



NEW ZEALAND  
GOVERNMENT GAZETTE  
(PROVINCE OF NELSON).

PUBLISHED BY AUTHORITY.

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

*By His Honor's command,*

S. L. MULLER, *Provincial Secretary.*

VOL. IV.

NELSON, WEDNESDAY, JANUARY 2, 1856.

No. 1.

PROCLAMATION.

By His Honor EDWARD WILLIAM STAFFORD, Esquire, Superintendent of the Province of Nelson, in the Islands of New Zealand, &c., &c.

WHEREAS, by an Ordinance passed by the Superintendent and Provincial Council of the Province of Nelson, in Session II., No. 5, intituled "An Ordinance to provide for the Protection of Roads," it is enacted that the provisions of the third clause of that Ordinance shall come into operation in such Towns and Villages or Districts as may from time to time be proclaimed for that purpose by the Superintendent of the Province, with the advice and consent of his Executive Council, from and after the publication of such Proclamation in the *Government Gazette*: Now therefore I, the SUPERINTENDENT of the Province of Nelson, with the advice and consent of the Executive Council thereof, pursuant to the authority in me vested in that behalf, do hereby PROCLAIM and DECLARE that the third clause of the said recited Ordinance shall come into operation in the following Districts, from and after the publication hereof, viz. :—

1. The Hundred of Nelson, bounded on the north by a line from the Boulder Bank

for four and a-half miles, being a continuation of the dividing line between Sections No. 1 and 4, Wakapuaka; on the east thence by a line running south-west for seven miles; on the south thence by a line to the south-east corner of Section No. 72, Waimea East, and thence along the southern boundary of Sections Nos. 19, 99, 76, 75, and 77, Waimea East, to high-water mark; and on the west thence by a line along high-water mark to where the northern boundary commences.

2. The Hundred of Waimea East, bounded on the north by the mud flat in Waimea East, and by the southern boundary of the Hundred of Nelson; on the east thence by a line running south-west for seven miles; on the south thence by a line running north-west for three and a-quarter miles to the Wairoa river, and thence by the Wairoa river to its junction with the Wai-iti; and on the west by the Waimea river to its mouth, where the northern boundary commences.

Given under my hand at Nelson, this First day of January, in the year of our Lord one thousand eight hundred and fifty-six.

E. W. STAFFORD,  
Superintendent.

Provincial Secretary's Office,  
Nelson, January 1, 1856.

HIS Honor the Superintendent directs that the following Bill, about to be brought before the Provincial Council in its next Session, be published for general information.

By His Honor's command,  
S. L. MULLER,  
Provincial Secretary.

*A BILL to provide for the Improving of the Town of Nelson.*

*Preamble.*—Whereas an Ordinance was passed by the Lieutenant-Governor of New Munster, with the advice and consent of the Legislative Council thereof, Session I., number 7, intituled, "An Ordinance 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": And whereas it is expedient that the said Ordinance be repealed, and other provisions made for making and repairing roads and streets and other public works, and for draining and otherwise improving the town of Nelson: *Be it therefore enacted*, by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof, as follows:—

1. *Recited Ordinance repealed.*—The said recited Ordinance, so far as regards the Province of Nelson, shall be, and the same is, hereby repealed.

2. *Interpretation of the words "Board" and "Town of Nelson."*—In the construction of this Act, the word "Board" shall be deemed to mean the "Board of Works," elected to carry out the provisions of this act; and the words "Town of Nelson" shall be deemed to mean the Town of Nelson as defined by the Provincial Council Enlargement Ordinance, Session II., No. 7.

3. *Qualification of Electors.*—Every person whose name shall appear on the Electoral Roll for the time being in force as entitled to vote in the election of members of the Provincial Council for the Town of Nelson, shall be qualified to vote and take part in the proceedings at the general meetings which shall take place previous to any rate being levied under this Act; and after any such rate shall have been levied, then every person who shall have paid the last rate so levied shall be entitled to vote and take part at such meeting: Provided always, that such person shall have paid all rates for which he shall be then liable.

4. *Meeting of Electors to decide what Rate, if any, shall be levied.*—At a day in the month of \_\_\_\_\_ in each year, and at a convenient place within the said town, and hour to be fixed by the Superintendent, or such

other person as he shall appoint, the voters shall assemble, and having appointed a chairman, shall proceed to consider and determine what rate (if any) upon the lands and hereditaments within the said town shall be made and levied for the ensuing year for the purposes of this Act.

5. *Rate to be made upon estimated Value of Lands to sell.*—The rate shall be made upon the estimated value to sell of the lands and tenements rated thereto, and shall not exceed in the pound.

6. *Board to be elected.*—At the first meeting of the voters for the purposes aforesaid, after the passing of this Act, and at the annual meeting in every alternate year thereafter, the meeting, after having determined the amount of rate (if any) to be levied, shall elect from amongst the persons qualified to vote at such meeting, eight persons to be a Board to carry into effect the provisions of this Act, any three of whom shall be a quorum, and such Board shall be styled the Board of Works for the Town of Nelson, and the chairman of such meeting shall report in writing to the Superintendent the names of the persons elected to form the Board.

7. *Board to continue in Office two years.*—The Board shall continue in office two years, and until the next election of a Board; any member going out of office may be re-elected if then qualified.

8. *Members of Board to be disqualified in certain cases.*—If any member shall refuse to act, or be absent from the Province for six months at any one time, or become bankrupt, or an insolvent debtor within the meaning of any laws relating to insolvent debtors, or a public defaulter, or be convicted of felony or any infamous crime, he shall cease to be a member of the Board.

9. *If Members of Board reduced below five, new Members to be elected.*—If at any time, by reason of death, absence, resignation, bankruptcy, or otherwise, the members of the Board shall be reduced below five, the Board shall signify the same to the Superintendent, who shall appoint a meeting of voters at such time and place as he shall think expedient, and such voters shall, at such meeting, after electing a chairman, elect from amongst the persons qualified to vote for such meeting, a number of new members equal to the number of vacancies; and the chairman shall report in writing to the Superintendent the names of the members so elected; such new members shall hold office until the next general election.

10. *All Disputes relating to election of Members of the Board, or making Rate, to be determined by Superintendent and Executive Council.*—All questions and disputes which may arise concerning the election of any members of the Board, or the making of any

rate, or respecting any other proceeding at a general meeting, shall be referred to the Superintendent and Executive Council by the petition in writing of five or more electors, presented within ten days after the day of meeting at which the disputed proceeding shall have taken place; and all questions respecting the vacancy of the office of members shall be referred to the Superintendent and Executive Council, whose decision shall be final.

11. *Board to have power to make Roads, &c.*—The Board shall have power within the limits of the said town to make and keep in repair roads, streets, causeways, footpaths, bridges, and the like, and to provide for the establishment of markets and construction of market-places, and other works of public utility.

12. *Board to have power to make Drains, &c.*—The Board shall also have power from time to time to make all such ditches, drains, sewers, and watercourses, as they may deem necessary for effectually draining or supplying the said town with water, and to carry such ditches, drains, sewers, and watercourses through, across, or under any street, or road, or place laid out as or intended for a street, and also into, through, or under any lands whatsoever, and to cleanse, alter, or stop up the same when necessary, paying to the owner or occupier of such lands for the damage which he shall sustain thereby; and the Board may from time to time enlarge, lessen, alter, cover over, or otherwise improve all or any of the existing sewers, ditches, drains, and watercourses, and may discontinue, close up, or destroy such of them as may be deemed unnecessary: Provided always, that if by reason thereof any person is deprived of the lawful use of any drain, ditch, or sewer, the Board shall provide some other drain, ditch, or sewer as effectual as the one of which he is so deprived.

13. *If Owners and Occupiers do not consent to Drains, &c., being made, Notice to be given of Application to Justices, and Plan to be deposited with Clerk to Justices.*—Before any such drain, sewer, or watercourse shall be made through any private lands, unless the owner, or agent for the owner, and the occupier of such lands shall signify their consent thereto in writing, the said Board shall cause a written notice to be given to the owners and occupiers of such lands, of their intention to apply to the Justices on a day and at a place to be therein named, and which shall not be less than one month, nor more than six weeks from the time of giving such notice, for an order for making such drain, sewer, or watercourse, and shall cause a plan showing the drain, sewer, or watercourse so proposed to be made, together with a reference containing the names

of the owners and occupiers of such lands, so far as known, to be deposited with the Clerk to the Magistrates previously to giving such notice as aforesaid. Provided always, that in case the owner of any such land shall be unknown, or shall be absent from the Province, or cannot be found, the said Board may cause such notice to be published for two successive weeks in any newspaper published in the Province, instead of being served upon such owner.

14. *Justices may order Drains to be made.*—Any two or more Justices of the Peace, having jurisdiction in the Province, may, at a meeting to be held at the time and place mentioned in such notice, hear and determine such application, and any objection thereto; and upon proof duly made to them of such notice having been given, and that it is expedient to make any such drain, sewer, or watercourse through such lands, the said Justices shall make an order, directing such drain, sewer, or watercourse to be made according to the said plans.

15. *Board may make Contracts, and appoint Surveyors, &c.*—The Board shall have power from time to time to enter into any contracts for the execution of any work to be done under the authority of this Act; and to appoint and employ such collectors, surveyors, clerks, and workmen as they may deem necessary to enable them to carry into execution the provisions of this Act, and, as they shall think proper and necessary, to remove any such officers or workmen and appoint others in their stead; and out of the moneys which shall come to their hands under or by virtue of this Act to pay such contractors, surveyors, clerks, and workmen such remuneration as shall be reasonable.

16.—*Persons obstructing Work liable to Penalty.*—If any person shall obstruct or in any manner interfere with any such drain, sewer, or watercourse, such person, on being convicted thereof before any Justice of the Peace, shall be liable to reimburse all charges and expenses which may be occasioned by reinstating and making good the work so altered, obstructed, or interfered with, and shall also forfeit any sum not exceeding £10 nor less than £5.

17. *Penalty for making unauthorized Sewers, and building over Sewers, and erecting Windmills, Limekilns, &c., in certain cases.*—It shall not be lawful for any person to cause any drain or sewer to communicate with or be emptied into any drain, sewer, or watercourse to be made as aforesaid, nor to cause any building to be erected over such drain, sewer, or watercourse, nor to cause any vault, arch, or cellar to be built or constructed under any street, without the written consent of the said Board first had and obtained; nor to erect, or

cause to be erected, within fifty yards of any road or street, any steam engine or windmill, unless such steam engine or windmill shall be within some house or other building, or behind some wall or fence, sufficient to screen the same from the road, so that the same may not be dangerous to passengers, horses, or cattle; nor to make any fire for burning or calcining any limestone, bricks, clay, or the making of coke, or charcoal, within twenty-five yards of any road or street, unless the same shall be within some building, or behind some wall or fence sufficient to screen the same from such road; and any person offending against this enactment shall be liable to a penalty for every such offence not exceeding £10 nor less than £5, and a further penalty, not exceeding Forty Shillings, for every day during which the offence is continued, after notice in writing from the said Board in this behalf: and the said Board may cause any sewer, drain, building, vault, arch, or cellar, erected or constructed contrary to this enactment, to be pulled down or otherwise dealt with as they may think fit, and the expenses incurred by them in so doing shall be repaid to them by the offender, or be recoverable in a summary manner before any Justice of the Peace, as hereinafter provided.

18. *Disputed Compensation to be settled by Arbitration.*—In case of any dispute as to the amount of any compensation to be made under the provisions of this Act, unless both parties concur in the appointment of a single arbitrator, each party on the request of the other shall, by writing under his hand, appoint an arbitrator, to whom the matter shall be referred, and such appointment shall be delivered to the arbitrators, and shall be deemed a submission to arbitration by the parties making the same; and, after the making of such appointment, the same shall not be revoked without the consent of both parties, nor shall the death of either party operate as a revocation.

19. *If either party neglect to appoint Arbitrator, or if Owner absent, Resident Magistrate to appoint Arbitrator.*—In case either of the said parties shall refuse or neglect to appoint an arbitrator for the space of fourteen days after being requested so to do by the other party, or in case the owner of any land through which any drain or sewer shall be made shall be absent from the Province or cannot be found, the Resident Magistrate shall appoint an arbitrator to act on behalf of such owner or other party as aforesaid.

20. *Arbitrators to appoint Umpire, and if Arbitrators do not make Award within Three Months, Umpire to make Award.*—In case there be more than one arbitrator, the arbitrators shall, before they enter upon the reference, appoint by writing under their hands an umpire, and if the person appointed umpire

die or become incapable, or refuse to act, the arbitrators shall forthwith appoint another person in his stead; and in case the arbitrators cannot agree, or shall fail to make their award within three months from the day on which the last of them was appointed, the matters referred shall be determined by the umpire, and such umpire shall make his award within three months from the day on which the matters in dispute shall be referred to him as aforesaid.

21. *Costs of Reference in discretion of Arbitrators, and Submission may be made a Rule of Court.*—All costs consequent upon the reference shall be in the discretion of the arbitrator or arbitrators, or umpire, as the case may be; and any submission to arbitration under the provisions of this Act may be made a rule of the Supreme Court of New Zealand.

22. *Board to have power to construct Reservoirs, &c.; Persons injuring same, or polluting Streams, &c., liable to Penalty.*—The Board shall have power to construct and maintain (except on private lands) such wells, tanks, reservoirs, and other waterworks as they shall think proper for supplying the inhabitants of the town with water; and also to prevent any such well, tank, or other waterwork, or any public spring, river, or stream of water within the limits of the said town from being fouled or rendered impure or unfit for drinking; and any person or persons who shall by themselves or their agents, do or cause to be done any act calculated to pollute or render foul any such wells, reservoirs, rivers, or streams of water, or who shall throw into the same any rubbish, dirt, filth, or other noisome thing, or who shall wash or cleanse therein any cloth, wool, leather, or skin of any animal, or any clothes, or other thing, shall, on conviction before any Justice of the Peace, forfeit and pay any sum not exceeding ten pounds, and every such person shall forfeit a further sum of twenty shillings for each day (if more than one) that such offence shall be continued.

23. *New Streets not to be less than 20 feet.*—It shall not be lawful for any person to make or lay out any new street, road, square, court, alley, or thoroughfare, in the said town, unless the same, being a carriage road, be at least 30 feet wide, or, not being a carriage road, be at least 20 feet wide.

24. *Power to order Chimneys to be heightened, &c.*—If the Board shall consider any chimney, by reason of its being of an insufficient height, or, from any other cause, likely to endanger any building near or adjoining, they shall cause a notice in writing, signed by any member of the Board, or their Clerk, to be given to the owner of such chimney, or left upon the premises where such chimney shall be standing, requiring such owner, within a