as aforesaid from the time of the service of such notice. Such damage for occupancy not to extend to any time previous to the passing of this Ordinance.

Additional penalty for not quitting after notice has been given.

3. Be it enacted, That whenever any defendant shall continue to occupy the land or premises in respect of which he shall have been so fined as aforesaid for two calendar months after the imposition of such fine, he shall be fined such further sum of money not exceeding the sum of ten pounds, and shall pay to the complainant such further sum of money for damages for such continued occupation, as the said Resident Magistrate and Justices shall upon a like summons and hearing direct.

Land orders and copy of register of selection to be deemed sufficient title.

4. Be it enacted, That for the purpose of this Ordinance a land order issued by the New Zealand Company, with a copy of the register made in the books of the said Company, of the section selected in respect of such land order, or any title derived therefrom, shall be deemed and taken as a sufficient title.

In cases of disputed title Justices may dismiss complaint.

5. Be it enacted, That whenever any such defendant as aforesaid shall at the hearing of the case show to the satisfaction of the said Resident Magistrate and the Justices, or any two of them, a *prima facie* right or title in himself to such occupation, the complaint shall be dismissed.

Penalty for the production of fictitious title or license.

6. Be it enacted, That any such defendant who shall have been convicted before a competent Court of having at the hearing of the case by the Justices as aforesaid wilfully set forth a fraudulent or fictitious title, shall be liable to a penalty of not more than fifty pounds.

Mode of enforcing

7. Be it enacted, That except as hereinbefore is otherwise provided,

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vided, all proceedings under this Ordinance shall be regulated by Ordinance No. 5, Session II., for the regulation of summary proceedings before Justices of the Peace.

payment of fines and
damage.

8. Be it enacted, That this Ordinance shall come into operation from the day of the passing thereof.

Commencement of
Ordinance.

No. VII.

AN ORDINANCE to authorize the Levying and Collecting of Rates for the Making and Repairing of Roads, Streets, &c., &c., in any Town in the Province of New Munster. [2nd October, 1849.]

TOWN ROADS AND
STREETS.

WHEREAS it is expedient to repeal an Ordinance, No. 6, Session V., called "*The Public Roads and Works Ordinance*:"

Preamble.

1. Be it enacted by the Lieutenant-Governor of New Munster, by and with the advice and consent of the Legislative Council thereof, That the same, as far as regards the Province of New Munster, be repealed.

Repeal of No. 6,
Session V.

2. Be it enacted, That the Lieutenant-Governor, with the advice of the Executive Council, upon a requisition to that effect from a majority of the Magistrates of the district in which such town is situated, may proclaim from time to time the towns within which the provisions of this Ordinance shall take effect.

Lieutenant-Governor
to proclaim town.

3. Be it enacted, That every person who shall have to his own use, either in freehold or as the occupier, any lands or tenements within any towns proclaimed to be within the provisions of this Ordinance shall, being duly enrolled in manner hereafter provided, be qualified to vote at the election of a Board of Commissioners, to be elected for the purpose of levying a yearly rate on all houses lands and tenements situated within the town, and for the purpose of superintending and managing the making maintaining and repairing the streets roads quays and highways within the same.

Commissioners to be
elected.

4. All claims to the right of voting shall be according to the Form to this Ordinance annexed, and shall be sent in to the Resident Magistrate of the town proclaimed as aforesaid, or if there be no Resident Magistrate in the town, then to the nearest Resident Magistrate, on or before the first day of September in each year, and all claims not so sent in shall be disallowed.

Claims to vote to be
sent in.

5. Every Resident Magistrate shall, within seven days after the receipt of such claims as aforesaid, cause the names of the claimants to be posted in alphabetical order in some public place in the town, accompanied by a notice naming some day, prior to the fifteenth of September, on which all objections to the same shall be heard and determined by a Bench of Magistrates, and the list so revised shall be deemed to be the list of electors for the ensuing twelve calendar months, and shall be published in the *Government Gazette*, with a notice from the Resident Magistrate to the electors to assemble at some given time and place, before the twenty-fifth of September, for the purpose of electing Commissioners (not to exceed five in number nor less than three), and such Commissioners or the majority of them shall form a Board for the town, with authority to carry into effect the provisions of this Ordinance.

A Bench of magis-
trates to decide upon
claims.

6. Be

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Commissioners to
continue in office for
one year.

6. Be it enacted, That the Commissioners so elected as aforesaid shall continue in office for one year, or until the next election of Commissioners; and that any Commissioner going out of office shall be eligible for re-election; and that in case of the insolvency absence from the Province mental incapacity or death of any Commissioner, the vacancy so created shall be filled up within a month by the election of another Commissioner.

Commissioners to
levy a yearly rate.

7. Be it enacted, That the said Commissioners shall levy a yearly rate, not exceeding sixpence in the pound, on all houses lands and tenements situated within the limits of any town proclaimed as aforesaid, and every such rate shall be made upon an estimate of the net annual value of the lands and hereditaments rated thereunto; and the said rate when collected shall be paid to the Colonial Treasurer.

Assessors to be
appointed by
warrant under the
hands of the Com-
missioners.

8. Be it enacted, That the said Commissioners may, from time to time, by warrant under their hands, appoint one or more proper persons to be Assessors to rate and assess all such houses lands and tenements, and such Assessors shall, within thirty days after the delivery to them of the warrant of their appointment, return to the said Commissioners an assessment for the place named in such warrant; and the assessment shall specify, in different columns, the names of the respective owners or occupiers of all houses lands and tenements comprised in such assessment, the full and fair annual value of the same, and the amount of rate chargeable thereon respectively; and when the land or premises shall be unoccupied, the full and fair annual value thereof.

Assessment to be
entered in a book.

9. Be it enacted, That when any such assessment shall have been allowed by the said Commissioners, they shall sign the same, and shall cause public notice to be given of such assessment, and of the place where the same may be inspected, by advertisement in the *Government Gazette*: Provided that every person in whose custody such assessment may be shall permit every owner or occupier of property included in such assessment to inspect the same during office hours, and to make extracts therefrom, without payment of fee or reward; and if such person wilfully neglect or refuse to permit such inspection or extract to be made, he shall, on conviction before any two Justices, forfeit and pay for every such offence any sum not exceeding five pounds as the Justices shall think fit.

When assessment
allowed notice
thereof shall be
given.

Appeal against
assessment.

10. Be it enacted, That if any person who shall have paid the amount of rate charged upon him by the assessment made by any Assessor under this Ordinance shall think himself aggrieved by such assessment, on the ground that such assessment includes any property for which he is not rateable under this Ordinance or that it assesses his rateable property beyond its full and fair annual value, or that any person is omitted out of such assessment, or that the property of any person is assessed below its full and fair annual value, the person so considering himself aggrieved may appeal to the next Court of Sessions of the Peace, or, until the establishment of such Court, to a Bench of not less than five Magistrates, within twenty-one days after public notice of such assessment shall have been given, as hereinbefore mentioned; and in case the said Court of Appeal shall think the appellant entitled to relief, it shall order the assessment to be amended in such manner as may be necessary for giving him relief, and shall also order any money paid by him to be returned to him; and in case he shall have appealed on the ground that any person is omitted out of the assessment, the said Court of Appeal may order the name of such person to be inserted in the assessment, and to be therein rated at such an amount as it shall deem just; and in case the appellant shall have appealed on the ground that the property of any person is assessed

below

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below its full and fair annual value, the said Court of Appeal may order the amount at which such person is rated in the assessment to be altered in such manner as it shall deem just, and the proper officer of the Court shall, in each of the cases aforesaid, forthwith amend the assessment accordingly; but the assessment shall not be questioned or altered with respect to any other persons named therein, and the determination of the said Court of Appeal shall be final and conclusive.

The assessment may be altered to relieve the appellant without altering any other part of it.

How rate may be distrained for.

11. Be it enacted, That if any person shall neglect or refuse to pay the rate or arrears thereof to which he shall be liable, for the space of ten clear days after personal demand thereof of the owner occupier or agent (and in case where the owner or agent cannot be found, then by notice in the *Government Gazette*, which shall be deemed a legal demand) by the Collector, or demand in writing left at the house land or tenement rated and assessed thereto, it shall and may be lawful for the Collector appointed to receive such rate, and his assistant, by warrant under the hand and seal of the said Commissioners, to enter into any part of any house land or tenement so rated and assessed, and to distrain the goods and chattels therein or thereon according to law.

12. Be it enacted, That it shall and may be lawful for any Collector appointed under this Ordinance to sue for recover and receive of and from the person thereto liable, any rate or assessment payable under the provisions of this Ordinance, in any Court of competent jurisdiction; and for the purposes of any action or suit such rate or assessment shall be deemed to be due and payable to such Collector.

Rate may be recovered.

13. In case it shall be impossible to levy the rate due by reason of the property rateable being unoccupied or otherwise, the arrears shall at any subsequent time within seven years from the date of such rate becoming due be leviable upon any goods which may be found upon such property.

Rate becoming due leviable upon goods found on such property.

14. And be it enacted, That the said Commissioners shall from time to time nominate and appoint one or more persons to be Collectors, who shall levy the amount of rate charged in every such assessment, and duly account for and pay over the amount collected to the Colonial Treasurer, according to the provisions of this Ordinance, or in default thereof shall be deemed and taken to have embezzled the same, and be proceeded against according to law; and all money received by any such Collector may from the receipt thereof by law be deemed the money of the said Treasurer for the time being, and may be so described in any indictment or other proceeding.

Commissioners to appoint one or more persons to levy the amount of rate.

15. Be it enacted, That every Collector or other person appointed to levy the said rate and assessment shall give sufficient security, to the satisfaction of the said Commissioners, by bond, for the faithful execution of the said office; and every such Collector or other person shall, at such time and times as the said Commissioners shall direct, deliver to them true and perfect accounts of all moneys which shall have been received by him by virtue of this Ordinance, and of all moneys paid by him to the said Colonial Treasurer, together with the proper vouchers for such payments; and if any person shall refuse or neglect to produce or deliver the vouchers relating to the same, or to make payment as aforesaid, or shall not deliver to the said Commissioners, within ten days after being thereunto required, all the books papers and writings in his custody or power relating to the trust reposed in him, or shall refuse or neglect to pay such moneys as upon the balance of any account shall appear to be in his hands to the said Colonial Treasurer, every such person shall for every such neglect respectively forfeit a sum not exceeding twenty pounds, to be recovered in any Court of competent jurisdiction.

Collector to give security.

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Collectors to pay their balances to the Colonial Treasurer weekly.

16. Be it enacted, That each and every of the said Collectors shall, on the Saturday in every week, or at such other times as may be appointed by the said Commissioners, pay to the Colonial Treasurer all moneys received by him and then in his hands by virtue of this Ordinance.

Proceedings under this Ordinance to be taken according to Ordinance No. 5, Session II.

17. Be it enacted, That all proceedings under this Ordinance, in so far as not otherwise expressly provided, may be had and taken according to Ordinance No. 5, Session II., for the regulation of summary proceedings before Justices of the Peace.

Meeting of Commissioners how to be called.

18. Be it enacted, That no meeting of Commissioners for the purposes of this Ordinance shall be holden unless such meeting shall have been called by two Commissioners at least; notice of the time and place of every such intended meeting, specifying the business proposed to be transacted thereat, and signed by the Commissioners calling the same, to be left at the usual place of abode of every other Commissioner three clear days at least before such meeting.

Questions decided by majority.

19. Be it enacted, That all questions which shall come before such meeting, shall be decided by the majority of the Commissioners who shall be present thereat.

Minutes of resolutions entered in a book.

20. Be it enacted, That a minute of every resolution agreed to at any such meeting shall be entered in a book to be kept for that purpose, and shall be signed by the said Commissioners who shall have agreed thereto.

Commissioners to enter accounts and keep vouchers. Accounts to be audited.

21. Be it enacted, That the Commissioners shall, in a book to be kept for that purpose, enter true accounts of all sums of money by them received and paid, and of the several matters in respect whereof such sums shall have been received and paid. All such accounts, with all vouchers and papers relating thereto, together with a full abstract or balance sheet thereof signed by a quorum at least of the Commissioners, shall yearly at such meeting of electors as aforesaid be submitted to such meeting, and shall (as soon thereafter as conveniently may be) be examined and audited by two or more persons to be appointed for that purpose by such meeting.

Commissioners to exhibit balance sheet.

22. Be it enacted, That a copy of such abstract or balance sheet shall also be posted up by such Commissioners at or before the commencement of such meeting as aforesaid upon some conspicuous part of the place in which such meeting shall be holden.

Moneys books accounts and vouchers to be delivered to new Commissioners.

23. Be it enacted, That all moneys found by the Auditors to be due from the Commissioners under the provisions of this Ordinance, together with all such books of accounts vouchers and papers, shall be forthwith paid and delivered over to the Commissioners for the ensuing year.

Not to extend to Crown lands, Board of Ordnance, nor Native reserves.

24. Be it enacted, That nothing in this Ordinance shall extend to any land or premises belonging to the Crown, or the Honourable the Board of Ordnance, or belonging to any aboriginal native or tribe, or to any lands reserved for the benefit of the Natives.

Not to disqualify any Judge, Resident Magistrate, or Justice from acting under the provisions of this Ordinance.

25. Be it enacted, That no Judge, Resident Magistrate, or Justice of the Peace shall be disqualified from acting in pursuance of any of the provisions of this Ordinance by reason of his being assessed as a ratepayer under this Ordinance.

Commencement of Ordinance.

26. Be it enacted, That this Ordinance shall commence and take effect from the day of the passing thereof.

Constabulary Force.

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ORDINANCES.

SCHEDULES.

FORM OF CLAIM.

Form of Claim.

To _____, Esquire, Resident Magistrate for the District of _____
I HEREBY give you notice that I claim to have my name enrolled as a voter for the election of the Board of Commissioners for the district of _____, [as landowner, lessee, or proxy for A.B., as the case may be].
Dated the _____ day of _____

Place of abode and business of claimant.

TOLLS WHICH MAY BE DEMANDED UNDER THIS ORDINANCE.						£	s.	d.
For every sheep	lamb	pig	or goat	...	...	0	0	0½
Ox	or head of neat	cattle	...	...	...	0	0	1½
Horse	mare	gelding	ass	or mule	...	0	0	3
Cart	dray	or other such	vehicle,	drawn by one horse	or other animal	0	0	6
Other horse,	or other animal	above one,	drawing a cart	dray	or other such vehicle	0	0	3
Gig	chaise	or other such	carriage,	drawn by one horse	or other animal	0	0	9
Ditto,	drawn by two horses	or other animals	...	...	...	0	1	6

No. VIII.

AN ORDINANCE to appropriate the Revenue for the Year
One thousand eight hundred and forty-nine—fifty.
[2nd October, 1849.]

APPROPRIATION.

No. IX.

AN ORDINANCE to increase the efficiency of the Constabulary Force. [23rd August, 1849.]

CONSTABULARY
FORCE.

WHEREAS an Ordinance (No. 2, Session VII.) to provide for the establishment of a Constabulary Force was passed on the ninth October, one thousand eight hundred and forty-six: And whereas it is expedient to increase the efficiency of the said force:

Preamble.

1. Be it enacted by His Excellency the Lieutenant-Governor of New Munster, with the advice and consent of the Legislative Council thereof, as follows:—That any Inspector, Sub-Inspector, or any officer of the Constabulary Force above the rank of a private constable may, with such constables as he may think proper, enter into any ship boat or other vessel (not being then actually employed in Her Majesty's service) for the purpose of inspecting and directing the conduct of any constable who may be stationed on board of any such vessel, and the conduct of all other parties who shall be employed on board of any such vessel, and for preventing fire, preserving peace and good order, and for the prevention or detection of any felonies or misdemeanours on board of such vessel.

Power to any one in Constabulary Force above the rank of a private constable to board ships boats or other vessels.

2. Be it enacted, That any constable may demand admittance, for the purpose of preventing or repressing disorderly conduct, into any house shop or place of public resort wherever provisions liquors or refreshments of any kind shall be sold or consumed (whether the same

Provision for punishing disorderly conduct in the houses of licensed victuallers extended to other houses.

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same shall be kept or retailed therein or procured elsewhere), and any unnecessary delay in giving admission to the said constable shall subject the party to a penalty not exceeding five pounds.

Penalty for drunkenness.

3. Be it enacted, That if any person shall be convicted of drunkenness before any Justice of the Peace he shall forfeit and pay a sum of not less than five shillings nor more than twenty shillings, and in default thereof shall be imprisoned for any period not exceeding forty-eight hours. If any person shall have been so convicted three times within the space of six calendar months, he shall upon such third conviction forfeit and pay such sum as aforesaid, and be imprisoned for the term of seven days, with hard labour, at the discretion of the Magistrates.

Powers to any two Justices of the Peace to imprison persons having certain implements with felonious intent.

4. Be it enacted, That every person armed with any gun pistol sword bludgeon, or having in his possession any picklock crow-bar jack bit or other implement with intent feloniously to break into or having broken into any building for an unlawful purpose, or frequenting any street highway quay wharf or thoroughfare with intent to commit felony, may be imprisoned by any two Justices of the Peace for the term of three calendar months.

Power to constables to arrest persons with stolen property upon them.

5. Be it enacted, That it shall be lawful for any constable, finding any person with property in his possession which may reasonably be suspected of having been stolen or unlawfully obtained, to take such person before a Justice of the Peace, to be dealt with according to law.

Penalty for damaging public buildings.

6. Be it enacted, That any person who shall damage any public building wall parapet sluice bridge road street sewer culvert watercourse or other public property, shall pay the cost of repairing the same, and if the same be wilfully done shall forfeit and pay a further sum not exceeding twenty pounds nor less than five pounds.

Penalty on persons committing certain acts in the nature of nuisances specified in Schedule A.

7. Be it enacted, That any person doing or causing to be done or permitting any of the acts specified in Schedule A to this Ordinance annexed, upon the carriage or footway shall, on conviction before any Justice of the Peace, be liable to a penalty not exceeding forty and not less than five shillings.

Power to constables to seize certain articles enumerated in Schedule A.

8. Be it enacted, That any constable may require any person being the owner of any of the articles enumerated in the Schedule A to remove the same from the carriage or footway, and that any person not removing the same shall be liable to a penalty not exceeding forty and not less than five shillings for each time that he shall fail to remove any of the said articles, within reasonable time, after having been required so to do; and any constable may seize the same where the owner after having been once required to remove any article, or, where the owner of any article cannot be found, may proceed, after giving notice (in all cases where the value of the article seized shall be more than ten shillings) of the seizure by an advertisement in the *Government Gazette*, to sell the same—when the value of the article is under ten shillings, without notice—the proceeds of the sale to go to pay the penalties incurred for the breach of any provision of this Ordinance, and the surplus, if any, to such charitable purpose as the Lieutenant-Governor may direct: Provided that nothing in this Ordinance shall be taken to prevent any person from placing an awning or verandah in front of his shop or house, but such awning or verandah must be at least seven feet above the height of the footway in front of such house or shop, and the posts must be placed close up to the curbstone or outer edge of such footway.

Penalty for discharging firearms and fireworks.

9. Be it enacted, That any person who shall discharge any firearms without lawful cause, or let off any fireworks in any street or public place, shall be liable to a fine not exceeding five pounds nor less than five shillings.

10. Be

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- 10.** Be it enacted, That any person burning any shavings or other things in any street or public place, or setting fire to the bush scrub or flax within the limits of any town, shall be liable to a fine of not more than forty nor less than five shillings, and shall compensate any person damnified thereby, the amount of compensation to be assessed by any two Justices of the Peace. Penalty for burning shavings or other things in the street or setting fire to the bush.
- 11.** Be it enacted, That any person bathing near to or within view of any public wharf quay bridge street or other place of public resort, so as to offend against decency, between the hours of eight in the morning and eight in the evening, shall be liable to a fine of twenty shillings. Penalty for bathing in public.
- 12.** Be it enacted, That any person who shall offend against decency by the exposure of his person shall be liable to a fine of not more than ten pounds, or may at the discretion of any two Justices of the Peace be committed to gaol and hard labour for any term not exceeding two months. Penalty for exposing the person.
- 13.** Be it enacted, That upon complaint made to any two Justices of the Peace of the existence of any nuisance in the form of any noisome or unwholesome trade, or of any privy sty or receptacle for filth of any kind, the said Justices of the Peace shall inspect or order an inspection of the same, and shall give seven days' notice to abate such nuisance; and in default of the same being abated, the owner or occupier of the premises on which such nuisance exists shall be liable to a fine not exceeding ten pounds. Penalty for nuisances.
- 14.** Be it enacted, that if any person shall haul or draw, by himself or his servant, upon any part of a street or public place, any timber stone or other weights otherwise than upon a wheeled carriage, or shall suffer the same to drag or trail or hang over such carriage to the obstruction or injury of the said streets or ways, he shall be liable to a fine of forty shillings over and above the damage occasioned thereby. Penalty for injuring the streets by hauling timber and other things thereon.
- 15.** Be it enacted, That if any owner or occupier of premises having iron or wooden rails bars or trap-doors over the areas or openings to any kitchen cellar or other part of a building beneath the surface of the footway, shall neglect to keep the same in repair or shall leave the same open (save at such reasonable times at which coals wood or other things shall be in process of putting down or taking up), so as to endanger persons passing and repassing, shall be liable to a fine of not more than five pounds nor less than forty shillings. Penalty on uncovered openings in the footway.
- 16.** Be it enacted, That it shall not be lawful for any person to make any cellar or any opening of a like nature beneath the surface of the footway without the approval of the Commissioners for the Repairs of Streets, or of the Resident Magistrate where there are no such Commissioners, and that any person offending against this provision shall be liable to a fine of five pounds, as well as to the expense of removing or closing up the same; such expense to be assessed by any two Justices of the Peace. Penalty for making any openings in the footway.
- 17.** Be it enacted, That if any person shall drive or cause to be driven any carriage with any night soil or ammoniacal liquor through the streets or public places between the hours of five o'clock in the morning and ten o'clock at night, or shall shoot from a carriage or cast any night soil filth or ammoniacal liquor upon the streets, it shall be lawful for any person whomsoever to seize and apprehend the person so offending, without any other warrant than this Ordinance, and to convey such person before any two Justices of the Peace, who are hereby empowered to fine the same offender, or the owner if the driver cannot be found, as well as the employers of the person so offending, in the sum of not more than five pounds. Penalty for removing night-soil in the day-time.

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Penalty for throwing
dead animals into the
streets, or into
streams.

18. Be it enacted, That if any person shall throw or cause to be thrown any dead animals or part thereof into any street lane road or other public place, or into any river creek or stream or other water, or leave or cause the same to be left on the bank thereof, he shall be liable to a fine of not more than twenty and not less than five shillings.

Penalty for damaging
the footpath or
carriage-ways or for
removing ballast, or
for injuring buoys or
survey marks.

19. Be it enacted, That if any person shall open any drain or sewer in any street, or remove or cause to be removed any turf or clay sand soil gravel stone or other material used in the formation of the streets or carriage-ways therefrom, without leave from the Commissioners for Repairs of Streets, or from the Resident Magistrate where there are no such Commissioners, or shall wantonly damage the said streets or carriage-ways, or who shall remove any ballast sea or tide embankment without written authority of the Harbour Master, or if there is no Harbour Master, of the Resident Magistrate, or who shall remove or damage or otherwise interfere with any buoys beacons or other surveying marks put up by competent authority either on shore or afloat, he shall be liable to a fine of not more than five pounds and not less than one pound.

Penalty for riding
upon carriages with-
out reins.

20. Be it enacted, That if the driver of any waggon wain cart dray or other carriage shall ride thereupon (not having some person on foot to guide the same), such as are drawn by horses and properly driven with reins only excepted, or shall wilfully remain at such a distance from his carriage whilst passing through the street as not to have the command of his horse horses or cattle, or, meeting any other carriage, shall not keep his own carriage on the left or near side of the road, or in passing shall not keep on the right or off side of the road, or shall in any manner wilfully prevent any other person from passing him, or by negligence or misbehaviour interrupt the free passage of any person or carriage along the said road, he shall be liable to a fine of not more than forty nor less than ten shillings.

Penalty for furious
riding or driving.

21. Be it enacted, That any person who shall ride or drive through any street or public place so as to endanger the limbs or lives of other persons, shall be liable to a fine of not more than ten and not less than two pounds.

Penalty for commit-
ting nuisances in the
thoroughfares.

22. Be it enacted, That any person shall be liable to a penalty of not more than forty shillings who shall in any thoroughfare or public place commit any of the following offences, that is to say,—

- (1.) Every person who shall suffer to be at large any unmuzzled ferocious dog, or set on or urge any dog to attack worry or put in fear any person horse or other animal.
- (2.) Every person who by negligence or ill usage in driving cattle shall cause any mischief to be done by such cattle, or shall in any wise misbehave himself in the driving or management of such cattle, and also every person not being hired or employed to drive such cattle who shall wantonly pelt drive or hurt such cattle.
- (3.) Every person who shall wilfully damage any building wall fence paling fixture or appendage thereunto, or who shall steal or wilfully damage any tree shrub or other plant, or any seat in any walk park or garden.
- (4.) Every person who shall distribute or offer for sale, or exhibit any profane indecent or obscene book paper print drawing painting or representation, or sing any profane indecent or obscene song or ballad, or write or draw any indecent or obscene word figure or representation, or use any profane indecent or obscene language, to the annoyance of the inhabitants or passengers.

5. Every

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- (5.) Every person who shall use any threatening abusive or insulting words in the presence or hearing of any constable, or behave himself so as to provoke a breach of the peace, or whereby the passage along the street may be obstructed by causing a crowd to collect or otherwise.
- (6.) Every person who shall wilfully disturb any inhabitant by ringing any door-bell knocking at any door or who shall deface injure or remove any door-plate bell knocker lamp or sign board.

23. Be it enacted, That in case any person shall lodge any information before any Justice of the Peace for any offence by which he was not personally aggrieved, and shall afterwards directly or indirectly receive any sum of money or other reward for compounding delaying or withdrawing the information, he shall be liable to a penalty of not more than ten pounds.

Penalty for com-
pounding informa-
tions.

24. Be it enacted, That the Commissioners for the Repairs of Streets, the Resident Magistrate, where there are no such Commissioners, or any person deputed by them or him, may set out and mark the length and breadth of the footways and carriage-ways, as well as the limits of any town within or to be brought within the operation of this Ordinance, and such Commissioners for the repairs of streets, or Resident Magistrate where there are no such Commissioners, or any person deputed by them or him, shall not be deemed a trespasser by entering upon the property of any person for the purpose of setting out or measuring the limits of the footways carriage-ways or towns within or to be brought within the operation of this Ordinance.

Limits of the town
to be set out.

25. Be it enacted, That so soon as the limits of any town or of the foot and carriage-ways shall have been ascertained as aforesaid, and the said limits published by competent authority, any person erecting any building or part of a building so as to encroach on the said limits without license first obtained from the Commissioners for the Repairs of Streets, or from the Resident Magistrate where there are no such Commissioners, shall be liable to a penalty of not more than twenty pounds.

Regulating the build-
ing of houses &c.

26. Be it enacted, That the Commissioners for the Repairs of Streets, or the Resident Magistrate where there are no such Commissioners, may make regulations for the length breadth height steps or inclination, and for the general maintenance of the footways, and for that purpose may remove flagging steps posts or other impediments.

Commissioners may
regulate the manage-
ment of footpaths.

27. Be it enacted, That the provisions of this Ordinance shall immediately be in force within such limits of the Town of Wellington as marked on the map of the Surveyor-General of the New Zealand Company, as the Lieutenant-Governor, with the advice of the Executive Council, may proclaim; and it shall be lawful for the Lieutenant-Governor, with the advice of the Executive Council, from time to time, by Proclamation in the *Government Gazette*, to specify any further or other limits of towns within which any of the provisions of this Ordinance shall be enforced, upon a requisition to that effect from a majority of the Magistrates of the district in which such town is situate.

Declaring the limits
of the Ordinance.

28. Be it enacted, That nothing in this Ordinance shall be construed to repeal any penalties imposed by any other Ordinance in force in the Province of New Munster.

Respecting penalties
imposed by other Or-
dinances.

29. Be it enacted, That any person assaulting or resisting any constable in the execution of his duty shall be liable to a fine of not more than ten pounds.

Penalty for resisting
constable.

30. Be it enacted, That any person refusing or neglecting to repair the chimney of any house in his occupation after having been called

Penalty for neglect-
ing to repair and
keep clean chimnies.

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called upon so to do by the Resident Magistrate, and any person neglecting to keep clean the chimney of any house occupied by him, so that from the foulness thereof the same shall take fire, shall be liable to a fine of not more than two pounds.

Mode of procedure.
That this Ordinance
shall be construed
with No. 2, Session
VII.

31. Be it enacted, That all proceedings under this Ordinance shall be regulated and carried on according to the Ordinance, No. 5, Session II., for the regulation of summary proceedings before Justices of the Peace; and that this Ordinance shall be read and construed together with Ordinance No. 2, Session VII.

Commencement of
Ordinance.

32. Be it enacted, That this Ordinance shall take effect from the day of the passing of the same.

SCHEDULE A.

BEAT carpets, fly kites, drive a carriage for the purpose of breaking horses, ride a horse for the purpose of breaking, throw or permit to be thrown rubbish or anything annoying or offensive; slaughter or cut up any animal so near to the carriage or footway that the blood or offal shall cause a nuisance to passengers; place or cause to be placed any carriage for either persons or things; any wheelbarrow cask or barrel, except for necessary and temporary purposes; ride any horse mule or ass upon the footways; place any stall board chopping-block show-board (on hinges or otherwise); basketwares goods or merchandise of any kind whatsoever; wash or hoop any cask or vessel; place any timber stones bricks lime or other materials for buildings (except the same be enclosed); expose any meat or offal, so as to overhang the street.

No. X.

COUNTRY ROADS.

AN ORDINANCE to authorize the Levying and Collection of Tolls on Roads, and of Rates on Land in the Province of New Munster. [2nd October, 1849.]

Preamble.

WHEREAS it is expedient to raise funds, by means of tolls on roads and a rate upon land, for the repairs of certain roads in the Province of New Munster:

Lieutenant-Governor
to proclaim district.

1. Be it enacted, That whenever a majority of the Justices of the Peace residing within any district proclaimed as such for the purposes of the Registration Ordinance shall memorialise His Excellency the Lieutenant-Governor, stating their desire that this Ordinance or any part thereof should be brought into operation within such district or any portion thereof, the Lieutenant-Governor, by and with the advice and consent of the Executive Council, may proclaim the district or portion thereof so indicated by the said Justices to be within the operation of this Ordinance or such part thereof accordingly.

Commissioners to be
elected.

2. Be it enacted, That every person who shall have to his own use, either as freehold or as the occupier, any land or tenement within any district proclaimed to be within the provisions of this Ordinance, and any person duly appointed in writing as the proxy of any such person for the purposes of this Ordinance shall, being duly enrolled in manner hereinafter provided, be qualified to vote at the election of a Board of Commissioners to be elected for the purpose of levying tolls on any road and levying a rate on uncultivated land, or on cultivated, as the case may be, within the said district, to be expended in repairing the roads and making by-roads within the said district.

Claims of votes to be
sent in.

3. Be it enacted, That all claims to the right of voting shall be according to the form to this Ordinance annexed, and shall be sent in to

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to the Resident Magistrate of the district proclaimed as aforesaid, or if there be no Resident Magistrate in the district then to the nearest Resident Magistrate, on or before the first day of November in each year, and all claims not so sent in shall be disallowed.

4. Be it enacted, That every Resident Magistrate shall, within seven days after the receipt of such claims as aforesaid, cause the names of the claimants to be posted in alphabetical order in some public place in the district, accompanied by a notice naming some day prior to the fifteenth day of November on which he will hear and determine all objections to the same, and the list so revised shall be deemed to be the list of electors for the ensuing twelve calendar months, and shall be published in the *Government Gazette*, with a notice from the Resident Magistrate to the electors to assemble at some given time and place before the twenty-fifth day of November, for the purpose of electing Commissioners (not less than five in number, of whom three shall be a quorum), and such Commissioners or a quorum of them shall form a Board for the district, with authority to carry into effect the provisions of this Ordinance: Provided always that no Resident Magistrate shall admit the claims of any one person to vote as proxy for more than ten owners or occupiers of land.

Resident Magistrate to decide upon claims.

Limitation of proxy.

5. Be it enacted, That the Commissioners so elected as aforesaid shall continue in office for one year, or until the next election of Commissioners, and that any Commissioner going out of office shall be eligible for re-election; and that in case of the insolvency absence from the Province mental incapacity or death of any Commissioner, the vacancy so created shall be filled up within a month by the election of another Commissioner.

Commissioners to continue in office for one year.

6. Be it enacted, That the Board of Commissioners shall have the power within the limits of the district to erect toll-gates or bars on any road within the same, and to assess and levy a rate on all uncultivated land within the same, such rate to be assessed on the estimated value to sell of the said uncultivated land (provided that no rate so to be assessed shall exceed the amount of twopence in the pound), and to keep in repair all roads causeways and bridges, and to make by-roads within the same: Provided always that in case the said Commissioners shall not cause the erection of any toll-bars or gates in any such district, any rate or assessment to be levied under this Ordinance shall be levied indiscriminately upon cultivated and uncultivated lands.

Commissioners to erect toll-bars and levy rates.

7. Be it enacted, That no tolls to be imposed by the said Commissioners shall be levied more than once in ten miles nor shall exceed the scale contained in a Schedule annexed to this Ordinance, a copy of which scale, showing the exact amount of tolls payable as aforesaid, shall be fixed up at every toll-gate or bar, signed by the said Commissioners: Provided always that all carts drays or other such carriages licensed under Ordinance No. 7, called "*An Ordinance to authorize the Levying and Collecting of Rates for the Repairing of Roads and Streets in any Town in New Munster,*" shall be exempt from toll within the limits of the said Ordinance.

Tolls to be levied according to scale in Schedule.

8. Be it enacted, That the said Commissioners are hereby authorized to make such by-laws for the regulation of all matters and things within their control as to them may seem meet.

Commissioners authorized to make by-laws.

9. Be it enacted, That previously to levying any such rate the Commissioners shall cause a written or printed statement to be posted up in some conspicuous place or places within the district, setting forth the amount of rate to be levied, with a list of the names of the persons liable for the payment thereof, with the sum payable by each of such persons, and the number of acres in respect whereof the same shall be payable: Provided always that if any person who shall have paid the

Commissioners to cause a statement of rate to be posted.

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Proviso for appeal
against assessment.

amount of rate charged upon him by the assessment made by any Assessor under this Ordinance shall think himself aggrieved by such assessment, on the ground that such assessment includes any property for which he is not rateable under this Ordinance, or that it assesses his rateable property beyond its full and fair value, or that any person is omitted out of such assessment, or that the property of any person is assessed below its full and fair value, the person so considering himself aggrieved may appeal to a Bench of not less than five Magistrates, within twenty-one days after such payment; and in case the said Bench of Magistrates shall think the appellant entitled to relief, it shall order the assessment to be amended in such manner as may be necessary for giving him relief, and shall also order any money paid by him in excess to be returned to him by the said Commissioners; and in case he shall have appealed on the ground that any person is omitted out of the assessment, the said Court of Appeal may order the name of such person to be inserted in the assessment, and to be therein rated at such amount as it shall deem just; and in case the appellant shall have appealed on the ground that the property of any person is assessed below its full and fair value, the said Court of Appeal may order the amount at which such person is rated in the assessment to be altered in such manner as it shall deem just; and the proper officer of the Court shall in each of the cases aforesaid forthwith amend the assessment accordingly; but the assessment shall not be questioned or altered with respect to any other persons named therein, and the determination of the said Court of Appeal shall be final and conclusive.

Appointment of Col-
lector having power
to sue by summary
proceedings.

10. Be it enacted, That at the expiration of the time appointed for the hearing of such objections, the Commissioners shall appoint fit persons to collect the rate due, which shall on non-payment thereof be recoverable at the suit of any such Collector by summary proceedings before any Justice of the Peace having jurisdiction within the district, and shall be leviable by distress and sale.

Rate uncollected to
remain chargeable on
land.

11. Be it enacted, That in case it shall be impossible to levy the rate due, by reason of the property rateable being unoccupied or otherwise, the arrears shall at any subsequent time within seven years from the date of such rate becoming due be leviable upon any goods which may be found on such property.

Commissioners to
publish accounts.

12. Be it enacted, That the Commissioners shall once in every year publish and cause to be posted up in some conspicuous place or places within the district a statement of every sum so in arrear and of the land in respect of which the same shall be due.

Penalty for evading
tolls.

13. Be it enacted, That any one forcing his way through any toll-gate or bar, or evading the payment of any toll payable for passing through the same, shall be liable to a penalty of not more than forty shillings.

Penalties for injuries
to roads bridges
drains &c., for causing
obstructions, for rid-
ing on carts &c. with-
out proper drivers,
for not driving on the
proper side of the
road, for furious driv-
ing, for cattle &c.
trespassing.

14. Be it enacted, That any person who himself or by means of any one under his control shall convey haul or trail timber, either with a carriage or without one, along any road in any district proclaimed as aforesaid, so as to injure the road or the sides or the banks thereof, shall for each offence be liable to a penalty of not more than two pounds nor less than ten shillings; and any person causing injury to any bridge drain fence or roadway, by placing any building within thirty-three feet of the centre of any road, or by lighting fires within fifty yards of the centre of any road, or placing timber or any other thing in any road so as to cause any obstruction, shall for each offence be liable to a penalty of not more than forty shillings; and any person riding on any cart dray or other such vehicle drawn by one or more horses, or by any bulls or steers, without some person to guide or control the same by means of reins or otherwise, or shall obstruct the passage of
any

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any vehicle by not keeping on the proper side of the road, or who shall drive along any such road furiously, shall for each offence be liable to a penalty not exceeding five pounds; and the owners of any cattle sheep horse pig goat or other animal found trespassing on the road or the sides thereof, and causing or being likely to cause any damage or obstruction by so trespassing, shall be liable to a fine for each animal so trespassing for each offence of not more than ten shillings, and shall make good any damage caused to the road by such trespass or trespasses, such damage to be assessed by any two Justices of the Peace or by any person whom they may appoint; and in case of any cattle sheep horse pig goat or other animal found trespassing as aforesaid, and causing damage or being likely to cause damage as aforesaid, and whose owner cannot be found, the same may, by any person seeing the damage done or having reason to believe that such damage will be done, be driven or be caused to be driven to the nearest pound, and be subject to the enactments of Ordinance No. 6, Session VIII., in respect of cattle trespassing on private property.

15. Be it enacted, That all moneys whether arising from the payment of tolls rates or penalties leviable under this Ordinance shall be paid to the Colonial Treasurer on behalf of Her Majesty, her heirs and successors, to be appropriated by the said Commissioners in defraying the costs and expenses necessarily incurred in the exercise of the powers hereinbefore given to the Board of Commissioners, and no other expenses whatsoever.

Moneys arising from tolls rates or penalties paid to Treasurer to be appropriated by the Commissioners.

16. Be it enacted, That the Lieutenant-Governor shall issue his warrant for any sum or sums of money required by the Commissioners elected as aforesaid, not exceeding the whole sum collected in any one district as aforesaid, in order to carry out the provisions of this Ordinance.

Lieutenant-Governor to issue warrant for money required to carry out the provisions of this Ordinance.

17. Be it enacted, That all moneys levied or received under this Ordinance shall be paid to the Colonial Treasurer on behalf of Her Majesty, her heirs and successors, to be appropriated by the said Commissioners in defraying the expense of carrying this Ordinance into execution, and of making repairing improving maintaining and cleansing the streets quays roads and public thoroughfares within the limits of the town assessed.

Appropriation clause.

18. Be it enacted, That the Lieutenant-Governor shall issue his warrant for any sum or sums of money required by the Commissioners elected as aforesaid, not exceeding the whole sum collected in any one town as aforesaid, in order to carry out the provisions of this Ordinance; and the accounts of the said Commissioners shall be audited in the same way as any other of the ordinary accounts of the Province.

Accounts of Commissioners to be audited.

19. Be it enacted, That the Commissioners elected as aforesaid, in concert with the Lieutenant-Governor, shall have the power, and they are hereby authorized, to make all such by-laws as may appear to them necessary to the protection and proper maintenance in repair of the streets roads quays thoroughfares, &c., &c., within any town: Provided always that such by-laws shall not be repugnant to any of the provisions of this Ordinance, and shall be submitted to the Lieutenant-Governor in Council, and, upon being approved, shall have the same force and effect as if they had been inserted herein.

Commissioners empowered to make by-laws.

20. Be it enacted, That no meeting of Commissioners for the purposes of this Ordinance shall be holden unless such meeting shall have been called by two Commissioners at least; notice of the time and place of every such intended meeting, specifying the business proposed to be transacted thereat, and signed by the Commissioners calling the same, to be left at the usual place of abode of every other Commissioner three clear days at least before such meeting.

Meetings of Commissioners to be called by at least two Commissioners.

21. Be

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Questions to be decided by the majority.

21. Be it enacted, That all questions which shall come before such meeting shall be decided by the majority of the Commissioners who shall be present thereat.

Minutes of resolutions to be entered in a book.

22. Be it enacted, That a minute of every resolution agreed to at any such meeting shall be entered in a book to be kept for that purpose, and shall be signed by the said Commissioners who shall have agreed thereto.

Accounts of all moneys to be kept.

23. Be it enacted, That the said Commissioners shall keep, or cause to be kept, accounts of all moneys received as well as all moneys expended by them in the execution of their trust, and shall within one month after the expiration of each half-year render such accounts for such half-year to the Auditor-General of the Province of New Munster, who, after examination of the same, shall cause them to be forthwith delivered to the Colonial Secretary, to be laid before the Legislative Council, and published each half-year in the *Government Gazette*.

Assessor, with his necessary assistants, to enter lands &c.

24. Be it enacted, That for the execution of the purposes of this Ordinance it shall and may be lawful for any Commissioner and for any Assessor appointed under this Ordinance, with his necessary assistants, from time to time to enter upon and to go through and over any lands or ground of any person whomsoever, for the purpose of making and carrying on any valuation or assessment authorized by this Ordinance.

Owners of carts &c. to take out licenses.

25. Be it enacted, That any person residing in or within four miles by the nearest line of road of the Town of Wellington, who himself or by means of any one under his control shall drive or cause to pass along any road within the operations of this Ordinance any cart waggon dray or other carriage without a license duly had and obtained from the said Commissioners (which they are hereby authorized to give), on the terms specified in one of the Schedules to this Ordinance annexed, shall be liable to a fine of not more than two pounds, and such person not having his name legibly painted in letters one inch long on the right or off side above the wheel of his cart waggon dray or other carriage, shall be liable to a penalty of not more than one pound.

No Judge &c. to be disqualified.

26. Be it enacted, That no Judge, Resident Magistrate, or Justice of the Peace shall be disqualified from acting in pursuance of any of the provisions of this Ordinance by reason of his being assessed as a ratepayer under this Ordinance.

Proceedings for penalties &c.

27. Be it enacted, That all proceedings under this Ordinance, in so far as not otherwise expressly provided, may be had and taken according to Ordinance No. 5, Session II., for the regulation of summary proceedings before Justices of the Peace.

Not to extend to certain lands and buildings.

28. Be it enacted, That nothing in this Ordinance shall extend to any Gaol Hospital Custom House Police Office Station House other Government buildings or buildings hired by the Honorable the Board of Ordnance, or to any Native lands or reserves which have been set apart for their sole use and benefit or are in their actual possession or occupation.

Commencement of Ordinance.

29. Be it enacted, That this Ordinance shall commence and take effect from the day of the passing thereof.

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ORDINANCES.*Dog Nuisance.*

In cases for damages not necessary to prove defendant's knowledge of dog's propensity to injure.

8. Be it enacted, That in all cases tried before the Resident Magistrate or any two Justices of the Peace, where damages for injury done by a dog are sought to be recovered from the owner, it shall not be necessary for the plaintiff to prove that the owner knew of the dog's propensity to commit the injury complained of, but the defendant may bring evidence to show that he had no reason to believe that his dog was likely to commit such injury, and this evidence shall go in mitigation of damages.

Upon requisition of Magistrates, Lieutenant-Governor may proclaim Ordinance.

9. Be it enacted, That upon the requisition of the majority of the Magistrates of any district, the Lieutenant-Governor may proclaim this Ordinance to be in operation.

All moneys levied by way of fine &c. to be expended in repairs of roads.

10. Be it enacted, That all moneys levied by way of fine penalty or forfeiture under this Ordinance are hereby reserved to Her Majesty, her heirs and successors, for the public uses of the Province of New Munster, and shall be paid into the Treasury thereof, to be issuable, by warrant, to the Commissioners of Roads, where such Commissioners exist, or to the principal officer of Government where there are no such Commissioners, to be expended in the repairs of the roads of the district wherein they are levied.

Natives not resident in any town, not to be subject to provisions under this Ordinance.

11. Be it enacted, That nothing in this Ordinance shall extend to any aboriginal native not resident in any town, or to any dog belonging to such native.

Commencement of Ordinance.

12. Be it enacted, That this Ordinance shall come into operation from the day of the passing thereof.



MAY 13 1929

