

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of Compensation for Damage done by Cattle Trespassing*:" And whereas it is expedient that the said Ordinances be repealed, in order that the enactments therein contained may be amended and consolidated into one Ordinance :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 The said recited Ordinances shall be and the same are hereby repealed.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repealed.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 lawful

Compensation for
damage to land sub-
stantially 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.