

PROVINCE OF NELSON.

PROTECTION OF ROADS.

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

SESSION II., No. 5.

AN ORDINANCE TO PROVIDE FOR THE PROTECTION OF ROADS.

ANALYSIS.

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| <p>Title.</p> <p>1. Persons damaging Roads, &c., or causing Obstruction, liable to Penalty of Forty shillings</p> <p>2. Owners of Cattle, &c., wandering upon enclosed Road or Street, liable to Penalty of Ten shillings per head.</p> | <p>3. Owners of Cattle, &c., wandering upon Road or Street in Town of Nelson, or proclaimed Districts, liable to Penalty of Ten shillings per head.</p> <p>4. Superintendent may proclaim Districts in certain cases.</p> <p>5. Constables to lay Informations.</p> |
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"An Ordinance to provide for the protection of Roads." Title.

BE it enacted, by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof, as follows:—

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| <p>1. Any person digging any ditch or drain upon any road or street, without the consent of the Commissioner of Public Works or other duly authorised person, and any person caus-</p> | <p>Persons damaging Roads, &c., or caus-</p> |
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ing Obstruction, liable to Penalty of Forty shillings.

ing injury to any bridge, hedge, ditch, drain, fence, road, or street, or placing timber or any other thing on any road or street so as to cause any obstruction, shall for each such offence be liable to a penalty of not more than Forty shillings, to be recovered in a summary manner before any two Justices of the Peace.

Owners of Cattle, &c., wandering upon enclosed Road or Street, liable to Penalty of Ten shillings per Head.

2. The owner of any horse, ass, mule, cattle, sheep, pig, or goat found wandering or straying upon any road or street, or the sides thereof (except on such parts of any road or street as lead or pass through or over any waste or unenclosed ground), and thereby causing or being likely to cause any damage to any road, street, bridge, hedge, ditch, bank, or fence, or any obstruction, shall be liable to a fine for each animal so wandering or straying, for each offence, of not more than Ten shillings, to be recovered in a summary manner; and in case of any horse, ass, mule, cattle, sheep, pig, or goat being found wandering or straying as aforesaid, and causing any damage or being likely to cause any damage as aforesaid, and where the owner cannot be found, the same may, by any person seeing the damage done, or having reason to believe that such damage will be done, be driven to the nearest pound, and be subject to the enactments of an Ordinance passed in Session VIII. of the Legislative Council of New Zealand, intituled "An Ordinance to authorise and regulate the impounding of Cattle," in respect of cattle trespassing upon enclosed land.

Owners of Cattle, &c., wandering upon Road or Street in the Town of Nelson or proclaimed Districts, liable to Penalty of Ten shillings per head.

3. If any animal of the description above enumerated shall be found wandering at large or straying upon any road or street within the Town of Nelson, or within any district or village to be proclaimed as hereinafter mentioned, the owner thereof shall forfeit and pay for every animal so wandering or straying, any sum not exceeding Ten shillings, to be recovered in a summary manner; and any person finding such animal wandering or straying as aforesaid, may drive such animal, or cause it to be driven, to the nearest pound, to be there detained, subject to the provisions of the aforesaid Impounding Ordinance, in respect of cattle trespassing upon enclosed land.

Superintendent may proclaim Districts in certain cases.

4. And whereas it is expedient that the provision of the third clause of this Ordinance should not come into operation in any district until a large proportion of the land in such district shall have been cultivated: Be it therefore further enacted, that the provisions of the above-mentioned clause shall come into operation in the Town of Nelson from and after the passing hereof, and in such other towns, villages, or districts as may from time to time be proclaimed for that purpose by the Superintendent of the Province, with the advice and consent of his

Executive Council, from and after the publication of such proclamation in the *Government Gazette*; provided always, that before any such proclamation shall be issued, the Superintendent shall give one calendar month's notice of such his intention in some newspaper published in the Province.

5. It shall be the duty of the Constable or Constables of any such town, village, or district proclaimed as aforesaid, or of the nearest District Constable, either on their own knowledge or on credible evidence, to lay such information and to summon such witnesses as may appear to him or them necessary for carrying out the provisions of this Ordinance.

Constables
to lay
Informations.

DONALD SINCLAIR,
Speaker.

Passed the Provincial Council this Thirteenth day of January, 1855.

GEOURGE WHITE,
Clerk of the Council.

I assent to this Ordinance on behalf of the Governor of New Zealand, this Third day of February, in the year of our Lord One thousand eight hundred and fifty-five.

E. W. STAFFORD,
Superintendent.