instruments in writing, by solemn declaration in lieu of oath in manner therein mentioned:

BE IT THEREFORE ENACTED by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, that—

Clause 52 of Conveyancing Ordinance repealed.

**1.** So much of the said Ordinance as is hereinbefore recited be repealed.

Deeds &c. verified by affirmation to be received in evidence.

**2.** Every will or codicil, deed or instrument in writing, executed beyond the limits of the Colony, whereof the execution shall have been verified as by the said Act of Parliament required, shall be received in evidence in every Court of Justice in the Colony.

Explanatory clause.

**3.** And whereas by the said recited Ordinance it is enacted that no land shall pass by any contract for the purchase of land, and by reason of the extended meaning given to the word "land" in the interpretation clause of the said Ordinance doubts have arisen whether the equitable jurisdiction of the Supreme Court in respect of such contracts is not diminished or affected by the said enactment: Be it therefore declared and enacted, That the rules of Courts of Equity in England touching the operation and enforcement of contracts for the purchase of land shall be adopted and followed in all cases in the Supreme Court of this Colony, anything in the said Ordinance contained notwithstanding.

---

# No. XII.

MUNICIPAL CORPORATIONS.

## AN ORDINANCE to provide for the Establishment and Regulation of Municipal Corporations.

[*9th July*, 1844.]

Preamble.

WHEREAS it is necessary that provision should be made for the good order, health and convenience of the inhabitants of towns and their neighbourhoods: And whereas the inhabitants themselves are best qualified, as well by their more intimate knowledge of local affairs as by their more direct interest therein, effectually to provide for the same: And whereas the habit of self-government in such cases hath been found to keep alive a spirit of self-reliance and a respect for the laws, and to prepare men for the due exercise of other political privileges:

BE IT THEREFORE ENACTED by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

### I.—CREATION AND CONSTITUTION.

Creation.

**1.** Every settlement within the Colony having a population of two thousand souls may be a borough within the meaning of this Ordinance, and be governed by a Council to be elected by the burgesses thereof.

Incorporation.

**2.** In every borough there shall be a body corporate, which shall take and bear the name of "The Mayor, Aldermen, and Burgesses" of such borough, and by that name shall have perpetual succession, and shall have a Common Seal, and shall by the Council thereof do all acts, and have and enjoy all rights and privileges, which bodies corporate as such may do have or enjoy.

The Council.

**3.** The Council of every such body corporate shall consist of a Mayor and eleven Aldermen, to be elected as hereinafter provided.

4. Whenever

**4.** Whenever the population of any settlement shall amount to two thousand souls as aforesaid, His Excellency the Governor may by Proclamation declare the same to be a borough within the meaning of this Ordinance, and may at the same time, with the advice of the Executive Council, define the boundaries thereof: Provided always that such boundaries shall not in any case extend to a distance greater than seven miles in a straight line from the principal market-place of the settlement.

Proclamation of borough.

Boundaries.

II.—POWERS OF THE COUNCIL.

**5.** The Council shall have power to make and keep in repair all roads streets squares causeways and bridges within the limits of the borough; to excavate construct and maintain wells waterworks conduits sewers and other like works; and to provide for the prevention of fires, the prevention and abatement of nuisances, the establishment of markets, the construction of market-places, the watching paving lighting and cleansing of the said borough, and for all such purposes as they may deem necessary for the good order health and convenience of the inhabitants thereof.

To improve the borough.

**6.** Whenever the limits of any borough shall extend to or comprise any harbour on the sea-shore or any navigable river, the Council shall also have power to construct and maintain such docks basins locks wharfs quays piers and landing-places as they may deem necessary for facilitating and encouraging the trade and commerce of the borough.

To improve harbours.

**7.** All property real or personal which shall at any time be granted or conveyed to or otherwise become vested in the Mayor, Aldermen, and Burgesses of any borough for the general benefit of such borough, where no specific trust of such property shall have been declared by the grantor or donor thereof, shall be held by such Mayor, Aldermen, and Burgesses upon trust to carry into effect the objects of this Ordinance, and none other.

Trusts of corporate property declared.

**8.** It shall be lawful for the Council (two-thirds thereof being present at any meeting for the purpose), for the more effectual exercise of the powers hereby given, and for the good rule and government of the borough, to make from time to time such by-laws as may seem meet, and by such by-laws to impose any fine not exceeding five pounds upon any person offending against the same: Provided that a copy of every by-law made by any Council under the authority hereof shall be transmitted by the Mayor of such borough to His Excellency the Governor, and it shall be lawful for the said Governor at any time within two calendar months after the receipt of such copy to disallow such by-law, and so soon as notice of such disallowance shall have been given by the Governor and received by the Mayor of the borough where such by-law shall have been passed, such by-law shall be void and of no effect. No such by-law shall come into operation until the expiration of three calendar months after the same shall have been transmitted as aforesaid, unless notice of the Governor's assent thereto shall have been given and received as aforesaid before the expiration of that period.

By-laws.

III.—QUALIFICATION OF ELECTORS AND MODE OF ELECTION.

**9.** Every male inhabitant of a borough of full age shall, being duly enrolled in manner hereinafter mentioned, be qualified to vote at the election of the Council.

Burgesses.

**10.** His Excellency the Governor shall by such Proclamation as aforesaid prescribe a period within which all claims to the right of voting

Time for claiming to vote.

voting at the election of the first Council of such borough shall be made, and shall appoint a fit person to receive such claims and to act as Returning Officer at such election.

Form of claim.

**11.** Every claim shall be in writing, according to the form to this Ordinance annexed.

Payment before enrolment.

**12.** And whereas there may be persons interested in the good government of a borough and qualified to have a voice therein but who may not have property rateable under this Ordinance, and it is not fitting that any man should have (directly or indirectly) any power of taxing the inhabitants of any borough or any share in the management of the funds thereof who shall not himself contribute thereto: Be it enacted, That every person claiming the right of voting as aforesaid shall at the time of preferring such claim pay to the Returning Officer the sum of twenty shillings; every sum so paid shall form part of the borough fund hereinafter mentioned: Provided that where the person making such payment shall in the course of the ensuing year be assessed to any borough rate, such payment shall be deemed to have been made on account of such rate, and the excess of such payment, if any, over and above the amount of his borough rate for the year shall be returned accordingly.

Burgess Roll.

**13.** The names of all such inhabitants as aforesaid who shall have made such claim and payment as aforesaid shall be entered forthwith by the Returning Officer as aforesaid upon a roll, which shall be called "The Burgess Roll" of the borough. The names which shall appear upon the Burgess Roll shall be forthwith arranged by the Returning Officer in alphabetical order in a written or printed list, which shall be affixed upon the outer door of the Town Hall, or upon some other conspicuous place within the borough. A copy of the list shall be delivered by him to any person applying for the same on payment of the sum of one shilling.

First election.

**14.** On the first Monday of the month next but one succeeding the time appointed for the making out of the first Burgess Roll, the burgesses of the borough shall proceed to elect eighteen persons, being burgesses.

List of persons elected

**15.** The Returning Officer shall arrange the names of the eighteen persons so elected on a list according to the number of votes given for each, so that the name of every person who shall have received a higher number of votes shall be placed before the name of every person who shall have received a lower number of votes.

Aldermen.

**16.** The twelve burgesses whose names shall stand highest upon the list shall be declared by the Returning Officer to be Aldermen of the borough.

Mayor.

**17.** The Mayor of the borough shall be one of the Aldermen thereof, to be determined in manner hereinafter provided.

Reserved list.

**18.** The names of the six remaining burgesses shall form a "reserved list," out of which all extraordinary vacancies in the Council until the next general election thereof shall be supplied in the order of priority on the list.

Mode of voting.

**19.** The election of the eighteen persons before mentioned shall be conducted in the manner following:—Every burgess may vote for any number of persons not exceeding the number then to be chosen, by delivering to the Returning Officer a voting paper containing the Christian names and surnames of the persons for whom he votes, with their respective places of abode and description, such paper being signed with the name of the burgess so voting, and setting forth his place of abode and description.

Duration of election.

**20.** The voting shall commence at nine of the clock in the forenoon

noon, and shall finally close at four of the clock in the afternoon of the same day.

**21.** No inquiry shall be permitted at any election as to the right of any person to vote except only as follows, that is to say,—That the Returning Officer shall, if required by any two burgesses, put to any voter at the time of his delivering in of his voting paper, and not afterwards, the following questions or either of them, and no others:— **Questions to be put.**

(1.) Are you the person whose name is signed as "A.B." to the voting paper now delivered in by you?

(2.) Are you the person whose name appears as "A.B." on the Burgess Roll now in force for this borough?

And no person required to answer either of the said questions shall be permitted to vote until he shall have answered the same.

**22.** If any person shall wilfully make a false answer to either of the questions aforesaid, he shall be guilty of a misdemeanour. **False answer.**

**23.** At the close of the election the Returning Officer shall ascertain the number of votes given for every person whose name shall appear upon the voting papers, and so many of such persons, being equal to the number of persons then to be chosen, as shall have the greatest number of votes shall be deemed to be elected. **Result of election.**

**24.** The Returning Officer shall then make out a list of the names of the persons so elected, arranging them as hereinbefore required, and shall forthwith publish the same. **Publication thereof.**

**25.** A copy of the said list shall be kept by the Town Clerk of the borough, who shall also for the space of six calendar months after the election keep the said voting papers, and shall permit any burgess to inspect the same upon payment of one shilling. **Voting papers to be kept for inspection.**

**26.** The Returning Officer shall also forthwith give notice in writing to the several persons elected of such their election, and shall require them severally within one week to declare whether they accept or decline the offices to which they have been respectively elected. **Notice to persons elected.**

**27.** If any person so elected shall after receipt of such notice fail to comply with such requirement, he shall be held to have declined such office. **Refusal to act.**

**28.** In case any persons shall decline the offices to which they have been elected, so many of the persons whose names shall stand first on the reserved list as shall be equal to the number of persons so declining shall be deemed to have been elected members of the Council and shall receive notice thereof accordingly, and so on until the number of the Council shall be completed. In case any vacancy shall exist or any extraordinary vacancy shall occur in the Council when the reserved list shall have been exhausted, such vacancy shall be filled up by an election to be conducted in manner hereinbefore provided. **Vacancy supplied.**

**29.** In the month of May in every year after that in which the first election of the Council shall have taken place, the Town Clerk shall make out and publish a new Burgess Roll, in the manner and subject to the conditions hereinbefore provided for the formation of the first Burgess Roll: Provided that the sum to be paid before the enrolment of any burgess may be from time to time increased or diminished as to the Council of the borough shall seem meet, but so that such sum shall in no case exceed the amount of the borough rate for the preceding year divided by the number of ratepayers. **Burgess Roll for future elections.**

**30.** The first and every succeeding Burgess Roll shall be in force until the completion of the one next succeeding, and no longer. **Duration of Burgess Rolls.**

**31.** On the first Monday in the month of December in every year after that in which the first election of the Council shall have taken **Future election of Aldermen.**

taken place, the Mayor shall hold a meeting for the election of twelve burgesses in manner and subject to the requirements hereinbefore prescribed for the election of the first Council, of whom the six who shall have received the highest number of votes shall be declared Aldermen of the borough, and the names of the remaining six shall form a reserved list for the year next ensuing.

Retiring Aldermen.

**32.** At the completion of every such election, six of the existing Aldermen (the Mayor being considered an Alderman) shall go out of office: Provided always that any Alderman shall be capable of being re-elected immediately upon the expiration of his term of office.

May be re-elected.

Order of retirement.

**33.** The six Aldermen who shall go out of office at the second election shall be those who received the smallest number of votes at the first election, and at every subsequent election shall always be those who have been Aldermen for the longest time without re-election.

Auditors.

**34.** On the first Monday in the month of January in every year, the burgesses shall elect from amongst themselves, by a majority of votes, two persons who shall be and be called Auditors of such borough, and every such Auditor shall continue in office until the same day in the year following.

Mode of election.

**35.** No burgess shall vote for more than one person to be an Auditor, but in all other respects the election shall be in form and manner hereinbefore provided for the election of Aldermen: Provided always that no burgess shall be eligible to be an Auditor, or shall be capable of acting as Auditor, who shall be an Alderman or Town Clerk or Treasurer of the borough.

Vacancy.

**36.** If any Auditor shall die or be incapable of discharging the duties of his office, the burgesses shall on a day to be fixed by the Mayor in like manner elect a fit person in the stead of such Auditor.

Equality of votes.

**37.** In case of an equality of votes at any election to be holden under the authority of this Ordinance, the Returning Officer shall determine by lot the priority between the persons for whom an equal number of votes shall have been given.

IV.—CORPORATE OFFICERS.

Oath.

**38.** No Mayor, Alderman, or Auditor shall act as such (except in administering the oath hereinafter contained) until he shall have taken before any two or more of such Aldermen (who are hereby authorized to administer the same) an oath in the words or to the effect following, that is to say:—

Form of oath.

> I, A.B., having been elected Alderman [*or as the case may be*] for the borough of , do swear that I will duly and faithfully fulfil the duties of my office to the best of my judgment and ability. So help me God.

Mayor—duration of office.

**39.** The Mayor shall hold his office until the last Monday of December in the year following his election, and until his successor shall have accepted the office of Mayor, on which day the Council shall meet for the purpose of electing his successor.

Who to be.

**40.** The office of Mayor shall at the first election be filled by such member of the Council (being willing to hold the same) as shall have received the highest number of votes, and at all subsequent elections the Mayor shall be elected from amongst the Council by themselves by a majority of votes, the late Mayor having a casting vote.

Vacancy.

**41.** In case of an extraordinary vacancy in the office of Mayor, the Council shall meet for the purpose of electing a successor for the remainder of the year in the manner hereinbefore provided.

Temporary incapacity

**42.** If the Mayor shall by reason of absence or illness be incapable of discharging the duties of his office, it shall be lawful for the first

Alderman

Alderman upon the list who shall be willing so to do to perform the same.

**43.** The Mayor for the time being shall be Returning Officer for the borough. Mayor to be Returning Officer.

**44.** Every person who shall be liable to serve the office of Mayor or Alderman and who shall refuse to accept the same shall forfeit the sum of ten pounds, upon payment whereof he shall be discharged from such liability. Penalty.

**45.** It shall be lawful for any Mayor or Alderman to resign his office at any time with the consent of the Council: Provided that the Mayor or Alderman desiring to resign shall give to the Council not less than three weeks' notice of his intention. Resignation.

**46.** No Member of the Legislative Council, no person holding office by appointment of His Excellency the Governor, no officer in Her Majesty's Army or Navy or Marine forces on full pay, nor any Revenue officer, shall be liable to serve as Mayor or Alderman without his own consent. Who exempt.

**47.** Provided also that no Judge Sheriff or Coroner, no Clergyman Priest or Minister of Religion, shall be qualified to hold the offices aforesaid. Who disqualified.

**48.** It shall not be lawful for any man who shall have been convicted of felony bribery or perjury (although he shall have suffered the full punishment for his offence) to vote at the election of Aldermen and Auditors, or to hold any office to be created under the authority of this Ordinance: Provided that no man who shall have been convicted of any such offence shall be thereby disqualified in case he shall have received a free pardon. Convicted felons &c.

**49.** If any Mayor or Alderman shall be declared bankrupt, or shall apply to take the benefit of any Act for the relief of persons imprisoned for debt, or shall compound by deed with his creditors, or shall be absent from the borough for three calendar months at one and the same time, such Mayor or Alderman shall thereupon cease to be a member of the Council. Bankruptcy &c. of Mayor or Alderman.

**50.** If any member of the Council or person holding any office in the gift or disposal thereof shall directly or indirectly have any share or interest in any contract or employment with or by the Council (other than as a shareholder in any public company, who shall contract with the Council for the lighting or supplying with water or insuring against fire any part of such borough), he shall thenceforward cease to be a member of the Council or to hold such office as aforesaid. Members of the Council not to contract.

V.—MEETINGS OF COUNCIL.

**51.** All acts whatsoever hereby authorized or required to be done by the Council of any borough, and all questions that may come before such Council, shall be done and decided by the majority of the members of the Council who shall be present at any meeting thereof, the whole number present at any meeting not being less than one-half of the whole Council: Provided that no by-laws shall be made unless there shall be present not less than two-thirds of the whole Council. Majority. Quorum.

**52.** The Mayor shall have power to call a meeting of the Council as often as he shall think proper. To be called by Mayor.

**53.** The Mayor shall cause a notice of the time and place of every such intended meeting, specifying the business proposed to be transacted thereat and signed by him, to be left at the usual place of abode of every member of the Council. Every such notice shall be given three clear days at least before such meeting, unless it shall appear to the Notice of meeting.

Mayor

Mayor that such delay in the holding of any such meeting would be attended with imminent danger to the welfare of the borough.

Proceedings to be public.

**54.** Every meeting of the Council shall be open to the public.

Chairman.

**55.** At every meeting, the Mayor if present shall preside; in case of his absence, the Council shall elect a Chairman.

Casting vote.

**56.** The Mayor or Chairman shall have a second or casting vote in cases of equality of votes.

Minutes.

**57.** Minutes of the proceedings of every meeting shall be entered in a book to be kept for that purpose, and shall be signed by the person presiding at such meeting.

Open to inspection.

**58.** Every burgess shall be at liberty to inspect and to make extracts from the books so to be kept, at all reasonable times, upon payment of a fee of one shilling for each inspection.

VI.—APPOINTMENT OF COMMITTEES AND OFFICERS.

Committees.

**59.** It shall be lawful for the Council of any borough to appoint out of their own body such and so many Committees, either of a general or special nature, and consisting of such number of persons as may seem fit, for any purposes which in the judgment of such Council would be better managed by means of a Committee: Provided always that the proceedings of every such Committee shall be submitted to the Council for its approval.

Town Clerk and Treasurer.

**60.** It shall also be lawful for the Council from time to time to appoint fit persons (not being members of the Council) to be Town Clerk and Treasurer, who shall hold office during pleasure, and also to appoint such other officers as they shall think necessary for enabling them to carry into execution the provisions of this Ordinance, and to pay all the officers so to be appointed such salaries as the Council shall deem reasonable.

Constables.

**61.** It shall be lawful for the Watch Committee, or if there shall be no such Committee then for the Council, to appoint a sufficient number of fit men (removable at the pleasure of such Committee or Council) to act as constables for keeping the peace by day and by night, who shall within the limits of the borough have all such powers and privileges, and be liable to all such duties and responsibilities, as any constable may by law have or be liable to, and shall obey all lawful directions touching the execution of their office which they may from time to time receive from any Police Magistrate having jurisdiction within the borough.

Oath.

**62.** Every constable so to be appointed shall be sworn in by the Mayor of the borough.

Numbers &c. to be reported.

**63.** The Watch Committee or the Council of the borough, as the case may be, shall in the month of November in every year transmit to the Colonial Secretary a report of the number and situation of all station-houses in such borough, and of the number of constables, and of the description of arms accoutrements and clothing and other necessaries furnished to each, and of the salaries wages and allowances payable to them, and also a copy of all rules and orders made for their regulation and guidance, which shall have received the sanction of such Police Magistrate.

Police Office.

**64.** The Council of every borough shall within six calendar months after the first election provide a suitable office, to be called the "Police Office" of the borough, for the purpose of transacting the business of the Magistrates having jurisdiction therein, and shall at all times uphold and maintain the same, and defray all the necessary expenses thereof: Provided that no room in any victualling house or house in which ale wine or spirits shall be sold shall be used for such purpose.

65. The

**65.** The Council of every borough shall also, after the expiration of the period last aforesaid, maintain at the expense of the borough a suitable building, to be called the "Borough Gaol," for the safe custody of persons awaiting their trial for offences committed within the borough, and all such officers as for such purposes shall be necessary. Borough Gaol.

**66.** After the expiration of twelve calendar months from the first election in any borough, the costs of all prosecutions for offences committed or supposed to be committed within the same shall be paid out of the borough fund hereinafter mentioned, upon an order of Court directed to the Treasurer of such borough: Provided always that so soon as any borough shall have become liable to such payment, all rateable property within the same shall be exempt from contribution to any county rate for the defraying of the like costs in respect of offences committed or supposed to be committed beyond the limits of such borough. Costs of criminal prosecutions.

VII.—BOROUGH RATE, TOLLS, AND DUES.

**67.** For the purpose of raising the means for carrying into effect all or any of the powers hereby given to the Council of any borough, and for the payment of all salaries and the defraying of all expenses hereby required to be borne by any borough, the Council shall have power, so often as shall be deemed necessary, to make and levy in manner hereinafter provided an equitable rate or assessment, in the nature of a borough rate in England, upon all real property within the limits of the borough, other than the property of the Crown, or of any of the aboriginal inhabitants of the Colony. Borough rate.

**68.** The rate shall be paid by the occupier of such property, or in case there shall be no occupier then by the owner thereof. By whom to be paid.

**69.** For such purpose the Council shall as often as may be deemed necessary cause a valuation to be made of all the rateable property within the borough, and shall cause the same to be published in one of the newspapers of the borough. Valuation.

**70.** The Council shall as often as need may be make an estimate of the amount of money required, and shall assess the borough rate accordingly, and shall give public notice thereof in like manner. Assessment.

**71.** At any time within one calendar month from and exclusive of the day of the date of such notice, it shall be lawful for any person who shall think himself aggrieved by any such rate to appeal against the same to any two or more Justices of the Peace having jurisdiction within the borough, who are hereby authorized to hear and determine such appeal: Provided that two clear days' notice in writing of every such appeal shall be given to the Town Clerk of the borough, specifying the time and place for the hearing thereof. Appeal.

**72.** At the expiration of the period allowed for appeal, the Council shall appoint fit persons to collect the rate due, which shall on non-payment thereof be recoverable at the suit of any such collector by summary proceeding before any Justice of the Peace having jurisdiction within the borough, and leviable by distress and sale. Collection of rates.

**73.** In case it shall be impossible to levy the rate due by reason of the property rateable being unoccupied or otherwise, the arrears shall at any subsequent time be leviable upon any goods which may be found upon such property. Arrears.

**74.** The Council shall once in every year publish in one of the newspapers of the borough a statement of every sum so in arrear, and of the property in respect of which the same is due. To be published.

**75.** All moneys raised by any borough rate, all fines and fees payable under the authority of this Ordinance, together with all sums Borough fund.

which may be paid to the Treasurer of the borough on account of the corporate body thereof, shall form a fund, to be called the "Borough Fund," out of which shall be paid all costs and expenses for the defraying whereof a borough rate is hereby authorized to be levied, but for no other costs or expenses whatsoever.

To levy tolls &c.

**76.** It shall be lawful for the Council to impose such tolls or dues as may be reasonable upon all persons making use of any road bridge market-place dock basin wharf lock quay pier or landing-place, which the Council is hereby empowered to make and maintain; and in case of the non-payment of such tolls and dues, to levy the same by distress and sale.

May borrow money.

**77.** For the purpose of executing and maintaining any of the works last mentioned, it shall be lawful for the Council to borrow such sums of money as may be requisite upon the security of the tolls or dues to be taken in respect of such work.

Application of tolls &c.

**78.** The tolls or dues to be taken in respect of any one of the works aforesaid shall be applied primarily in defraying the expenses thereof, and in repayment of the moneys borrowed for the execution or maintenance of the same, and the net residue thereof shall form a part of the borough fund.

Yearly audit.

**79.** The Treasurer of every borough shall, in books to be kept by him for that purpose, enter true accounts of all sums of money by him received and paid, and of the several matters in respect whereof such sums shall have been received and paid. All such accounts, with all vouchers and papers relating thereto, together with a full abstract or balance sheet thereof, shall yearly, at such time as the Council may appoint, be submitted by him to the Auditors and to such members of the Council as the Mayor shall name, for the purpose of being examined and audited. Such abstract or balance sheet, if found correct, shall be signed by the Auditors, and shall be forthwith published by the Treasurer in one of the newspapers of the borough.

Balance sheet to be published.

Remedy for misapplication of borough fund.

**80.** And whereas it is expedient to give all persons interested in the borough fund of every borough a more direct or easy remedy for any unlawful application of such fund: Be it therefore enacted, That any order of the Council of any borough for payment of any sum of money from or out of the borough fund of any borough may be removed into the Supreme Court by a writ of *certiorari*, and such order may be disallowed or confirmed upon motion and hearing, with costs, according to the judgment and discretion of the said Court.

Penalties.

**81.** All penalties imposed by this Ordinance or by any by-laws to be made under the authority thereof shall be recoverable within three calendar months after the same shall have become payable, or after the commission of the offence, by summary proceedings before any Justice of the Peace having jurisdiction within the borough, and be levied by distress and sale.

Witnesses.

**82.** No person shall be deemed an incompetent witness upon any such summary proceeding by reason of his being liable to contribute to any borough rate.

Her Majesty's dockyards &c. excepted.

**83.** Provided always that no dockyard victualling establishment arsenal or barracks belonging to Her Majesty, which shall be situated within the limits of any borough, shall be deemed to be part of such borough for any of the purposes of this Ordinance.

Commencement of Ordinance.

**84.** This Ordinance shall not come into operation until it shall have received the Royal confirmation, and the notification of such confirmation shall have been made in the Government *Gazette* by order of His Excellency the Governor of New Zealand for the time being.

---

SCHEDULE.

SCHEDULE.

To Mr. A.B. FORM OF CLAIM.

I HEREBY give you notice that I claim to have my name put upon the Burgess Roll for the borough of .

Dated the day of , in the year .

C.D.,

[*Place of abode and business of Claimant*].

# No. XIII.

AN ORDINANCE to repeal an Ordinance for prohibiting the Distillation of Spirits within the Colony of New Zealand. [11*th July*, 1844.]

DISTILLATION REPEAL.

WHEREAS by an Ordinance enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof (Session I., No. 5), intituled "*An Ordinance for prohibiting the Distillation of Spirits within the Colony of New Zealand*," all distillation of spirits from grain sugar molasses fruits or any other materials whatsoever, and all rectifying and compounding thereof, within the Colony of New Zealand and its dependencies, were prohibited, and divers provisions were made for the purpose of enforcing the aforesaid enactment, and it is expedient to repeal the said Ordinance:

Preamble. Ordinance for prohibiting distillation recited.

BE IT ENACTED by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof:—

**1.** That the said recited Ordinance shall be repealed.

Ordinance repealed.

**2.** Provided always and be it enacted, That no person who shall enter into or carry on the business of a distiller shall be entitled to any compensation for any loss that he may sustain by reason of this Ordinance being disallowed by Her Majesty, or being at any time repealed by the Legislative Council of the Colony, or by any law that may be enacted for the prevention of distillation within the Colony.

No compensation allowed if Ordinance repealed.

**3.** This Ordinance shall not come into operation until it shall have received the Royal confirmation, and the notification of such confirmation shall have been made in the Government *Gazette* by order of His Excellency the Governor of New Zealand for the time being.

Commencement of Ordinance.

# No. XIV.

AN ORDINANCE to amend an Ordinance to provide for the Summary Recovery of Compensation for Damages done by Cattle Trespassing.

[11*th July*, 1844.]

CATTLE TRESPASS AMENDMENT.

WHEREAS by an Ordinance enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof (Session II., No. 16), intituled "*An Ordinance to provide for the Summary Recovery of Compensation for Damages done by Cattle Trespassing*," it is enacted that "Whenever any cattle shall trespass upon

Preamble reciting clause 2 of Cattle Trespass Ordinance.