



NEW ZEALAND GOVERNMENT GAZETTE.

FOR THE
PROVINCE OF NEW PLYMOUTH.

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NEW PLYMOUTH, SATURDAY, MARCH 18, 1854.

[No. 6.]

*Superintendent's Office,
New Plymouth, March 18th, 1854.*

THE following Proclamation from the *New Zealand Government Gazette* is republished for general information.

By His Excellency Lieutenant-Colonel ROBERT HENRY WYNYARD, Companion of the Most Honourable Order of the Bath, the Officer Administering the Government of the Islands of New Zealand, &c., &c.

WHEREAS, by an Act made and enacted in the Parliament holden in the fifteenth and sixteenth years of the reign of her Majesty Queen Victoria, intituled "An act to grant a Representative Constitution to the colony of New Zealand," it is amongst other things enacted that when any Bill shall have been assented to by the Superintendent, as in the same recited Act provided, the Superintendent shall forthwith transmit to the Governor an authentic copy thereof, and it shall be lawful for the Governor at any time within three months after any such Bill shall have been received by him, to declare by Proclamation his disallowance of such Bill and that any such disallowance shall make void and annul the same, from and after the day of the date of such Proclamation or any subsequent day to be named therein.

And whereas an Ordinance hath been enacted by the Superintendent of the Pro-

vince of New Plymouth, with the advice and consent of the Provincial Council thereof, intituled "An Ordinance to authorise the raising of a loan for the purchase of Native Lands within the Province of New Plymouth," Session 1. No 4, and the said Ordinance was received by me on the eighteenth day of February, 1854.

And whereas it is expedient that the said recited Ordinance should be disallowed,

Now, therefore, I, the Officer administering the Government of New Zealand in pursuance of the authority vested in me in that behalf by the said recited Act of Parliament, do hereby proclaim and declare my disallowance of the said recited Ordinance.

Given under my hand, and issued under the Public Seal of the Islands of New Zealand at Auckland in the Islands aforesaid in the seventeenth year of the reign of Her Majesty Queen Victoria, and on the twenty-second day of February, in the year of our Lord one thousand eight hundred and fifty-four.

R. H. WYNYARD.

The Officer administering the Government of the Islands of New Zealand.

By His Excellency's command,
ANDREW SINCLAIR,
Colonial Secretary.

GOD SAVE THE QUEEN!

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

SESSION I. No. 6.

AN ORDINANCE
TO REGULATE THE MUNICIPAL POLICE OF THE TOWN AND PROVINCE
OF NEW PLYMOUTH.

Analysis.

Title:

Preamble.

1. Fine not exceeding £5 for divers offences against the Public safety and health.
2. Fine not exceeding £2 for divers offences against Public convenience and Public decency.
3. Fine for neglect after notice to remove common nuisances, and to make good dangerous chimneys.
4. Power to inspect alledged nuisances and to examine chimneys.
5. Local limit of the proceeding provisions.
6. Local limit may be altered at request of Provincial Council by notice to be given by Superintendent.

7. Fine not exceeding £20 for injuries done to Public Buildings, Roads, and other Public property within the Province.
8. Footpath Ordinance extended to foot-bridges.
9. Superintendent empowered to proclaim public footpaths under provisions of Footpath Ordinance.
10. Ordinance not to repeal any existing Penalties.
11. Proceedings under the Ordinance to be instituted exclusively by Constabulary.
12. Penalties to be recoverable in a summary way.
13. Interpretation clause.
14. Commencement of operation.

AN ORDINANCE to regulate the Municipal Police of the Town and Province of New Plymouth.

For regulating the Municipal Police of the Town and province of New Plymouth.

Be it enacted by the Superintendent of the Province of New Plymouth, with the Advice and Consent of the Provincial Council thereof as follows :—

I.—Every person who, within the limits hereinafter named in that behalf, shall commit any of the offences next hereinafter specified, shall for every such offence forfeit and pay a sum not less than 10s. nor exceeding £5 (that is to say)

1. Every person who shall discharge any fire-work or firearm within the distance of half a mile from the centre of the Huatoki Bridge, in Devon-street, in the Town of New Plymouth.
2. Every person who shall wilfully fire the bush, fern, scrub, flax, grass, or other vegetation on any land within the limits hereinafter named in that behalf.
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 neglect to keep clean the chimney of any house or other building occupied by him, if other houses or buildings are endangered by such neglect.
5. Every person who shall ride or drive in a public thoroughfare so as to endanger the lives or limbs of passengers and others.
6. Every person who shall suffer any ferocious dog to be at large and unmuzzled in a public thoroughfare, or shall wantonly set on any dog to attack, worry, or put in fear any person or animal.
7. 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 any wise misbehave in the driving of such cattle.
8. Every person who shall wantonly hurt or harass any cattle passing along or being in a public thoroughfare.
9. 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 basement, 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 day time, when any articles and things stored in such cellar or basement are in actual course and process of being lowered or brought up.

10. 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.
11. Every person who shall deposit, cast, leave, or suffer to flow and run down upon or near a public thoroughfare, or into any river, stream, or creek, or upon the banks of any river, stream or creek, or upon such part of the Sea-beach as lies within five hundred yards of the Huatoki mouth, any night soil, ordure, carcass, offal, or other animal matter, or any foul water, or any other noisome or offensive substance.
12. 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.

II. Every person who within the limits hereinafter named in that behalf shall commit any of the offences next hereinafter specified, shall for every such offence forfeit and pay a sum not less than five shillings, nor exceeding two pounds (that is to say)

1. Every person who (without due authorisation) shall throw or leave earth, stone, or rubbish upon a public thoroughfare.
2. Every person who shall leave standing or lying upon any part of a public thoroughfare any wagon, cart, carriage, truck, wheelbarrow, or other vehicle, or any packing-case, crate, basket, cask, barrel, or package.
3. Every person who shall place upon any part of a public thoroughfare (without due authorisation) any timber, stones, bricks, lime, or other materials for building.
4. Every person who shall expose or place upon any part of a public thoroughfare any goods, wares, or merchandise, or shall make use of any show board, projecting over any part of such thoroughfare.
5. Every person who shall suspend or place any carcass, meat, or offal, so as to overhang any part of a public thoroughfare.
6. 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.
7. Every person who shall train or break horses in a public thoroughfare.
8. Every person who shall drive flocks or herds of cattle across the Huatoki Bridge,

in Devon-street aforesaid, and back again within twenty four hours.

9. 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.
10. Every driver who in meeting another vehicle shall not keep his own vehicle on the left or near side of the road, or who in overtaking another vehicle shall not keep his own vehicle on the right or off side of the road, or who shall in any wise wilfully prevent, or endeavour to prevent another vehicle from overtaking him, or who shall by negligence or misbehaviour impede the free passage of any vehicle or passenger.— Persons riding on horseback shall observe the regulations by this present provision made for the drivers of vehicles, and shall be subject to the like penalty for non-observance thereof, and shall also have the benefit and protection of the same regulations in like manner as drivers of vehicles.
11. Every person who shall split firewood, or work at any trade or handicraft in a public thoroughfare, or who after the hour of eight o'clock in the morning, and before the hour of eight o'clock in the evening shall beat or shake carpets in a public thoroughfare.
12. Every person who shall wilfully encumber or obstruct a public thoroughfare in any way not before specifically described.
13. 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.
14. Every person who shall publicly bathe after the hour of eight o'clock in the morning, and before the hour of eight o'clock in the evening, in the sea, or in any river, creek, or stream, so as to offend against decency.
15. Every person who shall turn out any stallion, bull, or other entire animal to cover into any paddock, close, or land, being within public view, and within half a mile of the centre of the Huatoki Bridge in Devon street aforesaid.
16. Every person who shall write or draw in or within sight of any public thoroughfare or place any obscene word, figure, or representation.
17. Every person who shall use in a public thoroughfare or place any profane or obscene language to the annoyance of the inhabitants and passengers.
18. Every person who shall indecently expose

his person in or within view of a public thoroughfare or place.

19. Every person who shall use in a public thoroughfare or place in the presence or hearing of any constable, any threatening, abusive or insulting words, or shall demean himself so as to prove a breach of the peace.
20. Every person who shall wantonly create disturbance by ringing any door bell, or by knocking at any door.
21. Every person who shall deface, injure, or remove any door plate, bell, knocker, lamp, or sign board.
22. Every person who shall tear down, deface, conceal, or interfere with any notice or placard exhibited by order of the Government of the Colony or of the Province, or by other public authority.

III. Upon complaint of any common nuisance within the limits hereinafter named in that behalf (whether by the exercise of any noisome or unwholesome trade, or by the keeping of hogs, or of any privy, sty, or receptacle for filth of any kind or otherwise: howsoever such nuisance shall arise;) and also upon 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 any 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.

IV. 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 for either of the said Justices, to inspect the property whereon the same shall be alleged to exist, or to cause such inspection to be made by any officer or private constable of the Armed Police Force.

V. The preceding provisions of this Ordinance shall be in force within the limits of the Town of New Plymouth except in cases in which such provisions are hereinbefore expressly confined to and made applicable within a different limit.

VI. It shall be lawful for the Superintendent on being thereunto requested by a Resolution of the Provincial Council, by notice published in the Government Gazette of the Province from time to time to extend, contract, or alter the limits within which the preceding provisions, or any of them shall be in force.

VII. Every person who shall commit any of the offences next hereinafter specified shall for every such offence forfeit and pay a sum not less than twenty shillings nor exceeding Twenty pounds (that is to say) —

1. Every person who shall wilfully destroy or damage any Public Building, Erection, Bridge, fence, post, gate, bench, sewer, culvert, water-course, road, footway, or other public work.
2. Every person who shall wilfully damage or destroy any boat, or the furniture, tackle and apparel thereof, spar, oar, sail, rope, gun, gun-carriage, flagstaff or other property in charge of the Harbor Master of the Port of New Plymouth.
3. Every person who shall wilfully damage or interfere with any buoy, beacon, or moorings in charge of the said Harbor Master.
4. Every person who shall remove without due authorization any soil, stone, or other material used in the formation of any road or footway.
5. Every person who shall dig or excavate without due authorization upon or beneath the surface of any road or footway.
6. Every person who shall encroach upon the limits of any road, street, or public thoroughfare.
7. Every person who shall wilfully and wantonly remove any survey mark set up by any Government Surveyor or other public authority.

VIII. All the provisions of an Ordinance enacted by the Lieutenant-Governor of

New Zealand and the Legislative Council thereof intituled "An Ordinance to provide for the protection of Footpaths in the Colony of New Zealand" shall extend to and include and be available for the protection of any bridge within the Province constructed for the public use and exclusive accommodation of foot passengers.

IX. Any notice for the purposes of the Ordinance last hereinbefore referred to which shall be given by the Superintendent and published in the Government Gazette of the Province shall have the same effect as such notice would have if given by the Governor of the Colony, and published in the Government Gazette of the Colony.

X. Nothing in this Ordinance shall be construed to take away or repeal any liability or penalty which at common law or by virtue of any statute or Ordinance in force within the Province shall attach or be incurred in respect of any such offence as aforesaid.

XI. All complaints and informations under this Ordinance shall be made and lodged by an Officer or private Constable of the Armed Police Force and not otherwise:

XII. All penalties imposed by this Ordinance 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.

XIII. In this Ordinance words of or importing the masculine gender shall extend to and include females; and the singular number shall import the plural also, and the plural number the singular also; and penalties imposed upon the doing of any act or thing shall be deemed to be, and be incurred by the causing, or procuring, or permitting the same to be done or take place, and also by the aiding and abetting therein; and the word "cattle" shall include horned or neat cattle, sheep, and swine, unless in the said several cases the context shall be repugnant to such construction.

XIV. This Ordinance shall come into operation on the 1st day of March, 1854.

Passed the Provincial Council this twenty-third day of December, one thousand eight hundred and fifty ~~four~~ *three*

I. NEWTON WATT,
Speaker.

Assented to on behalf of the Governor this eighteenth day of March, one thousand eight hundred and fifty four.

CHARLES BROWN,
Superintendent.

GENERAL ANNUAL LICENSING MEETING.

NOTICE is hereby given that the Annual Licensing Meeting of the Justices of the Peace for the Town and Province of New Plymouth, will be holden at the Resident Magistrate's Court at New Plymouth, on Tuesday, the Eighteenth day of April next, at twelve o'clock, Noon, for the purpose of taking into consideration applications for Licenses to sell Spirituous Liquors, Wine, Ale, or Beer.

JAMES RITCHIE,
Clerk to Magistrates.

Resident Magistrate's Court,
New Plymouth, March 13, 1854.

*Superintendent's Office,
New Plymouth, March 18th 1854.*

FILES of the New Zealand Government Gazette, the Provincial Gazettes, and such Ordinances as have been received at this Office, will be open for the inspection of the members of the Legislative bodies, and the Officers of the General and Provincial Governments.

CHARLES BROWN,
SUPERINTENDENT.

REGULATION.

*Harbour Department,
New Plymouth, March 18th, 1854.*

VESSELS arriving with live Stock, will have the first claim on the boats to such extent as may be required for the speedy landing of the same.

J. WATSON,
Harbour Master.