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# NEW ZEALAND GOVERNMENT GAZETTE

FOR THE  
PROVINCE OF NEW PLYMOUTH.

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 must be obeyed accordingly.*

CHARLES BROWN, Superintendent.

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VOL. III. NEW PLYMOUTH, SATURDAY, FEBRUARY 17, 1855. [No. 4.]

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

SESSION II., No. 11.

## AN ORDINANCE TO AMEND THE IMPOUNDING AND CATTLE TRESPASS ORDINANCE.

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*AN ORDINANCE to amend the Impounding and Cattle Trespass Ordinance.*

*Whereas* by the tenth section of an Ordinance of the Superintendent and Provincial Council of the Province of New Plymouth intituled "An Ordinance to authorise and regulate the Impounding of Cattle and to

provide for the summary recovery of compensation for damage done by Cattle trespassing" it is enacted "that if any cattle shall be found wandering at large or depasturing without license in any road, street, or public place within any district of the Province in which the Native title shall have

been extinguished, the owners thereof shall forfeit and pay, by way of Penalty, for every head of Cattle so wandering or depasturing in any road, street, or public place within the limits for the time being of the Town of New Plymouth, any sum not exceeding five shillings, and not less than two shillings and sixpence, and for every head of cattle so wandering or depasturing in any road, street, or public place in any other part of the districts last aforesaid, any sum not exceeding two shillings and sixpence, and not less than sixpence. And the said cattle may by any person be impounded for the said Penalty, and the like notices shall be given by the person impounding the same, and by the Poundkeeper, as in the case of cattle impounded for trespass upon private lands. Or such penalties may be proceeded for in a summary way." And whereas by the 29th section of the said Ordinance it is enacted "that 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 and charges as he may be by the said Ordinance authorised to demand, have, and receive, together with all fixed rates of damage." And whereas by the 30th section of the said Ordinance it is enacted "that 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 alteration 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 whereas by the 39th section of the said Ordinance it is enacted that "Every person who after the first day of June, one thousand eight hundred and fifty-four, shall turn out or depasture any cattle upon any land within the present or future limits of the Town of New Plymouth, not enclosed by a substantial and sufficient fence, whether such land be or be not in his lawful occupation, shall day by day, and for every day on which such cattle shall be so turned out or depastured, forfeit and pay the sum of 1s. for every head of cattle so turned out or depastured. *Provided* that such Penalty shall not be incurred by any person lawfully depasturing cattle upon Crown Lands within the aforesaid limits,"

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

1. The 10th, 29th, and 30th sections of the said Ordinance shall be and the same are hereby repealed.

2. If any Cattle shall be found wandering at large, or depasturing without license, (whether loose or tethered,) in any Road, street, or Public place within any District of the Province in which the Native Title shall have been extinguished, the owners or persons having charge thereof shall forfeit and pay, by way of penalty, for every head of Great Cattle so found wandering or depasturing any sum not exceeding five shillings and not less than two shillings and sixpence, and for every head of Small Cattle so found wandering or depasturing, any sum not exceeding two shillings and sixpence and not less than sixpence—so that the total amount of the penalty for each offence do in no case exceed the sum of Fifty Shillings.

3. Cattle so found wandering or depasturing may by any person be impounded; and the like notices shall in such case be given by the person impounding the same, and by the Poundkeeper, as in the case of

cattle impounded for a trespass upon private lands; and the impounding of such cattle shall not take away nor affect the liability of the owner or person having charge thereof to the penalty imposed by this Ordinance.

4. For removing or obviating doubts which have arisen, or may arise, as to the meaning of the thirty-ninth section of the said Ordinance in relation to tethered cattle, *Be it declared and enacted* that no person does nor shall incur any Penalty under the same enactment by securely tethering cattle on unfenced lands in his own lawful occupation, but in all other cases the penalties imposed by the same enactment do and shall attach in respect of tethered cattle, equally as in respect of loose cattle.

5. Upon any information or complaint for any offence against the provisions of the said Ordinance or of this present Ordinance in respect of cattle unlawfully at large or unlawfully depasturing, it shall be lawful for the Justice or Justices before whom the same shall be heard to dismiss the same, upon such terms as to payment of costs as he or they shall think fit, if the Defendant shall be able to adduce evidence to the satisfaction of such Justice or Justices that the Cattle in respect of which Complaint is made, broke loose or escaped through accident or through the negligence or the wrongful or malicious act of any person (other than the Defendant himself, his agents, bailiffs, or servants) in leaving open any gate or bars, or breaking down any fence, or taking up any picket or tethering peg, and also that there was no default on the part of the Defendant, his agents, bailiffs, or servants in neglecting to prevent such es-

cape, or to pursue after and secure the cattle.

6. Every occupier of land who shall have impounded cattle on his own land pursuant to the 8th section of the recited Ordinance and shall have detained such cattle for the space of thirty-six hours or upwards, shall be entitled to recover from the owner or person having charge of such cattle, for driving such cattle or causing the same to be driven thence to the nearest or most accessible Public Pound, at and after the following rate, that is to say: For every mile of the distance to such public Pound at and after the rate of one penny for every head of sheep, and threepence for every head of other cattle. *Provided* that the sum payable shall never be less than one shilling nor exceed five shillings for every mile of the said distance; and where the distance shall be less than one mile, or shall exceed any whole number of miles by some fraction of a mile, such fraction of a mile shall reckon as a full mile. And the amount claimed for driving cattle to Pound shall in every case be specified in the written statement to be furnished to the Poundkeeper by the person impounding. *Provided also* that it shall be lawful for the Superintendent, by notification in the *Government Gazette* of the Province, from time to time to increase, reduce, or otherwise vary the said Fees and charges as occasion may require.

7. This Ordinance shall be deemed and taken to form part of the recited Ordinance, and the Penalties and Provisions hereby imposed and herein contained shall be considered to be imposed by and contained in the recited Ordinance.

Passed the Provincial Council the twenty-fifth day of January, one thousand eight hundred and fifty five.

I. NEWTON WATT,  
Speaker.

Assented to on behalf of the Governor the thirteenth day of February one thousand eight hundred and fifty five.

CHARLES BROWN,  
Superintendent.

## NOTICE.

**W**HEREAS by the seventh section of the Ordinance of the Province, Session 2, No. 9, intituled "An Ordinance to provide for the maintenance of Public Works within the Province of New Plymouth" it is enacted that a General Meeting of the Electors for each district constituted for the purposes of the said Ordinance shall be convened in the month of February in the year 1855, and in the month of May in every succeeding year, on such day and at such place as for the respective districts shall be appointed by the Superintendent by Notice published in the *Government Gazette* of the Province,

Now therefore I do hereby appoint that General Meetings of the Electors for the Districts under the said Ordinance hereinafter mentioned shall be held as follows, viz.,

For the First District, at the Barn on Mr. N. Reed's farm, in the Hua block, on Saturday, the 24th day of February, instant, at 4 o'clock p. m.

For the Eighth District, at the Residence of R. Greenwood, Esq., on Section No. 20 in the Tataraimaka block, on Saturday, the 24th day of February, instant, at 4 o'clock, p. m.

CHARLES BROWN,  
Superintendent.

Superintendent's Office,  
17th February, 1855.

## NOTICE.

**W**HEREAS by the seventh section of the Ordinance of the Province Session I, No. 8, intituled "An Ordinance to authorise and regulate the Impounding of Cattle and to provide for the summary recovery of compensation for damage done by cattle trespassing" it is enacted that the fees to be taken and charged by any Pound keeper as and for the Pound Fees should be

as is specified in Schedule A annexed to the said Ordinance, *Provided always* that it should be lawful for the Superintendent by notification in the *Government Gazette* of the Province from time to time to increase, reduce, or otherwise vary the said fees: *And whereas* by the said Schedule it is provided that the sum payable to the Pound-keeper for sending notice of the Impounding of Cattle to the owner or person having charge thereof should be at and after the rate of one shilling per mile for every mile of the distance of the residence of such owner from the pound. Now I do hereby appoint and notify that where such distance shall be less than one mile or shall exceed any whole number of miles by some fractional part of a mile, the fractional part of a mile shall be reckoned and charged for as a full mile under the last recited provision of the said Ordinance.

CHARLES BROWN,  
Superintendent.

Superintendent's Office,  
17th February, 1855.

## NOTICE.

**W**HEREAS by the Ordinance of the Province, Session I, No. 8, intituled "An Ordinance to authorise and regulate the Impounding of Cattle and to provide for the summary recovery of compensation for damage done by cattle trespassing" it is enacted that certain Notices for the purposes of the said Ordinance should be posted in some conspicuous place to be appointed for that purpose by the Superintendent in the vicinity of each Pound—Now I do hereby appoint and notify that, as respects the Pound at Omata, the place for posting any Notice required by the said Ordinance to be posted in the vicinity thereof, shall be the side of the Omata Inn, next to the said Pound.

CHARLES BROWN,  
Superintendent.

Superintendent's Office,  
17th February, 1855.