

NEW MUNSTER  
ORDINANCES.

## Summary Ejectment.

## No. VI.

SUMMARY EJECT-  
MENT.

AN ORDINANCE to provide a cheap and expeditious mode of procedure against persons occupying Land or Premises within the Province of New Munster without right title or license.

[2nd October, 1849.]

## Preamble.

WHEREAS it is desirable to provide a cheap and expeditious mode of procedure against persons occupying lands or premises situate within the Province of New Munster without any right title or license :

Penalty for occupying  
land or premises  
without right, title, or  
license.

1. Be it enacted by the Lieutenant-Governor of the Province of New Munster, with the advice and consent of the Legislative Council thereof, That from and after the passing of this Ordinance, it shall be lawful for the Resident Magistrate of any district, upon the complaint of any person who shall show to the satisfaction of such Resident Magistrate that he is owner of or agent for any land or premises in the Province of New Munster, to summon before him and any two other Justices of the Peace any person complained of as being in possession of or as occupying land or premises without right title or license ; and if at the hearing of the case the defendant shall not produce or prove a title to or license to occupy such land or premises to the satisfaction of the said Resident Magistrate and Justices, he shall be liable to a penalty not exceeding the sum of ten pounds.

Justices may assess  
damages for occupa-  
tion after notice has  
been given.

2. Be it enacted, That whenever any defendant shall be so fined as aforesaid, upon whom a notice in writing to quit the land or premises so occupied by him shall have been previously served by or by the direction of the complainant, the said Resident Magistrate and Justices may assess the amount of damages to be paid by the defendant to the complainant for such occupation as aforesaid from the time of the service of such notice. Such damage for occupancy not to extend to any time previous to the passing of this Ordinance.

Additional penalty  
for not quitting after  
notice has been given.

3. Be it enacted, That whenever any defendant shall continue to occupy the land or premises in respect of which he shall have been so fined as aforesaid for two calendar months after the imposition of such fine, he shall be fined such further sum of money not exceeding the sum of ten pounds, and shall pay to the complainant such further sum of money for damages for such continued occupation, as the said Resident Magistrate and Justices shall upon a like summons and hearing direct.

Land orders and  
copy of register of  
selection to be deemed  
sufficient title.

4. Be it enacted, That for the purpose of this Ordinance a land order issued by the New Zealand Company, with a copy of the register made in the books of the said Company, of the section selected in respect of such land order, or any title derived therefrom, shall be deemed and taken as a sufficient title.

In cases of disputed  
title Justices may dis-  
miss complaint.

5. Be it enacted, That whenever any such defendant as aforesaid shall at the hearing of the case show to the satisfaction of the said Resident Magistrate and the Justices, or any two of them, a *prima facie* right or title in himself to such occupation, the complaint shall be dismissed.

Penalty for the pro-  
duction of fictitious  
title or license.

6. Be it enacted, That any such defendant who shall have been convicted before a competent Court of having at the hearing of the case by the Justices as aforesaid wilfully set forth a fraudulent or fictitious title, shall be liable to a penalty of not more than fifty pounds.

## Mode of enforcing

7. Be it enacted, That except as hereinbefore is otherwise pro-  
vided,

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vided, all proceedings under this Ordinance shall be regulated by Ordinance No. 5, Session II., for the regulation of summary proceedings before Justices of the Peace. payment of fines and damage.

8. Be it enacted, That this Ordinance shall come into operation from the day of the passing thereof. Commencement of Ordinance.

## No. VII.

AN ORDINANCE to authorize the Levying and Collecting of Rates for the Making and Repairing of Roads, Streets, &c., &c., in any Town in the Province of New Munster. [2nd October, 1849.] TOWN ROADS AND STREETS.

WHEREAS it is expedient to repeal an Ordinance, No. 6, Session V., called "*The Public Roads and Works Ordinance*:" Preamble.

1. Be it enacted by the Lieutenant-Governor of New Munster, by and with the advice and consent of the Legislative Council thereof, That the same, as far as regards the Province of New Munster, be repealed. Repeal of No. 6, Session V.

2. Be it enacted, That the Lieutenant-Governor, with the advice of the Executive Council, upon a requisition to that effect from a majority of the Magistrates of the district in which such town is situated, may proclaim from time to time the towns within which the provisions of this Ordinance shall take effect. Lieutenant-Governor to proclaim town.

3. Be it enacted, That every person who shall have to his own use, either in freehold or as the occupier, any lands or tenements within any towns proclaimed to be within the provisions of this Ordinance shall, being duly enrolled in manner hereafter provided, be qualified to vote at the election of a Board of Commissioners, to be elected for the purpose of levying a yearly rate on all houses lands and tenements situated within the town, and for the purpose of superintending and managing the making maintaining and repairing the streets roads quays and highways within the same. Commissioners to be elected.

4. All claims to the right of voting shall be according to the Form to this Ordinance annexed, and shall be sent in to the Resident Magistrate of the town proclaimed as aforesaid, or if there be no Resident Magistrate in the town, then to the nearest Resident Magistrate, on or before the first day of September in each year, and all claims not so sent in shall be disallowed. Claims to vote to be sent in.

5. Every Resident Magistrate shall, within seven days after the receipt of such claims as aforesaid, cause the names of the claimants to be posted in alphabetical order in some public place in the town, accompanied by a notice naming some day, prior to the fifteenth of September, on which all objections to the same shall be heard and determined by a Bench of Magistrates, and the list so revised shall be deemed to be the list of electors for the ensuing twelve calendar months, and shall be published in the *Government Gazette*, with a notice from the Resident Magistrate to the electors to assemble at some given time and place, before the twenty-fifth of September, for the purpose of electing Commissioners (not to exceed five in number nor less than three), and such Commissioners or the majority of them shall form a Board for the town, with authority to carry into effect the provisions of this Ordinance. A Bench of magistrates to decide upon claims.

6. Be