ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

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C A P. LXXXIV.

An Act to alter and amend an Act empowering the *Canterbury* Association to dispose of certain Lands in *New Zealand*. [7th *August* 1851.]

WHEREAS an Act was passed in the Session of Parliament holden in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, Chapter Seventy, which said Act recites certain Letters Patent dated the Thirteenth Day of *November* in the Thirteenth Year of the Reign of Her present Majesty, incorporating the said Association, and also a certain Agreement dated the First Day of *December* One thousand eight hundred and forty-nine, between the said Association and the *New Zealand* Company: And whereas by the said Letters Patent the said Association are empowered from Time to Time to make Byelaws, and alter and revoke the same, as in the said Letters Patent mentioned: And whereas it is expedient to alter and amend some of the Provisions of the said recited Act, and to provide for the better and more effective Regulation of the Proceedings of the said

Association, and to confer additional Powers upon the said Association with respect to the Land in the said Settlement: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Power to Canterbury Association to impose Penalties for Breach of Byelaws.

I. That it shall be lawful for the said Association by their said Byelaws to impose such reasonable Penalties upon all Persons, being Members, Officers, or Servants of the said Association, offending against such Byelaws, as the said Association may think fit, not exceeding Five Pounds for any One Offence.

Byelaws to be exhibited.

II. That such Byelaws shall be reduced into Writing, and shall have affixed thereto the Common Seal of the said Association, and a Copy thereof shall be hung up and continued on some conspicuous Part of the principal Office or Premises of the said Association, so as to give public Notice thereof to the Parties interested therein or affected thereby; and such Copy shall from Time to Time be renewed as often as the Byelaws thereon, or any Part thereof, shall be obliterated or destroyed, and such Copy of the Byelaws shall be approved by One of Her Majesty's Principal Secretaries of State; and no Penalty imposed by any such Byelaw shall be recoverable unless the same shall have been published and kept published in manner aforesaid.

Byelaws to be so framed that Penalties may be mitigated.

III. That all the Byelaws made by the said Association shall be so framed as to allow the Justices before whom any Penalty imposed thereby may be sought to be recovered as herein-after provided to order a Part only of such Penalty to be paid, if such Justices shall think fit.

As to Recovery of Penalties.

IV. That any Penalty imposed by any such Byelaw may be recovered by summary Proceedings before Two Justices, in the Manner provided for the Recovery of Penalties or Forfeitures in and by "The Companies Clauses Consolidation Act, 1845," with the like Power of Appeal given by the said last-mentioned Act.

Evidence of Byelaws.

V. That the Production of a written or printed Copy of the Byelaws of the said Association, having the Common Seal of the said Association affixed thereto, shall be sufficient Evidence of such Byelaws in all Cases of Prosecution under the same, and in all Courts, and before all Judges, Justices, and others.

VI. That

Proceedings to be entered in Books, to be signed by the Chairman, and to be Evidence.

VI. That the Committee of Management of the said Association in the said Letters Patent mentioned shall cause Notes, Minutes, or Copies, as the Case may require, of all Appointments made or Contracts entered into by the said Committeee of Management or any Sub-Committee, and of the Orders and Proceedings of all Meetings of the said Association, and of the said Committee of Management, and of Sub-Committees, to be duly entered in a Book or Books to be from Time to Time provided for the Purpose, which shall be kept under the Superintendence of the said Committee of Management; and every such Entry shall be signed by the Chairman of such Meeting, and such Entry, so signed, shall be received as Evidence in all Courts, and before all Judges, Justices, and others, without Proof of such respective Meetings having been duly convened or held, or of the Persons making or entering such Orders or Proceedings being Members of the said Association, or of the said Committee of Management, or of any Sub-Committee respectively, or of the Signature of the Chairman, or of the Fact of his having been Chairman, all of which last-mentioned Matters shall be presumed, until the contrary be proved.

Power for Association to constitute a Managing Committee in the Settlement of Canterbury, and to delegate Authority to them.

VII. That it shall be lawful for the said Association from Time to Time, by Writing under their Common Seal, to appoint Persons, being Members of the said Association, to be and act as Members of a Managing Committee of the said Association within the said Settlement, and such Managing Committee shall have, exercise, and enjoy within the said Settlement all such Functions, Rights, Powers, and Authorities as the said Association shall, by any Writing under their Common Seal from Time to Time, vest in and confer upon them, with Power to the said Association from Time to Time to revoke, alter, and vary the same: Provided always, that such Managing Committee shall not have, exercise, or enjoy any Functions, Rights, Powers, or Authority other than such as the said Association by virtue of the Powers vested in them may lawfully have, exercise, and enjoy within the said Settlement.

Power to reserve and appropriate Land for public Purposes.

VIII. That it shall be lawful for the said Association and they are hereby empowered, from Time to Time, by Deed under the Common Seal of the said Association, to reserve and appropriate for any of the Purposes to which the Funds of the said Association are by the said Letters Patent made applicable, any Part or Parts of the Land in the said Settlement, being at the Time unsold and unappropriated; and every such Deed shall declare the Purpose for which the Land therein mentioned is intended to be reserved and appropriated; and upon

upon due Execution of every such Deed the Land therein mentioned shall vest in and be held by the said Association, in trust for the Purposes therein declared: Provided always, that for every Acre of Land so reserved and appropriated as aforesaid that Part of the Funds of the said Association which under the said Letters Patent and the said recited Act is or shall be applicable to the Purpose for which such Land is declared to be reserved and appropriated shall be charged with and subject to the Payment of a Sum of Money equal to the current Price of every such Acre considered as sold to an ordinary Purchaser, and the said Money shall be distributed and appropriated in the same Manner as Money arising from ordinary Sales of Land by the said Association: Provided also, that it shall not be lawful for the said Association to reserve and appropriate Land as aforesaid unless the said Part of the said Funds in the Hands of the said Association for the Time being applicable as aforesaid is sufficient to pay a Sum equal to the Price of such Land considered as sold to an ordinary Purchaser, after deducting the Amount which would be appropriated to such Part of the said Funds on such Distribution as aforesaid.

Limitation of Power to reserve and appropriate Land.

Power to grant Timber Licences.

IX. That it shall be lawful for the said Association and they are hereby exclusively empowered to grant Licences for cutting, felling, and carrying away Timber growing upon the said unsold and unappropriated Part of the said Land; and the Money arising from the granting of such Licences shall be applied by the said Association in the same Manner as the Money arising from Licences for Pasturage granted under the Powers of the said recited Act.

Powers of the Association to prepare for Occupation unappropriated Land of the Settlement, and to determine Disputes respecting Enjoyment of Licences.

X. And whereas it is expedient that the said Association should be empowered to prepare for Occupation the unsold and unappropriated Part of the Land in the said Settlement, and to regulate and control the Use by Licence of the said Part of the said Land in the Manner herein-after mentioned: Be it enacted, That it shall be lawful for the said Association to survey, improve, and prepare for Cultivation and the Reception of Settlers, any Lands in the said Settlement which may for the Time being remain unsold and unappropriated, and for all or any such Purposes in or upon any such Land to enter, and make and construct Roads, Railroads, Canals, Drains, Bridges, Ferries, and other internal Communications, and Docks, Buildings, and Works necessary or expedient for the Occupation or Improvement of any such Lands, and from Time to Time to change, remove, or vary the same, and also to alter, divert, and

and deepen the Channels of Rivers and Streams, and to make Locks, Dams, and Weirs therein, and further, that it shall be lawful for the Association, along the Coast within the Limits of the said Settlement, and as well below as above Low-water Mark, to make, build, erect, construct, and lay down Piers, Moles, Breakwaters, Quays, Light-houses, Beacons, Harbours, Buoys, and Moorings, and all such other Works and Buildings as they may from Time to Time deem expedient, with Power to change, remove, or vary the same or any Part thereof, and generally that the said Association shall have over the said unsold and unappropriated Lands of the said Settlement, and over the Waters and Watercourses thereof, all such Rights, Powers, and Authorities, for all and every the Purposes aforesaid, as Her Majesty, Her Heirs and Successors, can or may have, so long as the same shall respectively remain unappropriated and undisposed of by the said Association; and that it shall be lawful for the said Association to regulate and control the Use of the said Land enjoyed under Licences for Pasturage, or cutting, felling, and carrying away Timber, by them granted, under the Powers of the said recited Act or this Act respectively, and in case of Disputes between the Holders of such Licences, or between them and the said Association or other Persons, with respect to the Enjoyment of the Rights conferred by such Licences, to decide and determine such Disputes; and every such Decision and Determination of the said Association shall be final and conclusive, and binding upon the Parties affected thereby.

Further Grants of Land to be subject to prior Provisions respecting the Settlement.

XI. That if at any Time during the Continuance of the Powers of the said Association Her Majesty, Her Heirs or Successors, shall authorize the Governor for the Time being of the Colony of *New Zealand* to grant, under the public Seal of the said Colony, any other Waste Lands in the said Colony, or shall otherwise declare, such Declaration to be signified by Writing under the Hand of One of Her Majesty's Principal Secretaries of State, that any other Lands therein situate shall be added to the Lands comprised in the said Settlement, all such Lands shall thereupon become Part and Parcel of the said Settlement, and the said Association shall thenceforth have over all such Lands the same disposing and all other Powers and Authorities as they shall have over the Lands then comprised in the said Settlement, and all such Lands shall be thereupon dealt with and disposed of by the said Association in the same Manner, and under the same Restrictions, and considered in all respects, as if the same had originally formed Part of the Settlement, and had been included in the Provisions of the said recited Act and of this Act.

Canterbury Association.

Extent of Act.

XII. That this Act shall extend to and be in force in the said Colony of *New Zealand* and its Dependencies.

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Printers to the Queen's most Excellent Majesty. 1851.