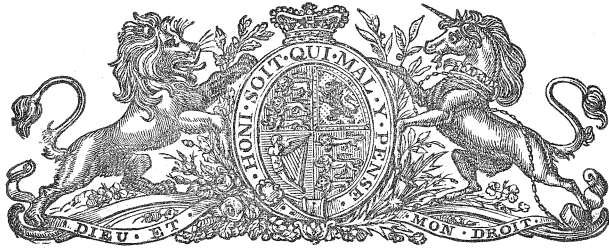


PROVINCE OF MARLBOROUGH.



FENCING ACT AMENDMENT ACT, 1866.

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

SESSION XV., NO. 2.

ANALYSIS :

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| Title.  |    | of value of fence after expiration of twelve months.  |
| Preamble.   |    |   |
| 1. Short title.   |    |   |
| 2. Repeal of Section 5 of said Act.   | 6. | Persons desirous of erecting a fence different from the description enumerated in the Schedule to the Act may do so on giving notice. |
| 3. Persons occupying Crown Lands under license to be liable to contribute towards dividing fence. | 7. | Moiety of cost of dividing fence may be paid within five years.   |
| 4. Owners or occupiers of adjoining land to pay half of cost of dividing fence.                   | 8. | Act to be retrospective in its operation.   |
| 5. Persons who have neglected or may neglect to give notice may recover half                      | 9. | Act not to interfere with rights of the Crown.  |

**AN ACT to amend the "Marlborough Fencing Act, 1863."** Title.

**W**HEREAS by an Act passed by the Superintendent and Provincial Council of the Province of Marlborough intituled the "Marlborough Fencing Act, 1863" it is provided among other things that the occupiers of lands not being lands of the Crown shall be liable to contribute towards the erection and repair of any dividing fence: And whereas it is expedient that persons occupying Crown lands under License from the Crown should be liable to contribute Preamble.

towards the erection and repair of fences dividing such lands from private lands or other Crown lands: And by the said recited Act it is also provided that the owner or occupier of adjoining lands shall pay to any person who shall erect a dividing fence one half of the cost of so much of such dividing fence as shall be made available as a fence to such adjoining lands: And whereas it is expedient that the owners or occupiers of such adjoining lands should be liable to contribute towards the erection and repair of a dividing fence whenever the same shall be erected and without such fence being made available as a fence to such adjoining land:

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

Short title. I. The Short Title of this Act shall be the “Fencing Act Amendment Act, 1866.”

Repeal of section 5 of said Act. II. Sections V and VII of the said recited Act are hereby repealed.

Persons occupying Crown lands under license to be liable to contribute towards dividing fence. III. Every person occupying Crown Lands under License from the Crown shall be liable to pay to the owner or occupier as the case may be of adjoining lands interest at and after the rate of Fifteen pounds per centum per annum and one half of the cost of the dividing fence and the repairs thereof such interest to be paid yearly: Provided that where any fence shall have been erected previous to the passing of this Act interest shall be computed on one half of the present value thereof: Provided that it shall be lawful for such occupier to pay to the owner or occupier of such adjoining lands or person entitled to receive the same the half of the cost or value of the dividing fence and thereupon all interest herein directed to be paid shall cease.

Owners or occupiers of adjoining land to pay half of cost of dividing fence. IV. If any person shall erect a fence dividing his land from the adjoining land the owner (whether owner at the time of erection of the fence or thereafter become so) or occupier of the adjoining land shall be liable to pay to the person who shall have erected such dividing fence or the then owner of such land the half of the cost thereof: Provided always that the moiety of the cost of the dividing fence shall not be recoverable more than once.

Persons who have neglected or may neglect to give notice may recover half of value of fence after expiration of twelve months. V. Any person who shall have erected a dividing fence or who shall erect a dividing fence without having given One Month's notice in accordance with Section X. of the said recited Act shall after the expiration of One Year from the erection of such fence be entitled to receive from the owner or occupier of the adjoining land one half of the then value thereof.

Persons desirous of erecting a fence different from the VI. Whenever any person shall be desirous of erecting a dividing fence of a different description to the fences enumerated in the

Schedule to the said Act such person after giving notice of his intention to erect a dividing fence between his and the adjoining land describing the fence intended to be erected to the owner or occupier of the adjoining or in case where there shall be no occupier or the owner shall be absent from the Province then by publishing the same in some local newspaper published therein and provided that the owner or occupier to whom such notice is given does not object within Three Months after the date of such notice may erect a dividing fence of the description mentioned in such notice and such person shall have the same remedies for recovering a moiety of the costs of such dividing fence as if the same were one of the fences included in the Schedule to the said Act.

description enumerated in the schedule to the Act may do so on giving notice.

VII. Any person who shall be required to pay half of the present value of any dividing fence or half of the cost thereof may pay the same with interest thereon at and after the rate of fifteen pounds per centum per annum by five even and equal annual instalments so that all such moiety of the cost or value and all interest therein be fully paid and satisfied within five years from the date of ascertaining the cost or value of the dividing fence.

Moiety of cost of dividing fence may be paid within five years.

*Repealed  
10/90*

VIII. The provisions of this Act so far as they relate to the recovery of the cost or value of dividing fences shall apply to fences erected before the passing hereof.

Act to be retrospective in its operation.

IX. Nothing herein contained shall be construed to render the Crown liable to or subject to the provisions of this Act.

Act not to interfere with rights of the Crown.

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Passed the Provincial Council, Marlborough, this twentieth day of June, One thousand eight hundred and sixty-six.

CYRUS GOULTER,  
*Speaker.*

Reserved for the signification of the Governor's pleasure thereon.

W. H. EYES,  
*Superintendent.*

I hereby assent to this Ordinance this *13<sup>th</sup>* day of *August*  
One thousand eight hundred and sixty-six.

G. GREY,  
*Governor.*