



AUCKLAND PROVINCIAL GOVERNMENT GAZETTE.

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[No. 9.]

PUBLIC NOTIFICATION.

Superintendent's Office,
Auckland, March 24, 1858.

I HEREBY notify for general information that by virtue of the authority vested in the Superintendent by the "Auckland Waste Land Act, 1858," I have, with the advice and consent of the Executive Council, appointed

DANIEL POLLEN, Esquire, J.P.,
to be Waste Land Commissioner for the Province of Auckland.

J. WILLIAMSON,
Superintendent.

Superintendent's Office,
Auckland, March 22, 1858.

TENDERS will be received at this Office until noon of Monday the 14th proximo, for the performance of certain works on that portion of the Great South Road extending between Mr. T. Runciman's and the Mangatawhiri river.

Information can be obtained at the Road Surveyor's Office.

Tenders to be sealed and endorsed, "Tender for Works on Great South Road."

J. WILLIAMSON,
Superintendent.

Superintendent's Office,
Auckland, March 24, 1858.

I HEREBY notify that I have appointed JAMES BABER, Esquire, to act as Deputy for the Waste Land Commissioner at Auckland.

J. WILLIAMSON,
Superintendent.

Superintendent's Office,
Auckland, March 25, 1858.

I HEREBY notify for general information that I have assented on behalf of the Governor of New Zealand to the undermentioned Acts passed by the Auckland Provincial Council.

- Thistle Act Amendment Act, 1858.
- Wharf Regulation Act, 1858.
- City and Harbour Endowments Act, 1858.
- Auckland Reserves Act, 1858.
- Municipal Police Act, 1858.
- Appropriation Act, 1858.

J. WILLIAMSON,
Superintendent.

Superintendent's Office,
Auckland, March 25, 1858.

THE following Notices, published in the *New Zealand Gazette*, are re-published for general information.

J. WILLIAMSON,
Superintendent.

Colonial Secretary's Office,
Auckland, March 18, 1858.

THE following Act, passed by the General Assembly of New Zealand, in the Session held in the nineteenth and twentieth years of her Majesty Queen Victoria, intituled,

"The Waste Lands Act, 1856,"

having been laid before the Queen, in conformity with the provisions of the New Zealand Constitution Act, it has been intimated by the principal Secretary of State for the Colonies that her Majesty has been advised to disallow the same, and that an Order in Council for that purpose will shortly be despatched.

E. W. STAFFORD.

Colonial Secretary's Office,
Auckland, March 18, 1858.

THE following Bills, passed by the Provincial Council of the Province of Auckland, intituled,

"Diversion of Roads Act, 1858," Session 8, No. 1,

* "Auckland Waste Land Act, 1858, Session 8, No. 2,

which Bills were reserved for the signification of the Governor's pleasure, having been laid before the Governor, in conformity with the provisions of the Constitution Act, his Excellency has been pleased to assent to the same.

E. W. STAFFORD.

* This Act was assented to before the intimation of the disallowance of the Waste Lands Act, 1856, was received.

AUCKLAND MUNICIPAL POLICE ACT, 1858.

IN THE TWENTY-FIRST YEAR OF THE REIGN OF HER MAJESTY QUEEN VICTORIA.

SESSION VIII, No. 7.

ANALYSIS.

Title.

Preamble.

1. Persons committing offences mentioned in this clause liable to fine.
2. Persons committing either of the offences mentioned in this clause, liable to fine.
3. Persons failing to abate nuisances or repair chimneys after notice liable to fine.
4. Power to enter premises to ascertain existence of nuisance or state of chimney.

5. Persons committing either of the offences mentioned in this clause liable to fine.
6. Act not to affect Common Law or other Acts.
7. By whom complaints to be made
8. Penalties to be recoverable in summary way.
9. Commencement of Act.
10. Short Title.

Title

AN ACT to Regulate the Municipal Police in the Province of Auckland.

Preamble.

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

Persons committing offences mentioned in this clause liable to fine.

1. Every person who shall, within the Province of Auckland, commit any of the offences next hereinafter specified, shall, for every such offence, forfeit and pay a sum not less than ten shillings nor exceeding five pounds (that is to say)

1. Every person playing at any game, in any street, bye-way, or public thoroughfare on the Lord's Day.
2. All persons assembling in any street or other public place on the Lord's day, to the disturbance of any congregation of worshippers.

3. Every person who shall wilfully fire any litter, shavings, or other combustible matter, so as to endanger any house or other building.
4. Every person who shall ride or drive in a public thoroughfare, so as to endanger the lives or limbs of passengers and others.
5. Every person who shall in a public thoroughfare, suffer any ferocious dog to be at large and unmuzzled or shall wantonly set on any dog to attack, worry, or put in fear any person or animal.
6. Every person driving cattle in a public thoroughfare, who shall wilfully or negligently cause any injury or damage to be done by such cattle to any person or property, or shall in anywise misbehave in the driving of such cattle.
7. Every person who shall wantonly hurt or harrass any cattle passing along or being in a public thoroughfare.
8. Every occupier (and where there is no occupier every owner) of a house or other building, accommodated by an opening in the public footway or roadway, giving access or light to any cellar or sunk casement, who shall neglect to keep such opening securely covered and constantly closed by a substantial trap door, or by substantial rails or bars, or in some other sufficient manner, save only at reasonable times in the daytime when articles or things stored in such cellar or casement are in actual course and process of being lowered or brought up.
9. Every person who shall convey night soil along a public thoroughfare after the hour of six o'clock in the morning, and before the hour of ten o'clock at night.
10. Every person who shall sell, or expose for sale, or have in his possession with intent to sell, any unwholesome meat, or who shall have in his possession, for the purpose of slaughtering, any diseased animal unfit for human food.
11. Every person who (without due authorization) shall throw or leave earth, stones, or rubbish, upon a public thoroughfare.
12. Every person who shall leave standing or lying upon any part of a public thoroughfare, any waggon, cart, carriage, truck, wheelbarrow, or other vehicle, or any packing case, crate, casket, cask, barrel or package.
13. Every person who shall place upon any part of a public thoroughfare (without an authority from the Superintendent or the officer appointed by him) any timber, stones, bricks, lime, or other materials for building.
14. Every person who shall suspend or place any carcase, meat, or offal, so as to overhang any part of a public thoroughfare.
15. Every person being the owner or having the custody of any article unlawfully placed upon or over any part of a public thoroughfare, who shall refuse to remove the same within a reasonable time after being thereunto requested by a Constable of the Armed Police Force,

- every such refusal to be deemed a separate offence.
16. Every person who shall train or break horses in a public thoroughfare within any town or village.
 17. Every driver of a vehicle, not driven by means of reins, who shall ride thereupon, there being no person on foot to guide the same, or who shall wilfully remain at such a distance from his vehicle whilst in motion as not to have command of the horses or cattle drawing the same.
 18. Every person who shall wilfully encumber or obstruct a public thoroughfare in any way not before specifically described.
 19. Every person who shall haul or draw any timber, stone, or other load, along any part of a public thoroughfare, otherwise than upon a wheeled carriage or rollers, or shall suffer any load conveyed upon a wheeled carriage or rollers to drag or trail.
 20. Every person who shall permit any stallion, bull, or other entire animal to cover in any paddock, close, or land, being within public view.
 21. Every person who shall use in a public thoroughfare or place, any profane or obscene language to the annoyance of the inhabitants or passengers.
 22. Every person who shall indecently expose his person in or within view of a public thoroughfare or place.
 23. Every person who shall deface, injure, or remove any door plate, bell, knocker, lamp, or sign board.

Persons committing either of the offences mentioned in this clause liable to fine.

2. Every person who shall commit any or either of the offences next hereinafter specified shall for every such offence forfeit and pay any sum not exceeding five pounds. That is to say,

1. Every person who shall discharge any firework in any public thoroughfare, within the Electoral District of the City of Auckland.
2. Every person who shall wilfully fire the bush, fern, scrub, flax, grass, or other vegetation, on any land within the limits of the Electoral District of the City of Auckland, or the Electoral District of the Suburbs of Auckland.
3. Every person who shall neglect to keep clean the chimney of any house or other building occupied by him, and situated within the limits of the Electoral District of the City of Auckland, or the Electoral District of the Suburbs of Auckland.
4. Every person who shall expose or place upon any part of a public thoroughfare within the Electoral District of the City of Auckland, any goods, wares, or merchandize, except fruit or vegetables, or shall make use of any show board projecting over any part of such thoroughfare.

Persons failing to abate nuisances or repair chimneys after notice, liable to fine.

3. Upon complaint by the Inspector of Police or other person to be appointed by the Superintendent of the existence of any common nuisance within the limits of the Electoral Districts of the City or Suburbs of Auckland (whether by the exercise of any noisome or unwholesome trade, or by the keepir

of hogs or of any privy, sty, or receptacle for filth of any kind or otherwise howsoever such nuisance shall arise.) And also upon like complaint that any chimney within the said limits is dangerous to neighbouring buildings (whether by reason of its insufficient construction or elevation, or by want of repair), it shall be lawful for the Resident Magistrate acting within the district, or for two Justices of the Peace, to issue a notice requiring the occupier, or if there shall be no occupier then requiring the owner of the land, or property on which such nuisance or defective chimney shall exist to abate such nuisance, or to alter, raise, or repair such chimney, (as the case may require) within a reasonable time to be specified in such notice. And the said Resident Magistrate or Justices shall cause every such notice to be forthwith served on such occupier or owner, or to be affixed in some conspicuous situation on such property; and in case and so often as such occupier or owner shall disobey any such notice he shall for every such offence forfeit and pay a sum not less than two pounds nor exceeding ten pounds.

4. For the purpose of ascertaining the existence of any such nuisance or the state of any such chimney, it shall be lawful for the said Resident Magistrate or Justices, or either of them, to inspect the property whereon the same shall be alleged to exist or to cause such inspection to be made by any Officer or Constable of the Armed Police Force.

Power to enter premises to ascertain existence of nuisance or state of chimney.

5. Every person who shall commit any of the offences next hereinafter specified, shall, for every such offence, forfeit and pay a sum not exceeding twenty pounds. That is to say,

Persons committing either of the offences mentioned in this clause liable to fine.

1. Every person who shall wilfully destroy or damage any public building, erection, bridge, fence, post, gate, bench, sewer, culvert, watercourse, road, footway, or other public work.

2. Every person who shall remove, without due authority, any soil, stone, or other material used in the formation of any road or footway.

3. Every person who shall dig or excavate, without due authority, upon or beneath the surface of any road or footway.

4. Every person who shall without due authority, encroach upon the limits of any road, street, or public thoroughfare.

5. Every person who shall wilfully and wantonly remove any survey mark set up by any Government Surveyor or other public authority.

6. Nothing in this Act shall be construed to take away or repeal any liability or penalty which at Common Law, or by virtue of any Statute, Ordinance, or Act, in force within the Province, shall attach to or be incurred in respect of any such offence as aforesaid.

Act not to affect Common Law or other Acts.

By whom complaints
to be made.

7. All complaints and informations under this Act shall be made and lodged by any officer or constable of the Armed Police Force, or by any person to be appointed by the Superintendent, and not otherwise.

Penalties to be recoverable
in summary way.

8. All penalties imposed by this Act shall be recoverable in a summary way, pursuant to the Ordinances of the Colony for the regulation of summary proceedings before Justices of the Peace.

Commencement of
Act.

9. This Act shall come into operation within one month from the publication thereof in the "Provincial Government Gazette."

Short Title.

10. This Act may be cited and referred to as the "Auckland Municipal Police Act, 1858."

WM. POWDITCH,
Speaker.

Passed the Provincial Council this nineteenth day of March, One thousand eight hundred and fifty-eight.

G. MAURICE O'RORKE,
Clerk of Auckland Provincial Council.

On this twenty-third day of March, in the year of our Lord One thousand eight hundred and fifty-eight, I assent to this Act on behalf of the Governor.

J. WILLIAMSON,
Superintendent.