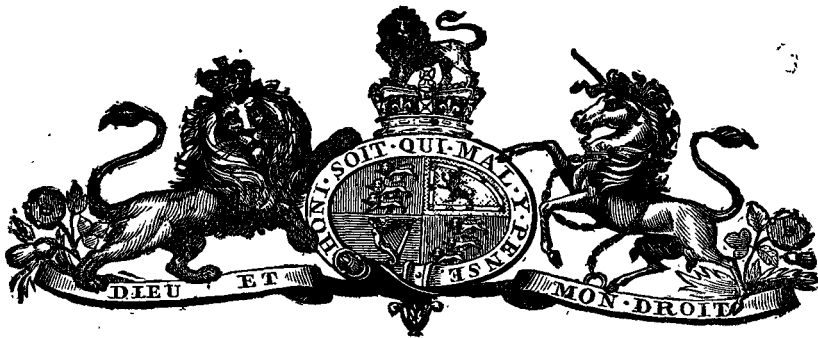


NEW ZEALAND.



TRICESIMO OCTAVO

VICTORIÆ REGINÆ.

No. LXXXV.

ANALYSIS.

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| Title. | thorizing Courts to decide matters arising |
| Preamble. | under Fencing Ordinances. |
| 1. Short Title. | 3. What may be heard and determined by Courts. |
| 2. Provincial Legislatures may pass Ordinances au- | 4. How proceedings to be enforced. |

AN ACT to authorize the Legislatures of Provinces in New Zealand to empower Courts of Law to hear and determine questions arising under the Laws of such Provinces providing for the 'construction and maintenance of Dividing Fences.

[Reserved for the signification of Her Majesty's pleasure.]

WHEREAS under various provincial laws provision has been made for the erection and maintenance of dividing fences, and for other purposes connected therewith: And whereas by reason of the restrictions contained in the nineteenth section of the Constitution Act, Provincial Legislatures are unable to provide that disputes between persons liable to the provisions of such provincial laws shall be decided by a Court of law, inasmuch as the jurisdiction to be exercised by such Courts would exceed that permitted to be created by such Legislatures: And whereas it is expedient that provision should be made enabling Provincial Legislatures to adopt the provisions hereinafter contained for the purpose of affording a speedy method of deciding such disputes, and facilitating the beneficial operation of the laws relating to fencing:

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

1. The Short Title of this Act shall be "The Provincial Fencing Laws Empowering Act, 1874."

Provincial Fencing Laws Empowering.

Provincial Legislatures may pass Ordinances authorizing Courts to decide matters arising under Fencing Ordinances.

2. The Provincial Legislature of any province may, by an Act or Ordinance to be passed by such Legislature, provide that all matters or questions arising between owners or occupiers of property liable to the provisions of any Act or Ordinance regulating the erection and maintenance of dividing fences may be heard and determined before any Resident Magistrate or Court of Petty Sessions, notwithstanding that the decision of any such matter or question shall be beyond the ordinary jurisdiction of such Resident Magistrate or Court of Petty Sessions.

What may be heard and determined by Courts.

3. Upon the passing of any such Act or Ordinance, any Resident Magistrate or Court of Petty Sessions may hear and determine any such matters as in such Act or Ordinance provided, being any one of the following matters, that is to say,—

- (1.) Hearing and taking evidence and making any order as to the erection or maintenance of dividing fences.
- (2.) Deciding upon the description or kind of fence to be erected or maintained, or that in the opinion of the Court ought to be erected or maintained, in accordance with such Act or Ordinance.
- (3.) Determining the date time and manner in which such fence should be erected, and by whom it should be erected or maintained.
- (4.) Determining the expense of erecting or maintaining any such fence, and by whom the same should be borne and paid.

How proceedings to be enforced.

4. All proceedings before any Resident Magistrate or Court of Petty Sessions upon or in respect of any of the matters in the last preceding clause, or of any combination or modification thereof, shall and may be taken and conducted, and any order may be enforced and acted upon, in like manner as the proceedings and orders of such Courts are taken conducted and enforced in their summary jurisdiction under "The Justices of the Peace Act, 1866."

WELLINGTON, NEW ZEALAND:

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