

# New Zealand.

ANNO VICESIMO NONO

VICTORIÆ REGINÆ.

No. 17.

## ANALYSIS.

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## **AN ACT to Amend "The Public Domains Act 1860."** Title. **[26th September 1865.]**

**W**HEREAS it is enacted by "The Public Domains Act 1860" that Preamble. the Governor by Order in Council may from time to time delegate all or any of the powers thereby conferred to any person for any period and subject to such stipulations as may be specified in such Order And whereas doubts have arisen whether under the above provision the Governor in Council is authorized to make such delegation to more persons than one and it is expedient that he be so authorized And whereas by "The Auckland and Drury Railway Act 1863" the Superintendent of Auckland was empowered to make and maintain a railway from Auckland to Drury and to take compulsorily and hold for the purposes thereof certain lands described or referred to in the plans and books of reference of the said railway deposited in the Private Bill Office And whereas certain portions of the public domain in Auckland were required for the said railway or were within the limits of deviation marked on the said plan and have been taken by the said Superintendent under the authority of the said "Auckland and Drury Railway Act 1863" and the said railway has already been constructed thereon And whereas by the said "Public Domains Act 1860" the said lands are declared to be Crown lands to be managed administered and dealt with by the Governor in manner therein set forth And whereas the said "Auckland and Drury Railway Act 1863" contains no special provision authorizing the Governor to convey the land required for the said railway to the Superintendent and inasmuch as the Crown is not specially named therein doubts have arisen whether "The Lands Clauses Consolidation Act 1863" which is purported to be incorporated in the said Railway Act applies to the Crown so as to enable the compensation to be paid by the said Superintendent for the said land so taken as aforesaid and for injury to the remaining portion of the said domain by severance and

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otherwise to be ascertained thereunder and it is expedient to make provision for the ascertainment of such compensation and for enabling the Governor to convey the land so taken as aforesaid

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows—

Short Title.

I. The Short Title of this Act shall be “The Public Domains Act Amendment Act 1865.”

Interpretation of term “person.”

II. The word “person” in the eleventh section of “The Public Domains Act 1860” shall be deemed to include more persons than one.

Delegation of powers not void by death &c.

III. No delegation made under the powers contained in the said eleventh section shall become void by reason of the resignation death absence from the Colony or declining to act of any person or persons named therein.

“Auckland and Drury Railway Act 1863” to apply to the Crown.

IV. “The Auckland and Drury Railway Act 1863” and the Acts incorporated therewith are hereby declared to apply to the Crown and the Governor or such person or persons as may be authorized by him in that behalf may on behalf of Her Majesty make sign and execute all applications notices agreements and deeds requisite for completing the ascertainment under the said “Lands Clauses Consolidation Act 1863” of compensation as aforesaid and for obtaining payment thereof and for vesting the lands taken for such railway in the Superintendent and for extinguishing the title and estate of the Crown thereto and therein.

Compensation to be money accruing under “The Public Domains Act 1860.”

V. Such compensation money shall be deemed to be money received under the said “Public Domains Act 1860” and shall be so far as the same is applicable to the Auckland Public Domain applied as therein directed with respect to money received thereunder so far as the same is applicable to the Auckland Public Domain.

And whereas it is expedient to make better provision for the maintenance of order in the Auckland Domain be it enacted with respect to such domain as follows—

Certain persons may make and enforce by-laws.

VI. Any person or persons to whom the powers conferred by the said “Public Domains Act 1860” may with respect to the Auckland Domain for the time being be delegated may make and enforce such by-laws orders and regulations as they may think necessary for the management preservation and disposition of the said domain or any part thereof for the government of all persons carriages and vehicles using or frequenting the same for regulating the time of their admission and exclusion for the depasturing of cattle therein for the preservation of plants and animals therein for the exclusion of dogs or any other animals therefrom and for their destruction if intruding therein for the prevention of any nuisance and generally for regulating the using of the said domain.

By-laws to be in writing and may be repealed or altered.

VII. Such by-laws shall be reduced into writing and shall be signed by any one of the persons to whom the powers aforesaid shall be delegated and may from time to time in like manner and by the like authority be repealed or altered and others made in lieu thereof.

And made public.

VIII. The substance of such by-laws shall be painted on boards or printed on paper and pasted on boards and hung up or affixed and continued at each public entrance into the said domain so as to give notice thereof to the public and such boards shall from time to time be renewed as often as the by-laws thereon or any part thereof shall be obliterated or destroyed.

By-laws when so published to be binding.

IX. Such by-laws when so published and affixed shall be binding upon and be observed by all parties and shall be sufficient to justify all parties acting under the same and for proof of the making publi-

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cation and affixing of such by-laws it shall be sufficient to prove that a printed copy or painted board containing a copy of such by-laws was affixed and continued in manner by this Act directed and in case of its being afterwards displaced or damaged then that such paper or board was replaced as soon as conveniently might be.

X. Any person offending against any such by-law shall forfeit for Penalties. any such offence a sum not exceeding five pounds and if the infraction or non-observance of any such by-law be attended with danger hindrance or annoyance to the public it shall be lawful for any of the persons aforesaid or for any constable or peace officer or for any person appointed for this purpose or employed in the said domain summarily to interfere to obviate or remove such danger hindrance or annoyance and that without prejudice to any penalty incurred by the infraction of any such by-law.

XI. All such penalties shall be recovered in a summary way before Penalties to be recovered in a summary way. Appropriation of penalties. a Resident Magistrate or two or more Justices of the Peace and shall be paid into the Colonial Treasury and shall be deemed to be money received by him for the purposes of the said "Public Domains Act 1860."

