



FENCING ORDINANCE, 1856.

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

No. 2.

ANALYSIS.

Title.	2. Half of cost of sufficient Fence to be paid by proprietor or occupant of adjoining land.
Preamble.	
1. Certain enactments in Fencing Ordinance, 1855, repealed.	3. Limitations of amount to be recovered.
	4. Short title.

ORDINANCE to Amend the Law relative to Fences.

Title.

WHEREAS, by an Ordinance passed by the Superintendent and Preamble.
Provincial Council of the Province of Otago in the eighteenth year of the reign of Her Majesty Queen Victoria, Session 2, No. 10, entitled, "An Ordinance to repeal the Fencing Ordinance, and to make other provisions in lieu thereof," it is among other things enacted, that all fences along public roads shall have a ditch two feet deep, and not more than two feet wide, along the roadside; and it is also enacted, that if any person liable to pay the half of the value of such fence as aforesaid shall not pay the same within two months on demand made in writing by the person to whom the same shall be payable, the amount payable in respect of such fence shall be recoverable in a summary way before the Resident Magistrate, or any two Justices of the Peace: Provided always that it shall be lawful for such Justices to direct the payment of the same either altogether or by instalments, and at such times as to the said Justices shall seem meet: And it is also enacted that if any person shall have erected or made, or shall erect or make any ditch, bank, or other sufficient fence dividing his land from the land adjoining thereto, and the proprietor of the adjoining land or his tenant shall avail himself of such dividing fence, or any part thereof, such proprietor or his tenant shall be liable to pay to the owner or occupier of the adjoining

land by whom such dividing fence was erected or made, the half of the value of so much of such dividing fence as shall be available as a fence to such adjoining land: And it is also enacted, that no greater sum shall be recovered under the provisions of the said recited Ordinance in respect of the making or repairing of any such fence than the sum of ten shillings per chain in country districts, and twenty-five shillings per chain in the town of Dunedin. And whereas experience has proved that the said enactments may be beneficially repealed, and other provision made instead thereof,

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

Certain enactments in Fencing Ordinance, 1855, repealed.

Half of cost of sufficient fence to be paid by proprietor or occupant of adjoining land.

1. The several before-recited enactments shall be, and are hereby repealed.

2. If any person shall heretofore have erected or made, or shall hereafter erect or make, a sufficient fence within the meaning of the said recited Ordinance, dividing his land from land adjoining thereto, the proprietor, tenant, or occupant of such adjoining land shall be liable for, and shall pay to such person, or any other in his right, within 12 months after a demand made upon him, personally or at his dwelling place, if within the province, and if furth thereof upon his known agent in the same manner, failing whom, by intimation in the Provincial Government Gazette, unless he earlier avails himself of the fence, in which case he shall be liable for, and shall pay within two months from the time of so availing himself of it, one-half of the value of so much of such fence as divides the said several properties; provided always that any tenant making such payment shall have relief against his landlord, or other person in right of the rent.

Limitations of amount to be recovered.

3. No greater sum shall be recovered under the provisions of the before-recited Ordinance and this Ordinance in respect of the making or repairing of such fence than the sum of fifteen shillings per chain in country districts, and thirty-five shillings per chain in the towns within the Province, proclaimed or to be proclaimed.

Short title.

4. This Ordinance shall be termed, and may be cited and referred to, as the "Fencing Ordinance, 1856."

Passed the Provincial Council this 10th day of March, 1856.

JAMES MACANDREW,
Speaker.

ROBERT CHAPMAN,
Clerk of Council.

Assented to, on behalf of the Governor, at Dunedin, the Eighteenth day of March, One Thousand Eight Hundred and Fifty-six.

W. CARGILL,

Superintendent.