

Cattle Trespass Amendment.

upon the land of any person which shall be substantially fenced, and shall do any damage thereon, it shall be lawful for the Police Magistrate of the district, or for any two Justices of the Peace having jurisdiction therein, upon application of the person suffering such damage, to hear and determine the case in a summary way, and on being satisfied by the oath of a credible witness as to the amount of such damage, to award to the party sustaining the same any such sum not exceeding twenty pounds by way of compensation for the same."

Extended to case of cattle trespassing on land whether fenced or not.

1. And whereas it is expedient to extend the provisions of the said Ordinance to the case of cattle found trespassing upon any land, whether the same shall be substantially fenced or not: **BE IT THEREFORE ENACTED** by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—Whenever any cattle shall trespass upon the land of any person and shall do any damage thereon, it shall be lawful for the Police Magistrate of the district, or for any two Justices of the Peace having jurisdiction therein, upon application of the person suffering such damage, to hear and determine the case in a summary way, and on being satisfied by the oath or solemn affirmation as the case may require of two witnesses competent from practical knowledge or otherwise to estimate the same as to the amount of such damage, to award to the party sustaining the same any sum not exceeding twenty pounds by way of compensation for the same.

Interpretation clause.

2. For the purpose of this Ordinance and of the said recited Ordinance, the word "Cattle" shall be taken to include horned or neat cattle horses mules asses sheep goats and swine.

Commencement.

3. This Ordinance shall come into operation on the first day of October, one thousand eight hundred and forty-four.

No. XV.

SUMMARY PROCEEDINGS AMENDMENT.

AN ORDINANCE to amend an Ordinance to regulate Summary Proceedings before Justices of the Peace.

[16th July, 1844.]

Preamble reciting Summary Proceedings Ordinance (Session II., No. 5).

WHEREAS by an Ordinance enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof (Session II., No. 5), intituled "*An Ordinance to regulate Summary Proceedings before Justices of the Peace*," it is enacted that in certain cases of summary conviction in the said Ordinance mentioned it shall be lawful for the parties convicted to appeal to the County Court of the district in which the cause of complaint shall have arisen: And whereas by an Ordinance passed in this present Session of the Legislative Council (Session III., No. 8), intituled "*An Ordinance to establish Courts of Requests for the more easy and speedy Recovery of Small Debts*," it is enacted that from and after the first day of October, one thousand eight hundred and forty-four, the Ordinance for establishing County Courts (Session II., No. 2) shall be repealed:

And Ordinance Session III., No. 8.

BE IT THEREFORE ENACTED by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

Unsworn Testimony.

1. In cases of summary conviction, whenever it is lawful under the said Summary Proceedings Ordinance for parties convicted to appeal to the County or District Court, it shall from and after the first day of September, one thousand eight hundred and forty-four, be lawful for such parties to appeal to the Supreme Court, subject to all such regulations and provisions as are in the said Summary Proceedings Ordinance contained.

Appeal from summary conviction to be to the Supreme Court.

No. XVI.

AN ORDINANCE for the Admission in certain cases of Unsworn Testimony in Civil and Criminal Proceedings. [16th July, 1844.]

UNSWORN TESTIMONY.

WHEREAS by an Act of Parliament passed in the sixth year of the reign of Her Majesty Queen Victoria, chap. 22, intituled "*An Act to authorize the Legislatures of certain of Her Majesty's Colonies to pass Laws for the Admission in certain cases of Unsworn Testimony in Civil and Criminal Proceedings,*" power is given to the Legislatures of Her Majesty's Colonies to pass laws for the admission of the evidence of persons of the native races of such Colonies who by reason of defect of religious knowledge and belief would not otherwise be competent to give evidence in any Court of Justice: And whereas it is expedient to carry into effect in this Colony the intention of the said Act:

Preamble reciting 6 Vict. c. 22.

BE IT THEREFORE ENACTED by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

1. Any person of the aboriginal native race of the Islands of New Zealand or of countries adjacent thereto who by reason of defect of religious knowledge and belief would be by law incompetent to give evidence in any Court, shall be permitted to give evidence in any proceeding, civil or criminal, before any Justice of the Peace or before jury, upon making an affirmation that he will speak the truth, the whole truth, and nothing but the truth, and the evidence so given shall have the weight to which such Justice of the Peace or such jury may deem it to be entitled.

Certain persons may give evidence on affirmation.

2. All persons of whose parents one only shall be of the aboriginal race shall be deemed and taken to be of the aboriginal race within the provisions of this Ordinance.

Who to be deemed of the aboriginal race.

3. If any person so making affirmation as aforesaid shall wilfully give false evidence, he shall be deemed guilty of a misdemeanour.

Persons giving false evidence to be deemed guilty of a misdemeanour.

No. XVII.

AN ORDINANCE to amend an Ordinance to provide for the Regulation of Harbours.

HARBOURS AMENDMENT.

[16th July, 1844.]

WHEREAS by an Ordinance enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof

Preamble.