

PROVINCE OF TARANAKI.

OUTLYING TOWN PUBLIC RESERVES ORDINANCE, 1866.

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

SESSION XIV., No. 7.

AN ORDINANCE TO REGULATE THE OCCUPATION OF THE OUTLYING PUBLIC RESERVES IN THE TOWN OF NEW PLYMOUTH.

A N A L Y S I S.

Title.	
Preamble.	this Ordinance trespassed upon.
1. Trustees of Public Reserves empowered to let outlying Town Reserves.	4. Damage done in the day time on lands within the external boundary of Reserves leased to be presumed to have been done by lessee.
2. Lessees depasturing cattle on land leased by them exempted from penalties under Ordinances Session i. No. 8 and Session ii. No. 11.	5. Superintendent may permit lessees to fence across streets.
3. Informations or complaints of cattle wandering beyond the boundaries of land leased to be lodged or made exclusively by police or by some lessee under	6. Lessees not to be liable to provisions of "Fencing Ordinance" unless tenancy for a longer period than one year.
	7. Amount of road rate to be imposed on Reserves let.
	8. Short Title.

An Ordinance to regulate the Occupation of the Outlying Public Reserves in the Town of New Plymouth.

WHEREAS certain Public Reserves in the Town of New Plymouth are situated without the new boundaries of the said Town as constituted under the "Town of New Plymouth Consolidation Ordinance 1859" And whereas the management of the said Reserves is vested in a Board of Trustees appointed under the provisions of the "Public Reserves Trust Ordinance 1861" And whereas it is provided by the "Public Reserves Ordinance 1862" that the same Reserves may be let for any period not exceeding twenty-one years And whereas it is expedient to regulate the occupation of the said Reserves for pastoral and agricultural

purposes BE it therefore enacted by the Superintendent of the Province of Taranaki with the advice and consent of the Provincial Council thereof as follows :—

Trustees of
Public Reserves
empowered to
set outlying
Town Reserves.

1. It shall be lawful for the Trustees of Public Reserves to let in single allotments or blocks all or any of the Public Reserves in the Town of New Plymouth lying without the new boundaries of the said Town for pastoral or agricultural purposes from year to year or for any term not exceeding the term of twenty-one years subject to such rent covenants and conditions as the Trustees may deem expedient.

Lessees depas-
turing cattle on
land leased by
them exempted
from penalties
under Ordina-
nces Ses. i. No.
and Ses. ii. No.
1.

2. Lessees under this Ordinance shall not by depasturing cattle or allowing the same to wander at large during the day time in any roads streets or public places lying within the external boundary of any portion of the Public Reserves leased by them (other than and except any roads streets or public places expressly excepted in their leases) or on unenclosed lands lying within the external boundary of any portion of the Public Reserves leased by them incur any penalty imposed by an Ordinance of the Superintendent and Provincial Council of Taranaki intituled "An Ordinance to authorise and regulate the Impounding of Cattle and to provide for the summary recovery of compensation for damage done by cattle trespassing" Session i. No. 8 and an "Ordinance to amend the Impounding and Cattle Trespass Ordinance" Session ii. No. 11 nor shall any such cattle so depasturing or wandering at large belonging to or in charge of such lessee be subject to be impounded under and by virtue of the said Ordinances Provided that nothing herein contained shall extend to prevent the operation of the said recited Ordinances when the lands trespassed upon are enclosed by a sufficient fence.

Informations or
complaints of
cattle wandering
beyond the
boundaries of
land leased to
be lodged or
made exclu-
sively by police
by some lessee
under this Or-
dinance tres-
passed upon.

3. No information or complaint under the last mentioned Ordinances shall be lodged or made against lessees under this Ordinance in respect of cattle in their charge or keeping which may be found during the day time wandering at large or depasturing in any road street public place or unenclosed sections in the said Town lying without the external boundary of or excluded from their respective leases except by an Officer or Private Constable of the Armed Police Force or by some lessee under this Ordinance upon whose land such cattle shall be trespassing nor shall any such cattle so found wandering or depasturing be subject to be impounded by virtue of the said Ordinances except by the same persons.

4. All damage done by cattle during the day time on lands lying within the external boundary of any portion of the Public Reserves let under the authority of this Ordinance shall be deemed to have been done by cattle belonging to or in charge of the lessee of such portion of the Public Reserves unless he shall be able to prove to the contrary.

Damage done in the day time on lands within the external boundary of Reserves leased to be presumed to have been done by lessee.

5. Lessees under this Ordinance may with the written permission of the Superintendent to be from time to time given erect fences with or without gates across any streets included in the boundaries of any portion of the Public Reserves held by them so as not to interfere with the public traffic and with the like permission may take down and remove the said fences at the expiration of their tenancy.

Superintendent may permit lessees to fence across streets.

6. Lessees under this Ordinance shall not be liable to the making or maintaining of party or dividing fences abutting on lands in their occupation under the provisions of the "Fencing Ordinance 1858" unless their tenancy is for a longer period than one year.

Lessees not to be liable to provisions of "Fencing Ordinance" unless tenancy for a longer period than one year.

7. And whereas it is enacted by the "Town of New Plymouth Public Works Ordinance 1864" that the value of all lands within the said Town shall be assessed as in the said Ordinance is provided And whereas a minimum rate of 4d. has been imposed on the value of all such lands and whereas the levying of such rate would prevent the said Public Reserves from being occupied and brought into cultivation Be it further enacted that all lands let under the authority hereof shall be subject to the payment by the lessees thereof of a rate of Two Shillings per acre and no more anything in the "Town of New Plymouth Public Works Ordinance 1864" to the contrary thereof in any-wise notwithstanding.

Amount of road rate to be imposed on Reserves let.

8. The Short Title of this Ordinance shall be the "Outlying Town Public Reserves Ordinance 1866."

Short Title.

WM. M. CROMPTON,
Speaker.

Passed the Provincial Council this seventeenth day of May, one thousand eight hundred and sixty-six.

JAMES B. LAWSON,
Clerk to the Provincial Council.

Assented to on behalf of the Governor the twenty-eighth day of May, one thousand eight hundred and sixty-six.

H. R. RICHMOND,
Superintendent.