

Dog Nuisance.

shown accordingly, the deposit shall be declared to be forfeited, and where the charge shall be of theft or of receiving stolen goods, and it shall appear that restitution of the goods charged to have been so stolen or received as aforesaid has not been or cannot be made, the Court shall have power, upon application then made by the owner of such goods or his representatives, to award to such owner or representatives such part of the forfeited deposit as shall be equal to the sworn value of such goods. The deposit, or in either of the cases last mentioned the residue thereof, shall be duly accounted for and paid over to the Colonial Treasurer or Treasurer of the county or district, for the use of Her Majesty, her heirs and successors, for the public uses of the Colony and the support of the Government thereof.

If convicted of theft &c., may pay four times the value of property stolen in lieu of other punishment.

9. And be it further enacted, That in case any person of the aboriginal race shall be convicted upon any charge of theft or of receiving stolen goods, either by the verdict of a jury, or, in the case of theft, in a summary way before any Police Magistrate, every such person may after such conviction, and at any time before sentence passed, pay into the Court four times the value of the goods so stolen or received as aforesaid. Such payment being made no sentence shall be passed, but the person so convicted shall be discharged from custody, and shall be in the same condition in all respects as if he had received sentence and undergone his punishment in the ordinary course of law.

Jury to find value of property stolen.

10. In every case where any such person as aforesaid shall be convicted by the verdict of a jury, the jury shall at the same time find the value of the property or goods so stolen or received as aforesaid.

Value of property stolen may in certain cases be awarded to prosecutor.

11. Where any such payment as last mentioned shall have been made, the same shall be applied and dealt with by the Court in the manner hereinbefore provided in the case of a forfeited deposit.

People of the Native race not to be liable to imprisonment for debt, &c.

12. And whereas, while the aboriginal people remain ignorant of the operation of the law in civil cases, they cannot justly or safely be subjected to the more severe penalties thereof: Be it further enacted, That no person of the aboriginal race shall be subject to imprisonment by virtue of any judgment obtained against him in any action or civil proceeding in any Court.

SCHEDULE.

SCALE OF ALLOWANCE.

WHERE the chief to whom any warrant shall be directed shall reside within fifty miles measured in a straight line from the police office of the district, the sum of £2.

Where he shall reside at any greater distance, the above sum of £2 and one shilling per mile for every additional mile above fifty.

No. XIX.

DOG NUISANCE.

AN ORDINANCE to provide a summary mode of abating the Nuisance of Dogs wandering at large in Towns.

[17th July, 1844.]

Preamble.

WHEREAS the number of dogs found wandering at large within or about the various towns of New Zealand is so great as to be a public nuisance, and it is expedient to provide a summary mode of abating the same:

BE IT THEREFORE ENACTED by the Governor of New Zealand, with

Dog Nuisance.

with the advice and consent of the Legislative Council thereof, as follows :—

1. All dogs found wandering at large without their owner or keeper in or about any town in New Zealand may be seized by any constable lawfully acting in or about any such town.

Dogs found at large without their owner or keeper may be seized.

2. All dogs so seized shall be kept exposed to view in some public place to be appropriated for that purpose and situated within such town, and shall be so kept if not claimed for the space of at least one night and one whole day. If within the said night and day any person shall claim any such dog, the constable, upon being satisfied that the person so claiming the dog is the true owner or the agent of the true owner thereof, shall deliver such dog to the person so claiming the same upon payment of the sum of five shillings: Provided always that if such dog shall have a collar with the name of the owner legibly engraved thereon, the same shall be restored to the person claiming the same on payment of the sum of two shillings and sixpence.

And kept for a night and a day, and if claimed delivered to owner on payment of fine.

3. If within the said night and day no such claim and payment as aforesaid shall have been made in respect of any dog so kept as aforesaid, the person having the custody of such dog shall forthwith destroy the same by hanging.

If not claimed to be destroyed.

4. Where any dog shall be so seized as aforesaid, the constable seizing the same shall make and keep a note in writing in a book of the description of the dog so seized and of the time of the seizure thereof, and whether the dog shall have been so delivered up or destroyed as aforesaid, a copy of which note shall, as soon as conveniently may be after the dog shall have been disposed of in manner hereinbefore mentioned, be delivered by the constable making the same to the office of the Police Magistrate of the district.

A note of the description &c. of all dogs seized to be kept.

5. All moneys received by any constable in respect of any dog seized under the authority hereof, after deducting therefrom the sum of sixpence for the keep of every dog so seized within the week preceding, together with the sum of two shillings in respect of such dog so delivered to the owner thereof as aforesaid, as a compensation for the trouble of such constable in respect thereof, shall be accounted for and paid over weekly to the Police Magistrate of the district.

Fines to be paid over by constable to Police Magistrate.

6. All moneys received by any Police Magistrate under the authority of this Ordinance shall be accounted for and paid over monthly to the Colonial Treasurer or Treasurer of the county or district (as the case may be), to the use of Her Majesty, her heirs and successors, for the public uses of the Colony and the support of the Government thereof.

And by him paid over to Treasurer.

7. The keeper of any dog shall be held to be the person in whose care such dog may temporarily be, whether loose or confined; and the agent of any owner of a dog shall be understood to be any person authorized by the said owner or keeper to apply for the release of his dog.

Explanatory.

Land Claimants Estates.

No. XX.

LAND CLAIMANTS
ESTATES.AN ORDINANCE to remove doubts respecting the Legal
Estate in Lands granted to Land Claimants.

[17th July, 1844.]

Preamble.

WHEREAS by “*The Land Claims Ordinance*” (Session I., No. 2), it is declared and enacted that all titles to land in the Colony of New Zealand so held or claimed as in the said Ordinance mentioned, which were not or might not be allowed by Her Majesty her heirs and successors, were and the same should be absolutely null and void: And whereas claims to grants of land have been or may be confirmed by grants from the Crown under the provisions of the said Ordinance, and doubts have arisen as to the nature of the estate or interest of the claimants in the lands comprised in any such grant in the interval between the date of the purchase by any such grantee and the date of the Crown Grant to him: And whereas, for the purpose of preventing serious injury and inconvenience to persons who have dealt during the aforesaid interval with such claimants in respect of the lands so claimed by them, it is expedient that the legal estate in all lands so granted as aforesaid shall be deemed to have been in such grantee from the date of the purchase by him as aforesaid:

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

Legal estate to be
deemed to be in
claimant before date
of Crown Grant.

1. In all cases where any claim to land hath been or may be confirmed by a grant from the Crown under the provisions of the said recited Ordinance, the legal estate in the land comprised in such grant shall be deemed to have been in the grantee thereof from the date of the purchase by him of such land as aforesaid.

No. XXI.

LICENSING AMEND-
MENT.AN ORDINANCE to amend an Ordinance for regulating
the Sale of Fermented and Spirituous Liquors.

[17th July, 1844.]

Preamble reciting
Licensing Ordinance
Session II., No. 12.

WHEREAS by an Ordinance enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof (Session II., No. 12), intituled “*An Ordinance for regulating the Sale of Fermented and Spirituous Liquors*,” it is enacted that in case of the formation of new settlements it shall be lawful for any two Justices of the Peace for the district, the Police Magistrate being one, to grant licenses otherwise than at the time and in the manner in the said Ordinance provided:

Time for granting
such Licenses limited.

1. BE IT FURTHER ENACTED by His Excellency the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, That such licenses shall not be granted at any time beyond the expiration of two years after the arrival of the first Police Magistrate appointed to reside at such new settlement.

Houses in the
interior, how to be
licensed.

2. And whereas the establishment of licensed houses in the interior of the country as well as on the sea coast would promote the convenience