

*This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.*

*House of Representatives,  
10th August, 1893.*

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

*Mr. Buckland.*

FENCING ACT 1881 AMENDMENT.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Original Act amended, and section 3 repealed, and other provisions substituted.</p> <p>3. Section 16 of original Act repealed, and other provisions substituted.</p> <p>4. Proviso in section 31 of original Act.</p> <p>5. Sufficient fence.</p>	<p>6. Section 40 of original Act amended.</p> <p>7. Fresh occupier of land liable for dividing-fences.</p> <p>8. Contribution to construction of boundary-fence.</p> <p>9. Persons erecting or affixing wire-netting on boundary may remove the same if adjoining owner has not contributed to same.</p> <p>Schedules.</p>
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A BILL INTITULED

AN ACT to further amend "The Fencing Act, 1881."

Title.

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

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1. The Short Title of this Act is "The Fencing Act 1881 Amendment Act, 1893"; and it shall be read and construed together with "The Fencing Act, 1881," herein referred to as "the said Act."

Short Title.

*New clause.*

2. So much of the said Act as defines the meaning of the words "Native lands," and the whole of section three of the said Act, are hereby repealed, and in lieu thereof it is enacted as follows:—

Original Act amended, and Section 3 repealed, and other provisions substituted.

The said Act and this Act shall apply to all lands in the colony owned by Natives, other than lands held by them under their customs or usages, and the title to which has not been determined by the Native Land Court.

3. Section sixteen of the said Act is hereby repealed, and the following is substituted therefor:—

Section 16 of original Act repealed, and other provisions substituted.

When a fence is erected on any land, and the lands adjoining thereto are at the time of the erection of such fence excepted from the application of the said Act or *this Act*, then the occupier thereafter of such adjoining lands shall, within one month after demand upon him by written notice given, pay to the person who has erected the fence one-half of the then value of such fence: Provided that the sum to be paid shall not exceed the maximum price to be paid by any person in respect of an efficient fence.

~~Nothing in this section contained shall apply to or affect Native lands, or affect any lawsuit already decided.~~

4. Section thirty-one of the said Act is hereby amended by the addition thereto of the following proviso:—

Proviso in section 31 of original Act.

Provided that with the exception of orders made by Resident Magistrates under the powers conferred by section thirty-two of this Act, all moneys recoverable under this Act may be sued for and recovered in any Court of competent jurisdiction.

*Clause struck out.*

4. Schedule A of the said Act is hereby amended by the insertion of a new description of sufficient fence, namely: 15A. A batten and wire fence, to be at least four feet in height, posts to be of durable wood, not more than ten feet apart, with two or more wires, top wire to be not less than three feet six inches from the surface of the ground, and the wires to be not lighter than number eight in iron or number twelve in steel; the battens to be either securely stapled or intertwined in wires in an upright position, and to be not more than three inches apart.

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*New clauses.*

Sufficient fence.

5. A fence of the kind described in Schedule A hereto shall be a sufficient fence within the meaning of the said Act, as if it had been included in the descriptions enumerated in Schedule A thereto.

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Section 40 of original Act amended.

6. Section forty of the said Act is hereby amended by adding the following words thereto: "But without prejudice to any covenant, contract, or agreement as to the erection or maintenance of any dividing-fence which may impliedly embody any of the provisions of any of the enactments hereinafter repealed."

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Fresh occupier of land liable for dividing-fences.

5-7. Any person becoming the occupier of any land separated from any adjoining land by a dividing-fence made by the occupier of such adjoining land, is, in respect of such dividing-fence, subject to the same liabilities as such first-named occupier is subject to when he relinquishes possession.

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*New clauses.*

Contribution to construction of boundary-fence.

8. Any person desiring to compel any other person to contribute to the construction of a dividing-fence, to be erected on the boundary between land in a district in which the said Act is in force and land in a district in which any local or provincial ordinance or enactment is in force, shall, as to such dividing-fence, and the erection and maintenance thereof, be bound by and entitled to the benefits of the law under the said Act upon giving the notice required by such law.

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Persons erecting or affixing wire-netting on boundary may remove the same if adjoining owner has not contributed thereto.

9. If the owner or occupier of land shall affix or erect wire-netting, as defined in Schedule B hereto, for the purpose of preventing the passage of rabbits, and hereinafter referred to as a "rabbit-fence," on any part of the boundary of his land, whether as part of the ordinary boundary-fence or not, and the owner or occupier of the adjoining land shall neglect or refuse to pay half the cost of erecting such rabbit-fence, the person erecting the same, or any subsequent owner or occupier of the land then in his occupation, may remove so much and such part of the rabbit-fence so erected as shall not have been paid for, and deal therewith as his own property.

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The Land Board under "The Land Act, 1892," may declare that any rabbit-fence erected or to be erected as aforesaid shall be a substantial improvement of a permanent character within the meaning of such Act.

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*New Schedules.*  
SCHEDULES.

## SCHEDULE A.

A BATTEN and wire fence, to be at least 4ft. in height; posts to be of durable wood, not more than 10ft. apart, with two or more wires, top wire to be not less than 3ft. 6in. from the surface of the ground, and the wires to be not lighter than number eight in iron or number twelve in steel; the battens to be either securely stapled or intertwined in wires in an upright position, and to be not more than 3in. apart.

## SCHEDULE B.

Galvanized wire-netting firmly affixed to wires and pegged to the ground or sunken therein not less than 6in., and to be not less than a total of 42in. wide, 16 gauge, and not larger than 1½in. mesh.

*Te Pakarana.*

TURE WHAKATIKATIKA I TE TURE TAIEPA 1881.

WHAKAWHAITITANGA.

HE PIRE E HUAINA ANA.

HE TURE hei Whakatikatika ano i "Te Ture Taipa, 1881."  
NA KA MEINGA hei Ture e te Runanga Nui o Niu Tireni e noho huihui ana i roto i te Paremata, i runga ano hoki i tona mana enei tikanga e mau iho nei :

1. Ko te Ingoa Poto o tenei Ture "Ko te Ture Whakatikatika 1893 i te Ture Taiepa 1881," a ka korerotia ka whakamaramatia tahitia me "Te Ture Taiepa 1881," kua whakahuatia nei i konei ko taua Ture.

2. Kua whakatikatikaia i konei te tekiona tekau ma ono o taua Ture i runga i te whakaurunga o te kupu kotahi i te rarangi wha o taua tekiona.

3. Kua whakatikatikaia i konei te tekiona toru tekau matahi o taua Ture i runga i te apitinga ki taua Ture o enei tikanga e mau iho nei ara :—

Haunga ia nga ota o te Kai-whakawa Tuturu i raro i nga mana i tukuna e te tekiona toru tekau ma tahi o tenei Ture, ko nga moni katoa e taea te mea kia utua mai i raro i tenei Ture, ka ahei te hamene me te tango i roto i tetahi Kooti whai mana.

4. Kua whakatikatikaia i konei te Apiti A o taua Ture, i runga i te whakaurunga o tetahi taiepa tika ahua hou ara : 15A. He pou iti me te taiepa waea me kua e hoki iho i te wha putu te teitei ko nga pou hei te rakau pakari kua e neke atu i te tekau putu te mataara-tanga o tetahi pou i tetahi, kia kotahi kia maha atu ranei nga waea, ko te waea o runga me kua e hoki iho i te toru putu me te ono inihi i te mata o te whenua, a ko nga waea me kua e iti iho i te waea nama waru ; nama tekau ma rua waea tiira ranei ; ko nga pou hei te pou rakau pakari, a me kua e hoki iho te rahi o te whanui i te toru inihi, a kua e hoki iho i te inihi kotahi te matotoru, ko nga pou me here kia u ki te tepara me whakawiri ranei ki te waea, kia pou pou te tu o nga pou, a kua e neke atu i te toru inihi te pamamaotanga o tetahi i tetahi.