

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 occupation 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 dismiss 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 production 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 provided,

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Town Roads and Streets.

NEW MUNSTER
ORDINANCES.

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.
