

## PROVINCE OF NELSON.

## COUNTRY ROADS AMENDMENT ACT.

IN THE TWENTY-SEVENTH YEAR OF THE REIGN OF HER MAJESTY  
QUEEN VICTORIA.

SESSION X., No. 2.

AN ACT TO AMEND "THE COUNTRY ROADS ACT."

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*"An Act to Amend 'The Country Roads Act.'"*

[Assented to 7th August, 1863.]

WHEREAS, an Act was passed by the Superintendent and Provincial Council of the Province of Nelson, in Session III., No. 4, intituled "The Country Roads Act, 1856," and a certain other Act was passed by the Superintendent and the Provincial Council of the said Province, in Session V., No. 12, intituled "The Country Roads Amendment Act, 1858," and

Preamble.

whereas it is expedient the said Acts should be amended in manner hereinafter provided: Be it therefore enacted by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof as follows:—

Short Title. 1. The Short Title of this Act shall be "The Country Roads Amendment Act, 1863.

Trees or Hedges shading or obstructing any public road to be cut or trimmed,

2. If it appears to the Road Board of any district elected under the provisions of the above recited Acts, or either of them, that any road within the said district is injured by the shade of any hedges or trees, and that the sun and wind are thereby excluded from such highway to the damage thereof, or if any obstruction is caused in any road by any hedge or tree it shall be lawful for the Road Board, after giving fourteen days notice to the owner and occupier of land, to summon the owner or occupier of the land on which such hedges or trees are growing before any two Justices of the Peace, to show cause why the said hedges or trees are not cut or trimmed in such manner that the road shall not be injured or obstructed thereby, and such Justices may at their discretion order such trees to be cut or trimmed, and if such Justices shall order that such hedges or trees shall be cut or trimmed, the said owner or occupier, as the case may be, shall comply therewith within ten days after a copy of such order has been left at his usual place of abode, and if he shall fail to do so the Road Board, or any person acting on their behalf, may cut or trim such trees or hedges, and recover the cost of doing so in a summary manner before any two Justices of the Peace: Provided always that fruit trees of every description shall be exempted from the operation of this clause.

Penalty for not removing Nuisance.

3. Any person who shall permit any nuisance to exist upon any premises in his occupation after the expiration of ten days notice from the Road Board of the district for the removal of any such nuisance, shall be liable to a penalty not exceeding Five pounds, to be recovered in a summary manner before a Resident Magistrate or any two Justices of the Peace.

Roads Boards may make By-laws.

4. The Road Board of every district shall have power to make, ordain, and constitute such by-laws as may be necessary for the protection and preservation of the roads of the district and also for insuring the public health, safety, comfort, and recreation of the inhabitants of the district, and for the more speedy and effectual abatement of public nuisances, and from time to time to repeal, alter, and amend such by-laws, and such by-laws shall have the same force and effect as if they were incorporated in this present Act.

5. Provided, that excepting cases where delay would be likely to be seriously injurious to the public health, no such by-law and no alteration or repeal thereof shall take effect until one month after the same shall have been confirmed by the Superintendent and Executive Council, and such confirmation published in the *Gazette* of the Province, and in some newspaper circulated in the district to which it refers: Provided further, that no such by-law and no alteration or repeal thereof shall be so confirmed until one month after the same shall have been published in some such newspaper circulated as aforesaid.

By-laws not to take effect until confirmed by Superintendent.

6. It shall be lawful for every such Board to fix in such by-laws any penalty not exceeding Forty shillings for every breach or non-performance thereof, which may be recovered in a summary manner before a Resident Magistrate or any two Justices of the Peace.

By-laws may fix Penalties not exceeding forty shillings.

7. It shall be the duty of the Constable or Inspector of Nuisances in any such district, either on his own knowledge or on credible evidence, to lay such information and summon such witnesses as may be necessary for carrying out any by-law made under the provisions of this Act.

Constables or Inspectors to lay information.

8. The word "nuisance" under this Act shall include—  
Any premises in such a state as to be injurious to public health.

Nuisances, what.

Any pool, ditch, gutter, water-course, privy, urinal, cess-pool, drain, or ash-pit, in such a state as to be injurious to public health.

Any animal so kept or any accumulation or deposit, as shall be injurious to public health.

9. This Act shall come into operation on the First day of January, 1864.

When come into operation.