

HIGHWAYS ACT 1862 AMENDMENT ACT.

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

SESSION XV., No. 12, 1863.

[26th March, 1863.]

An Act to Amend the "Highways Act 1862."

Title.

WHEREAS an Act was passed by the Colonial Legislature of the Province of Auckland Session XV. No. 5 intituled "An Act to facilitate the making and repairing of Highways within the Province of Auckland" and whereas it is expedient to amend the same: Preamble.

Be it therefore enacted by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof:—

1. The sixth and seventh clauses of the said recited Act are hereby repealed, and in lieu of the said sixth clause be it enacted— 6th and 7th
Clauses of recited
Act repealed.

2. Subject to the provisions limitations and restrictions contained in the said Act all land in any district formed under the provisions of the said Act saye and except as hereinafter mentioned, is hereby made subject to a rate not exceeding one shilling per acre in every year or to a rate not exceeding three-pence in the pound in every year to be made upon the estimated value to sell of the lands and tenements rated thereto, the choice and adoption of some Lands made sub-
ject to assessment

or other of the fore-mentioned rates to rest with the majority of the ratepayers as in the said Act mentioned.

And in lieu of the said 7th clause be it enacted—

Lands to be ex-
cepted.

3. That no land other than land held under Grant or Lease from the Crown shall be liable to be rated under the authority of this or the said recited Act Provided always that no land used as sites for Schools or places of Public Worship or for Burying Grounds shall be liable to be rated as aforesaid.

This Act not to
affect rates al-
ready made or
levied.

4. Nothing in this Act shall extend to affect or invalidate any rate already made or levied by the authority of the said Act but the same may be levied or collected as if this Act had not been passed anything herein contained to the contrary thereof notwithstanding.

Penalty for da-
maging mile-
stones.

5. Any person who shall wilfully injure damage or destroy any milestone post or other work erected for the purpose of marking or indicating the mileage on any highway or public road in the Province of Auckland or who shall wilfully deface alter or obliterate any sign or mark engraved or painted on any such milestone post or work for the purpose of indicating such mileage shall be liable to a penalty not exceeding Five Pounds.

Rates made under
repealed Ordi-
nance may be en-
forced.

6. And whereas by the first section of the said recited Act Ordinance No. 6 of Session 5 enacted by the Governor of New Zealand with the advice and consent of the Legislative Council thereof was thereby repealed And whereas before the repealing of the said Act divers rates were made and levied in several districts formed under the said Act but were not collected And whereas doubts have arisen whether such rates can be legally enforced and it is expedient to remove such doubts Be it enacted in manner aforesaid that notwithstanding the repeal of the said Act at the time aforesaid all rates made and levied in pursuance of the said repealed Ordinance shall and may be collected in the same manner and enforced by the same means as is provided by the said repealed Ordinance anything in the said recited Act to the contrary notwithstanding.