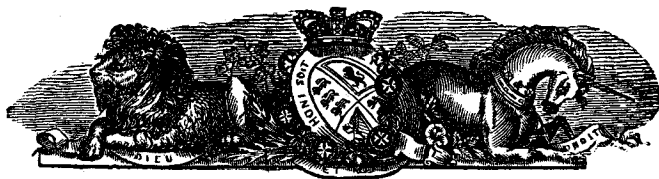


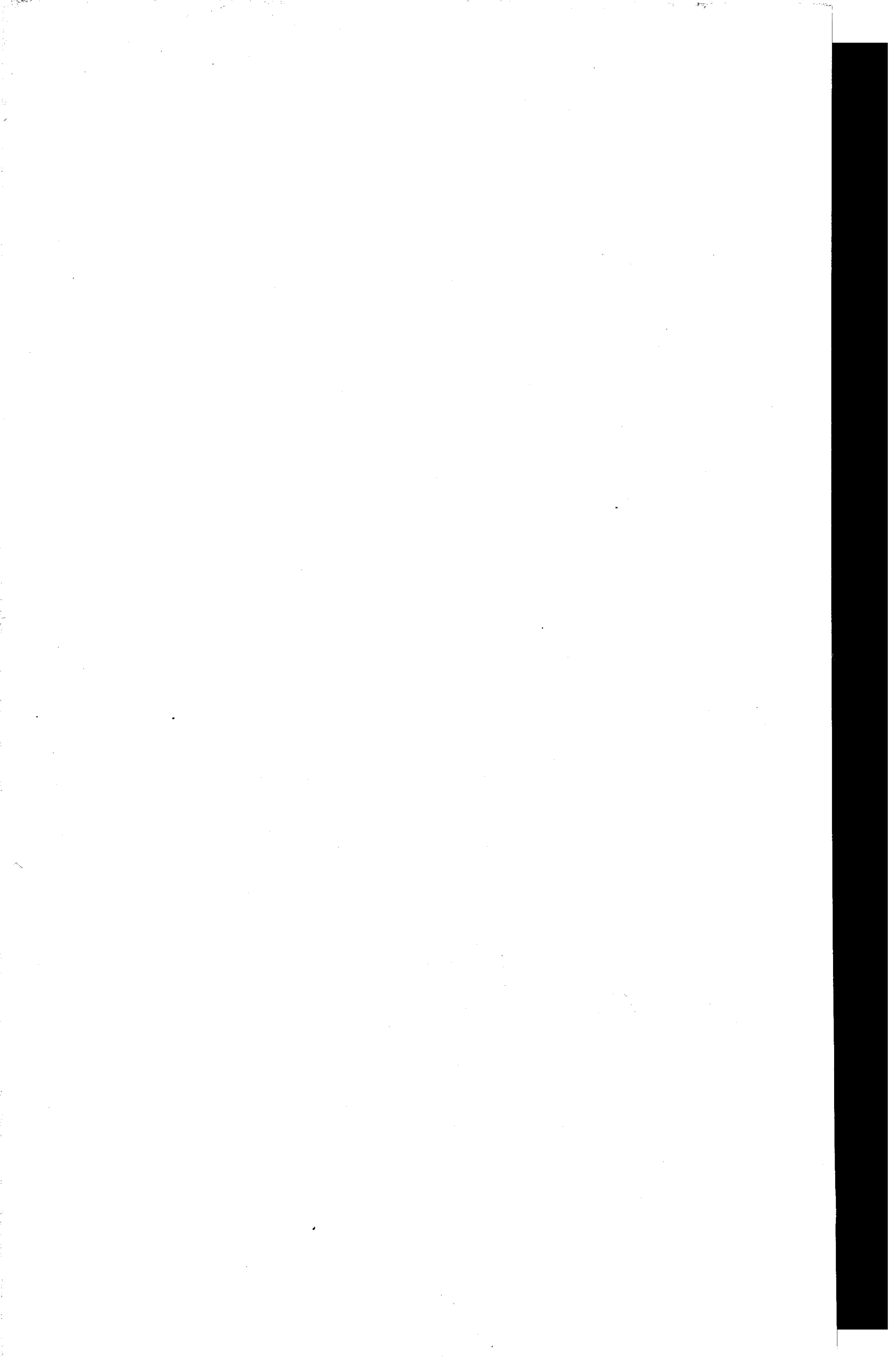
THE  
O R D I N A N C E S  
OF THE  
PROVINCE OF CANTERBURY,  
NEW ZEALAND,  
SESSION I. TO SESSION XXI.,  
PASSED  
IN THE REIGN OF HER MAJESTY QUEEN VICTORIA,  
BY THE  
PROVINCIAL COUNCIL  
OF THE PROVINCE OF CANTERBURY.



CHRISTCHURCH:

PRINTED UNDER THE AUTHORITY OF THE PROVINCIAL GOVERNMENT OF THE PROVINCE OF CANTERBURY, AT THE "TIMES"  
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BEING TO THE SAID GOVERNMENT.

MDCCLXIV.



# I N D E X.

## SESSION I., 1853.

		PAGE
No. 1.	The Advance of Money Ordinance ... ..	1
2.	The <i>Government Gazette</i> Ordinance ... ..	3
3.	The Executive Government Ordinance ... ..	5
4.	The Provincial Revenue Ordinance ... ..	9
5.	The Limitation of Patronage Ordinance ... ..	11
6.	The Public Seal Ordinance ... ..	13
7.	The Public Record Office Ordinance ... ..	15
8.	The Empowering Ordinance (Disallowed) ... ..	17
9.	The Scab and Catarrh Ordinance (Repealed) ... ..	19

## SESSION II., 1854.

No. 1.	The English Agent's Ordinance (Repealed) ... ..	21
2.	The Empowering Ordinance ... ..	23
3.	The Church Property Trust Ordinance ... ..	27
4.	The Immigration Ordinance ... ..	35
5.	The Wakefield Road Alteration Ordinance ... ..	37
6.	The Lyttelton and Christchurch Road Commissioners Ordinance ... ..	39
7.	The Trespass of Cattle Ordinance (Repealed) ... ..	41
8.	The Appropriation Ordinance ... ..	43
9.	The Province of Canterbury Debentures Ordinance ... ..	47

## SESSION III., 1854-5.

No. 1.	The Provincial Council Extension Ordinance (Repealed). ... ..	49
2.	The Scab and Catarrh Ordinance (Repealed) ... ..	51
3.	The Auctioneers' Ordinance ... ..	53

## SESSION IV., 1855.

No. 1.	The Empowering Extension Ordinance ... ..	57
2.	The Census Ordinance (Disallowed) ... ..	59
3.	The Ordinance to Amend the Provincial Council Extension Ordinance (Obsolete) ... ..	60a
4.	The Christ's College Ordinance ... ..	61
5.	The Appropriation Ordinance ... ..	69
6.	The Canterbury Association's Ordinance ... ..	73
7.	The Sumner Road Ordinance ... ..	101

## SESSION V., 1855.

No. 1.	The Census Ordinance ... ..	105
2.	The Canterbury Association's Reserves Ordinance ... ..	111

## SESSION VI., 1856.

	PAGE
No. 1. The Second English Agents' Ordinance (Repealed) ...	117
2. The Road Ordinance (Repealed) ... ..	119
3. The Public House Ordinance (Repealed) ... ..	121
4. The Appropriation Ordinance ... ..	123

## SESSION VII., 1856.

No. 1. The Canterbury Association's Debentures Ordinance ...	125
2. The Waste Lands Regulations Amendment Ordinance ...	127
3. The Loan Ordinance ... ..	131

## SESSION VIII., 1857.

No. 1. The Fuller Remission of Purchase Money Ordinance ...	135
2. The French Magazine Reserve Ordinance ... ..	139
3. The Akaroa Jetty Ordinance ... ..	141
4. The Inwood Mill Ordinance (Disallowed) ... ..	143
5. The Scab and Catarrh Amendment Ordinance (Repealed)	145
6. The White's Kaiapoi Bridge Ordinance ... ..	147
7. The Kaiapoi Town Ordinance ... ..	151
8. The Provincial Council Extension Ordinance (Repealed)	155
9. The Peacock Wharf Ordinance ... ..	161
10. The Education Ordinance ... ..	169
11. The Canterbury Association's Reserves Amendment Ordinance ... ..	173
12. The Public House Amendment Ordinance (Obsolete) ...	177
13. The Superintendent's Payment Ordinance (Disallowed)	179
14. The Diversion of Roads Ordinance (Disallowed) ...	181
15. The Governors Bay Road Ordinance (Disallowed) ...	187
16. The Appropriation Ordinance ... ..	189

## SESSION IX., 1858.

No. 1. The Waste Lands Regulations Amendment Ordinance	191
2. The Inwood Mill Ordinance ... ..	195
3. The Canterbury Association's Reserves Amendment Ordinance ... ..	199
4. The Slaughter House Amendment Ordinance ... ..	203
5. The Lyttelton Custom House Reserves Ordinance ...	207
6. The Appropriation Ordinance ... ..	211

## SESSION X., 1858.

No. 1. The Canterbury Police Ordinance ... ..	213
2. The Immigrants' Barracks Ordinance (Disallowed) ...	223
3. The Planting of Forest Trees Ordinance ... ..	225
4. The Trespass of Cattle Amendment Ordinance (Repealed)	229
5. The Cathedral Square Ordinance ... ..	213

v.

	PAGE
No. 6. The Public Hospital Ordinance (Disallowed) ...	235
7. The Appropriation Ordinance ...	237
8. The Christ's College Amendment Ordinance ...	239
9. The Sheep Ordinance ...	241
10. The Scab Prevention Ordinance ...	257

SESSION XI., 1859.

No. 1. The Loan Ordinance Amendment Ordinance ...	259
2. The Lunatic Asylum and Gravel-Pit Reserves Sales Ordinance (Disallowed) ...	261
3. The Diversion of Roads Ordinance ...	263
4. The Cathedral Square Ordinance Amendment Ordinance	269
5. The Public Hospital Ordinance (Repealed) ...	271
6. The Church Property Trust Amendment Ordinance ...	273
7. The Racecourse Reserve Ordinance ...	277
8. The Ship Building Reserve Lease Ordinance (Disallowed)	281
9. The Peacock Jetty Extension Ordinance (Not Assented to)	283
10. The Trespass of Cattle Amendment Ordinance Amendment Ordinance (Repealed) ...	285
11. The Sheep Ordinance Amendment Ordinance ...	287
12. The Municipal Council Ordinance (Disallowed) ...	295
13. The Lyttelton and Christchurch Railway Ordinance (Not Assented to) ...	299
14. The Loan Ordinance (Not Assented to) ...	301
15. The Appropriation Ordinance ...	303

SESSION XII., 1860.

No. 1. The Trespass of Cattle Ordinance (Disallowed) ...	305
--	-----

SESSION XIII., 1860.

No. 1. The Lyttelton and Christchurch Railway Loan Ordinance	307
2. The Lunatic Asylum and Gravel Pit Reserves Sales Ordinance ...	311

SESSION XIV., 1860.

No. 1. The Trespass of Cattle Ordinance ...	315
2. The Municipal Council Ordinance ...	329
3. The Gorse Ordinance ...	353
4. The Appropriation Ordinance ...	357

SESSION XV., 1861—Nil.

SESSION XVI., 1861.

No. 1. The Pleuro-Pneumonia Prevention Ordinance (Disallowed)	361
---	-----

## SESSION XVII., 1861.

	PAGE
No. 1. The Third English Agent's Ordinance ... ..	363
2. The Housekeeper's Ordinance ... ..	367
3. The Dog Nuisance Ordinance ... ..	369
4. The Provincial Council Extension Ordinance ... ..	373
5. The Superintendent's Salary Ordinance (Repealed) ... ..	379
6. The Sheep Ordinance Amendment Ordinance ... ..	381
7. The Volunteers' Service Ordinance ... ..	385
8. The Provincial Auditor's and Deputy-Auditor's Salaries Ordinance (Repealed) ... ..	389
9. The Lyttelton and Christchurch Railway Loan Approp- riation Ordinance ... ..	391
10. The Lyttelton Municipal Council Reserves Ordinance (Disallowed) ... ..	395
11. The Railway Severance Ordinance (Disallowed) ... ..	397
12. The Canterbury Police Amendment Ordinance ... ..	399
13. The Trespass of Cattle Ordinance, No. 2 ... ..	401
14. The Appropriation Ordinance ... ..	403

## SESSION XVIII., 1862—Nil.

## SESSION XIX., 1862.

No. 1. The Executive Government Amendment Ordinance ... ..	407
2. The Immigrants' Barracks Ordinance ... ..	409
3. The Electric Telegraph Ordinance ... ..	413
4. The Dog Nuisance Amendment Ordinance ... ..	417
5. The White's Waimakariri Bridge Ordinance (Disallowed) ... ..	419
6. The Fencing Ordinance (Disallowed) ... ..	421
7. The Heathcote Bridge Ordinance ... ..	423
8. The Thistle Ordinance ... ..	427
9. The Public House Ordinance (Repealed) ... ..	431
10. The Trespass of Cattle Ordinance ... ..	433
11. The Christchurch Hospital Ordinance (Repealed) ... ..	435
12. The Cattle Driving Ordinance (Repealed) ... ..	437
13. The Town of Sefton Ordinance (Disallowed) ... ..	439
14. The Municipal Councils Reserves Ordinance ... ..	441
15. The Diversion of Roads Special Ordinance, No. 2 (Dis- allowed) ... ..	445
16. The Canterbury Local Marine Boards Ordinance (Not Assented to) ... ..	447
17. The Bail for Petty Offences Ordinance ... ..	449
18. The Appropriation Ordinance ... ..	451
19. The Beswick Wharf Ordinance (Not Assented to) ... ..	455

	PAGE
20. The Canterbury Loan Ordinance ... ..	457
21. The Christchurch City Council Ordinance ... ..	461

## SESSION XX., 1863.

No. 1. The Canterbury Marine Boards Ordinance ... ..	485
2. The Superintendent's Corporate Powers Ordinance ... ..	487
3. The Kaiapoi Bridge Ordinance ... ..	491
4. The Waimakariri Bridge Ordinance ... ..	495
5. The Superintendent's Salary Ordinance ... ..	499
6. The Provincial Auditor's and Deputy Auditor's Salaries Ordinance ... ..	501
7. The Board of Education Ordinance ... ..	503
8. The Public House Ordinance ... ..	507
9. The Ferrymead Railway Wharf Tolls Ordinance ... ..	523
10. The Loan Ordinance Amendment Ordinance ... ..	529
11. The Diversion of Roads Ordinance, No. 3 ... ..	531
12. The Cattle Driving Ordinance ... ..	533
13. The Stage Carriages Ordinance ... ..	537
14. The Christchurch City Council Ordinance ... ..	545
15. The Fencing Ordinance ... ..	547
16. The Sheep Ordinance (Disallowed) ... ..	553
17. The Bush Fires Ordinance (Disallowed) ... ..	555
18. The Christchurch Hospital Ordinance ... ..	557
19. The Roads Districts Ordinance, No. 1. ... ..	561
20. The Peacock Jetty Extension Ordinance (Not Assented to) ... ..	577
21. The Roads Districts Ordinance, No. 2 (Not Assented to) ... ..	579
22. The Lyttelton Municipal Council Ordinance ... ..	581
23. The Appropriation Ordinance ... ..	605

## SESSION XXI., 1864.

The Railway and Harbour Works Fund Ordinance ... ..	609
---	-----

## ALPHABETICAL INDEX.

	A	PAGE
Advance of Money Ordinance ... ..		1
Appropriation Ordinance ... ..		43
Auctioneers' Ordinance ... ..		53
Appropriation Ordinance ... ..		69
Appropriation Ordinance ... ..		123
Akaroa Jetty Ordinance ... ..		141
Appropriation Ordinance ... ..		189
Appropriation Ordinance ... ..		211
Appropriation Ordinance ... ..		237
Appropriation Ordinance ... ..		303

## viii.

	PAGE
Appropriation Ordinance ... ..	357
Appropriation Ordinance ... ..	403
Appropriation Ordinance ... ..	451
Appropriation Ordinance ... ..	605

## B

Bail for Petty Offences Ordinance ... ..	449
Beswick Wharf Ordinance (Not Assented to) ... ..	455
Board of Education Ordinance ... ..	503
Bush Fires Ordinance (Disallowed) ... ..	555

## C

Church Property Trust Ordinance ... ..	27
Census Ordinance (Disallowed) ... ..	59
Christ's College Ordinance ... ..	61
Canterbury Association's Ordinance ... ..	73
Census Ordinance ... ..	105
Canterbury Association's Reserves Ordinance ... ..	111
Canterbury Association's Debentures Ordinance ... ..	125
Canterbury Association's Reserves Amendment Ordinance ... ..	173
Canterbury Association's Reserves Amendment Ordinance ... ..	199
Canterbury Police Ordinance ... ..	213
Cathedral Square Ordinance ... ..	231
Christ's College Amendment Ordinance ... ..	239
Cathedral Square Ordinance Amendment Ordinance ... ..	269
Church Property Trust Amendment Ordinance ... ..	273
Canterbury Police Amendment Ordinance ... ..	399
Christchurch Hospital Ordinance (Repealed) ... ..	435
Cattle Driving Ordinance (Repealed) ... ..	437
Canterbury Local Marine Boards Ordinance (Not Assented to) ... ..	447
Canterbury Loan Ordinance ... ..	457
Christchurch City Council Ordinance ... ..	461
Canterbury Marine Boards Ordinance ... ..	485
Cattle Driving Ordinance ... ..	533
Christchurch City Council Ordinance ... ..	545
Christchurch Hospital Ordinance ... ..	557

## D

Diversion of Roads Ordinance (Disallowed) ... ..	181
Diversion of Roads Ordinance ... ..	263
Dog Nuisance Ordinance ... ..	369
Dog Nuisance Amendment Ordinance ... ..	417
Diversion of Roads Special Ordinance No. 2 (Disallowed) ... ..	445
Diversion of Roads Ordinance, No. 3 ... ..	531



## ix.

## E

	PAGE
Executive Government Ordinance ... ..	5
Empowering Ordinance ... ..	17
English Agent's Ordinance (Repealed) ... ..	21
Empowering Ordinance ... ..	23
Empowering Extension Ordinance ... ..	57
Education Ordinance ... ..	169
Executive Government Amendment Ordinance ... ..	407
Electric Telegraph Ordinance ... ..	413

## F.

Fuller Remission of Purchase Money Ordinance ... ..	135
French Magazine Reserve Ordinance ... ..	139
Fencing Ordinance (Disallowed) ... ..	421
Ferrymead Railway Wharf Tolls Ordinance ... ..	523
Fencing Ordinance ... ..	547

## G.

<i>Government Gazette</i> Ordinance ... ..	3
Governor's Bay Road Ordinance (Disallowed) ... ..	187
Gorse Ordinance ... ..	353

## H.

Housekeeper's Ordinance... ..	367
Heathcote Bridge Ordinance ... ..	423

## I.

Immigration Ordinance ... ..	35
Inwood Mill Ordinance (Disallowed) ... ..	143
Inwood Mill Ordinance ... ..	195
Immigrants' Barracks Ordinance (Disallowed) ... ..	223
Immigrants' Barracks Ordinance ... ..	409

## K.

Kaiapoi Town Ordinance ... ..	151
Kaiapoi Bridge Ordinance ... ..	491

## L

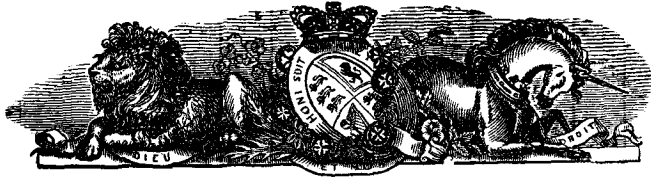
Limitation of Patronage Ordinance ... ..	11
Lyttelton and Christchurch Road Commissioners' Ordinance ... ..	39
Loan Ordinance ... ..	131
Lyttelton Custom House Reserve Ordinance ... ..	207
Loan Ordinance Amendment Ordinance ... ..	259
Lunatic Asylum and Gravel Pit Reserves Sales Ordinance (Dis- allowed) ... ..	261

	PAGE
Lyttelton and Christchurch Railway Ordinance (Not Assented to)	299
Loan Ordinance (Not Assented to) ... ..	301
Lyttelton and Christchurch Railway Loan Ordinance ...	307
Lunatic Asylum and Gravel Pit Reserves Sales Ordinance ...	311
Lyttelton and Christchurch Railway Loan Appropriation Ordinance ... ..	391
Lyttelton Municipal Council Reserves Ordinance (Disallowed)...	395
Loan Ordinance Amendment Ordinance ... ..	529
Lyttelton Municipal Council Ordinance ... ..	581
M	
Municipal Council Ordinance (Disallowed) ... ..	295
Municipal Council Ordinance ... ..	329
Municipal Councils Reserves Ordinance ... ..	441
O	
Ordinance to Amend the Provincial Council Extension Ordinance (Obsolete) ... ..	60a
P	
Provincial Revenue Ordinance ... ..	9
Public Seal Ordinance ... ..	13
Public Record Office Ordinance ... ..	15
Province of Canterbury Debentures Ordinance ... ..	47
Provincial Council Extension Ordinance (Repealed) ... ..	49
Public House Ordinance (Repealed) ... ..	121
Provincial Council Extension Ordinance (Repealed) ... ..	155
Peacock Wharf Ordinance ... ..	161
Public House Amendment Ordinance (Obsolete) ... ..	177
Planting of Forest Trees Ordinance ... ..	225
Public Hospital Ordinance (Disallowed) ... ..	235
Public Hospital Ordinance ... ..	271
Peacock Jetty Extension Ordinance (Not Assented to) ...	283
Pleuro-Pneumonia Prevention Ordinance (Disallowed) ...	361
Provincial Council Extension Ordinance ... ..	373
Provincial Auditor's and Deputy Auditor's Salaries Ordinance (Repealed) ... ..	389
Public House Ordinance (Repealed) ... ..	431
Provincial Auditor's and Deputy Auditor's Salaries Ordinance...	501
Public House Ordinance ... ..	507
Peacock Jetty Extension Ordinance (Not Assented to) ...	577
R	
Road Ordinance (Repealed) ... ..	119
Racecourse Reserve Ordinance ... ..	277

	PAGE
Railway Severance Ordinance (Disallowed) ... ..	397
Roads Districts Ordinance No. 1 ... ..	561
Roads Districts Ordinance No. 2 (Not Assented to) ... ..	579
Railway and Harbour Works Fund Ordinance ... ..	609
S	
Scab and Catarrh Ordinance (Repealed) ... ..	19
Scab and Catarrh Ordinance (Repealed) ... ..	51
Sumner Road Ordinance ... ..	101
Second English Agent's Ordinance (Repealed) ... ..	117
Scab and Catarrh Amendment Ordinance (Repealed) ... ..	145
Superintendent's Payment Ordinance (Disallowed) ... ..	179
Slaughter House Amendment Ordinance ... ..	203
Sheep Ordinance ... ..	241
Scab Prevention Ordinance ... ..	257
Ship Building Reserve Lease Ordinance (Disallowed) ... ..	281
Sheep Ordinance Amendment Ordinance ... ..	287
Superintendent's Salary Ordinance (Repealed) ... ..	379
Sheep Ordinance Amendment Ordinance ... ..	381
Superintendent's Corporate Powers Ordinance ... ..	487
Superintendent's Salary Ordinance ... ..	499
Stage Carriages Ordinance ... ..	537
Sheep Ordinance (Disallowed) ... ..	553
T	
Trespass of Cattle Ordinance (Repealed) ... ..	41
Trespass of Cattle Amendment Ordinance (Repealed) ... ..	229
Trespass of Cattle Amendment Ordinance (Repealed) ... ..	285
Trespass of Cattle Ordinance (Disallowed) ... ..	305
Trespass of Cattle Ordinance ... ..	315
Third English Agent's Ordinance ... ..	363
Trespass of Cattle Ordinance No. 2 ... ..	401
Thistle Ordinance ... ..	427
Trespass of Cattle Ordinance ... ..	433
Town of Sefton Ordinance (Disallowed) ... ..	439
V	
Volunteer Service Ordinance ... ..	385
W	
Waste Lands Regulations Amendment Ordinance ... ..	127
White's Kaiapoi Bridge Ordinance ... ..	147
Waste Lands Regulations Amendment Ordinance ... ..	191
White's Waimakariri Bridge Ordinance (Disallowed) ... ..	419
Waimakariri Bridge Ordinance ... ..	495

ORDER OF PLANS REFERRED TO IN THE FOLLOWING  
ORDINANCES—SEE END OF VOLUME.

			PAGE
1. Wakefield Road Alteration Ordinance	...	...	37
2. Canterbury Association's Ordinance ...	...	...	73
3. Canterbury Association's Ordinance ...	...	...	73
4. Canterbury Association's Ordinance ...	...	...	73
5. The Sumner Road Ordinance	...	...	101
6. The Kaiapoi Town Ordinance	...	...	151
7. The Peacock Wharf Ordinance	...	...	161
8. The Municipal Council Reserves Ordinance	...	...	441
9. The Diversion of Roads Special Ordinance	...	...	531



PROVINCE OF CANTERBURY.

ANNO SEPTIMO DECIMO

VICTORIÆ REGINÆ.

SESSION I., No. 1.

An Ordinance for Authorizing an Advance of Money on Account of the Revenue of the Province of Canterbury, New Zealand, for the Service of the said Province.

Published by Authority.

ANALYSIS.

- |  |  |
|--|--|
| <p><i>Title.</i></p> <p><i>Preamble.</i></p> <p>1. <i>Treasurer may advance Sums of Money, not exceeding in the whole £200, on the order of the Superintendent, for the Service of the Province.</i></p> <p>2. <i>Such Sums to be accounted for and included in the Estimates of Revenue and Expenditure to be laid before the Provincial Council.</i></p> | <p>3. <i>The Superintendent may issue Bills to make up deficiencies in the Treasury Chest.</i></p> <p>4. <i>Such Bills to be signed by the Superintendent, at three months' date, with eight per cent. interest.</i></p> <p>5. <i>Such Bills and Interest to be charged on the Revenues of the Province.</i></p> <p>6. <i>The Superintendent not to be personally liable for such Bills.</i></p> |
|--|--|

**W**HEREAS it is expedient that provision be made for the temporary Preamble. Service of the said Province: Be it enacted by the Superintendent of the Province of Canterbury, by and with the advice and consent of the Provincial Council thereof, as follows:

1. The Provincial Treasurer of the said Province may, and he is hereby authorized out of the Revenues thereof from time to time, to issue any sum or sums of money not exceeding in the whole two hundred pounds sterling, to be applied for the public service of the said Province, in payment to such persons, and in such proportions as the said Superintendent shall, by any order in writing signed by him, from time to time direct.

Treasurer may advance sums of money, not exceeding in the whole two hundred pounds, on the order of the Superintendent, for the service of the Province.

Such sums to be accounted for and included in the Estimates of Revenue and Expenditure to be laid before the Provincial Council.

2. Provided that all such sum or sums of money so issued as aforesaid shall be accounted for and included in the Estimates of Revenue and Expenditure for the year commencing 1st October, 1853, for the said Province, to be laid before the Provincial Council thereof, during this present Session of the same.

The Superintendent may issue Bills to make up deficiencies in the Treasury Chest.

3. And whereas the Revenue of the said Province may not be immediately sufficient for the Public Service of the same, be it enacted it shall be lawful for the said Superintendent to issue any Bill or Bills on account of the said Province, for such sum or sums as may be required to make up any deficiency in the gross amount hereinbefore authorized to be paid by the Provincial Treasurer.

Such Bills to be signed by the Superintendent at three months' date, with eight per cent. interest.

4. Such Bills shall be signed by the Superintendent on behalf of the Province, and shall be made payable by the Provincial Treasurer to the person or persons advancing money thereon, on his or their order, at not later than three months' date, with interest not exceeding eight pounds per centum per annum.

Such Bills and interest to be charged on the Revenue of the Province.

5. Such Bills and interest shall be a charge upon the General Revenue of the Province of Canterbury.

The Superintendent not to be personally liable for such Bills.

6. The said Superintendent shall not incur personal liability by reason of his signing or issuing such Bills.

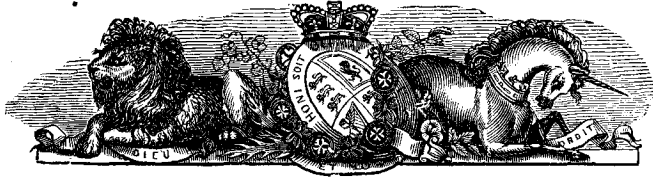
JAMES EDWARD FITZGERALD,

Superintendent.

Passed the Provincial Council on the Eighth day of October, and assented to by His Honor the Superintendent, on behalf of His Excellency the Governor, on the Twelfth day of October, in the year of our Lord one thousand eight hundred and fifty-three.

GEORGE ROSS,

Clerk to the Council.



**PROVINCE OF CANTERBURY.**

ANNO SEPTIMO DECIMO

**VICTORIÆ REGINÆ.**

SESSION I., No. 2.

**An Ordinance for Establishing a Government  
Gazette for the Province of Canterbury.**

*Published by Authority.*

A N A L Y S I S .

- |  |  |
|--|--|
| 1. <i>Government Gazette established.</i>                                | 4. <i>Gazette already published shall be a<br/>Government Gazette.</i> |
| 2. <i>Superintendent may cause Government<br/>Gazette to be printed.</i> | 5. <i>Title.</i>   |
| 3. <i>Printed Gazettes to be evidence.</i>                               |  |

**B**E it enacted by the Superintendent of the Province of Canterbury, with the advice and consent of the Provincial Council thereof, as follows :

1. There shall be a Government Gazette for the Province, for the publication of all public and official acts, instruments and notifications. Government Gazette established.
2. The Superintendent may cause the Government Gazette to be printed and published at such times, by such persons, and generally in such manner as he shall think fit ; but nothing shall be printed or published therein except by direction of the Superintendent. Superintendent may cause Government Gazette to be published.
3. Printed copies of such Gazette, published by and in the name of the authorized Printers thereof for the time being, shall be evidence in all Courts of the due publication of everything therein contained ; and such publication shall be considered due notice to all persons affected thereby, and sufficient justification to all persons lawfully exercising any powers thereby publicly notified to be vested in them. Printed Gazettes to be evidence.

Gazette already published shall be a Government Gazette.

4. And whereas by an Act passed in the Fifteenth and Sixteenth years of the reign of Her present Majesty, entitled "An Act to Grant a Representative Constitution to the Colony of New Zealand," it is enacted that it shall be lawful for the Superintendent, by Proclamation in the Government Gazette, to fix such place or places within the limits of the Province, and such times for holding the first and every other Session of the Provincial Council as he may think fit; and whereas the Superintendent of this Province of Canterbury did, on the thirteenth day of September in this present year, in pursuance of the powers vested in him by the said recited Act, issue a Government Gazette in the said Province, and did publish therein the place and time of holding the first Provincial Council of the Province, be it therefore enacted and declared that the said Government Gazette, dated the Thirteenth day of September, one thousand eight hundred and fifty-three, shall be taken and deemed to be a Government Gazette for the Province of Canterbury within the intent and meaning of the above recited Act and of this Ordinance.

Title.

5. This Ordinance shall be entitled "The Government Gazette Ordinance, Session I., No. 2;" and reference thereto by such title shall constitute a sufficient recital of the whole Ordinance.

JAMES EDWARD FITZGERALD,

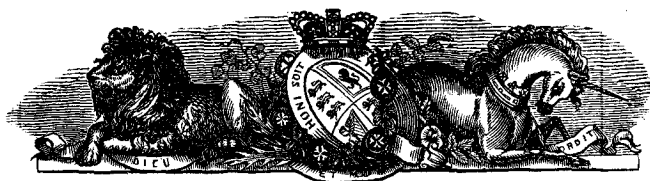
Superintendent.

Passed the Provincial Council on the Eleventh day of November, and assented to by His Honor the Superintendent, on behalf of His Excellency the Governor, on the Seventeenth day of November, in the year of our Lord one thousand eight hundred and fifty-three.

GEORGE ROSS,

Clerk to the Council.





PROVINCE OF CANTERBURY.

ANNO SEPTIMO DECIMO

VICTORIÆ REGINÆ.

SESSION I., No. 3.

An Ordinance for Establishing an Executive Government in the Province of Canterbury.

Published by Authority.

ANALYSIS.

- |  |   |
|--|---|
| <i>Preamble.</i>   | <i>Solicitor.</i>   |
| 1. <i>Executive Council established.</i>                 | <i>Treasurer.</i>   |
| 2. <i>Numbers and Constitution of Executive Council.</i> | <i>Auditor.</i>   |
| 3. <i>President and Quorum of Executive Council.</i>     | 5. <i>Superintendent may appoint and remove Officers.</i> |
| 4. <i>Offices of Government.</i>                         | 6. <i>And Subordinate Officers.</i>                       |
| <i>Secretary.</i>  | 7. <i>Superintendent may make Regulations.</i>            |
|  | 8. <i>Title.</i>  |

WHEREAS it is expedient that the form of the Executive Government of the Province of Canterbury should be determined, and that the several offices of the same should be established by law: Be it therefore enacted by the Superintendent of the said Province, with the advice and consent of the Provincial Council thereof, as follows:—

1. There shall be an Executive Council for the Province of Canterbury, for advising and assisting the Superintendent in the Government of the Province.

*This clause repealed by the "Executive Government Amendment Ordinance, 1862."*

2. The Executive Council shall consist of a President and not more than four nor less than two other persons, who shall be appointed by warrant under the hand of the Superintendent, and shall hold office during his pleasure: Provided always, that any member of the Executive Council may, by writing under his hand, resign his seat in the same; and provided also, that not more than three Members of the Provincial Council shall at the same time be Members of the Executive Council.

President and quorum  
of Executive Council.

3. The Superintendent, and in case of his absence the President of the Executive Council, shall preside at the meetings thereof, and shall have a veto on all its acts and proceedings; and no Act or Resolution of the Executive Council shall have any effect unless two Members besides the Superintendent or President be present.

Offices of Government.

4. There shall be the following offices of Government in the Province of Canterbury, that is to say:—

Secretary.

(1.) A Provincial Secretary, for assisting the Superintendent in the general management and carrying on of the Government and affairs of the Province.

Solicitor.

(2.) A Provincial Solicitor, who shall be the Legal Adviser of the Provincial Government.

Treasurer.

(3.) A Provincial Treasurer, for receiving, taking charge of and dispensing the Public Revenue of the Province.

Auditor.

(4.) A Provincial Auditor, for auditing all the Public Accounts of the Province.

Superintendent may  
appoint and remove  
Officers.

5. The Superintendent may, by warrant under his hand, appoint fit persons to hold the aforesaid offices respectively; provided that the office of Auditor shall not be held by the Provincial Treasurer; and the Superintendent may, with the advice and consent of the Executive Council, but not otherwise, by warrant under his hand, remove such persons or any of them, and may appoint others in their stead.

And Subordinate  
Officers.

6. The Superintendent may from time to time appoint subordinate Officers for carrying on the business of the several Departments of Government, and may remove such Officers and appoint others in their stead.

Superintendent may  
make Regulations.

7. It shall be lawful for the Superintendent, with the advice and consent of the Executive Council, from time to time to make Regulations for the convenient management and carrying on of the business of the Executive Council, and of the offices of Government; and from time to time, with such advice as aforesaid, to alter or rescind such Regulations, or any of them, and to make others in their stead; and all such Regulations, being published in the Provincial 'Government Gazette,' shall thereupon become binding on all persons whom they may concern.

8. This Ordinance shall be entitled the “Executive Government <sup>Title.</sup> Ordinance, Sess. I., No. 3,” and reference thereto by such title shall constitute a sufficient recital of the whole Ordinance.

JAMES EDWARD FITZGERALD,

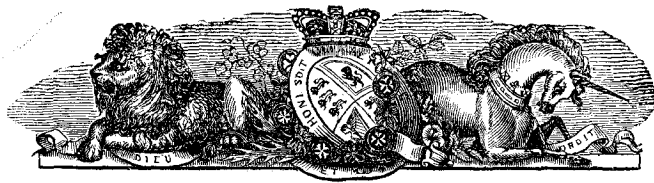
Superintendent.

Passed the Provincial Council on the Eleventh day of November, and assented to by his Honor the Superintendent, on behalf of His Excellency the Governor, on the Seventeenth day of November, in the year of our Lord one thousand eight hundred and fifty-three.

GEORGE ROSS,

Clerk to the Council.





**PROVINCE OF CANTERBURY.**

ANNO SEPTIMO DECIMO.

VICTORIÆ REGINÆ.

SESSION I., No. 4.

**An Ordinance for Making certain Portions of the Public Revenue of the Colony of New Zealand, collected within the Province of Canterbury, payable to the Provincial Treasurer of the Province for the Public Service thereof.**

*Published by Authority.*

A N A L Y S I S .

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| <p><i>Preamble.</i></p> <p>1. <i>Certain Revenue made payable to the Provincial Treasurer.</i></p> <p>2. <i>Provincial Treasurer to receive and recover such moneys.</i></p> | <p>3. <i>Revenue collected through certain offices excepted.</i></p> <p>4. <i>Title.</i></p> |
|--|--|

**W**HEREAS by various Laws and Ordinances now in force within Preamble. the Province of Canterbury, the Public Revenue collected within the Province is payable solely to the Treasurer or Sub-Treasurers of the Colony of New Zealand, or of certain Provinces or Districts within the same : And Whereas it is expedient that a certain portion of the said Revenue should be made payable solely to the Treasurer of the Province of Canterbury for the Public Service thereof : Be it therefore enacted, by the Superintendent of the said Province, with the advice and consent of the Provincial Council thereof as follows :

1. All sums of money (except as hereinafter provided) collected, or which may at any time hereafter be collected within the Province, by any person or persons authorized by Law to collect the same, and which said sums of money are, or may at any time hereafter become Certain Revenue made payable to the Provincial Treasurer.

by Law payable by such person or persons to any Treasurer, or Sub-Treasurer, for the Public Service of the Colony of New Zealand, or of any part thereof, shall, from and after the First day of October in the year of our Lord one thousand eight hundred and fifty-three, be payable solely to the Provincial Treasurer of the Province, or to any Provincial Sub-Treasurer duly authorized and appointed by the Superintendent, to the use of her Majesty, her Heirs and Successors, for the public service of the Province.

Provincial Treasurers to receive and recover such moneys.

2. It shall be lawful for the Provincial Treasurer or Sub-Treasurers to receive, and they are hereby empowered to recover and receive all such sums of money as aforesaid, and to give receipts for the same; and such receipts shall be a full and entire discharge to all such persons for all such sums of money as shall, by virtue of this Ordinance, be paid to the Provincial Treasurer or Sub-Treasurers, any Statute, Law or Ordinance, to the contrary notwithstanding.

Revenue collected through certain offices excepted.

3. Provided always, that nothing herein contained shall apply to any sum or sums of money collected, or which may at any time hereafter be collected, by, through, or on account of any of the public Departments named in the Schedule to this Ordinance, or by any public Officer of the same.

Title:

4. This Ordinance shall be entitled the "Provincial Revenue Ordinance, Session 1., No. 4;" and reference thereto by such title shall constitute a sufficient recital of the whole Ordinance.

JAMES EDWARD FITZGERALD,

Superintendent.

Passed the Provincial Council on the Eleventh day of November, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Twenty-second day of November, in the year of our Lord one thousand eight hundred and fifty-three.

GEORGE ROSS,

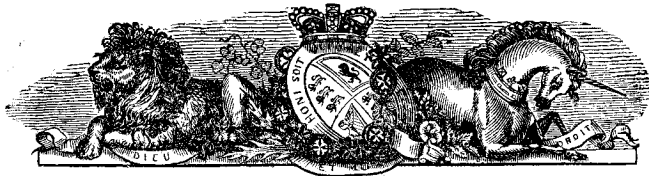
Clerk to the Council.

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SCHEDULE TO THIS ORDINANCE.

The Department of Customs.  
The Supreme Court.  
The Post Office.  
The Land Department.  
The Harbour Department.

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PROVINCE OF CANTERBURY.

ANNO SEPTIMO DECIMO

VICTORIÆ REGINÆ.

SESSION I., No. 5.

An Ordinance to Restrain Members of the Provincial Council of the Province of Canterbury from Holding Offices of Trust and Emolument under the Government thereof, without the consent of the Electors.

Published by Authority.

ANALYSIS.

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| <i>Preamble.</i>   |   |
| 1. <i>Superintendent may not appoint Members of the Provincial Council to Offices.</i> | 3. <i>Not to apply to Shareholders in Companies.</i>                                  |
| 2. <i>Superintendent may not make Contracts with Members of Provincial Council.</i>    | 4. <i>Persons holding Offices, &amp;c., may be elected to the Provincial Council.</i> |
|  | 5. <i>Title.</i>  |

WHEREAS it is expedient that Members of the Provincial Council of the Province of Canterbury should not hold or enjoy Offices of Trust and Emolument under the Government without the consent of the Electors first obtained : Be it therefore enacted by the Superintendent of the said Province, with the advice and consent of the Provincial Council thereof, as follows :

1. From and after the passing of this Ordinance, it shall not be lawful for the Superintendent to appoint any person, being a Member of the Provincial Council, to any Place or Office under the Government, to which shall be attached any salary or emolument payable out of the Public Revenue, unless such person shall first, by writing under his hand, have resigned his seat in the Provincial Council.

Superintendent may not appoint Members of Provincial Council to Offices.

2. It shall not be lawful for the Superintendent, on the part of the Government, to enter, or to authorize any one on his behalf to enter into any Contract or Agreement with any person, being, at the date thereof,

Superintendent may not make Contracts with Members of Provincial Council, except to amount of twenty pounds per annum.

a Member of the Provincial Council, by which such person shall become entitled to receive, directly or indirectly, any sum or sums of money of the Public Revenue, unless such person shall first, by writing under his hand, have resigned his seat in the Provincial Council; and such Appointment, Contract or Agreement shall be absolutely null and void, and such person shall not be entitled to sue or recover thereupon in any Court of Law or Equity. Provided always, that nothing herein contained shall be construed to extend to any Contract or Agreement entered into as aforesaid for any goods to be supplied, or for any service to be performed by any Member of the Provincial Council, whereby he may become entitled to receive any sum from the Public Revenue not exceeding in amount twenty pounds sterling during any one year.

Not to apply to Shareholders in Companies.

3. Provided always, that nothing herein contained shall be applied to prevent the Superintendent from entering, or from authorizing any one on his behalf to enter into any such Contract or Agreement with the Agent or Agents of any Company in which any Member of the Provincial Council may be a Shareholder.

Persons holding Offices, &c., may be elected to the Provincial Council.

4. Provided always, that nothing herein contained shall prevent any person who shall have been appointed to any such Place or Office as aforesaid, or who shall have entered into any such Contract or Agreement as aforesaid, from being elected to be a Member of the Provincial Council at any time thereafter.

Title.

5. This Ordinance shall be entitled the "Limitation of Patronage Ordinance, Session I., No. 5;" and reference thereto by such title shall constitute a sufficient recital of the whole Ordinance.

JAMES EDWARD FITZGERALD,

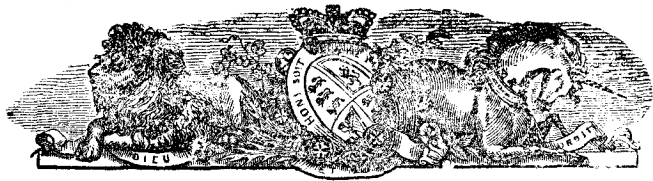
Superintendent.

Passed the Provincial Council on the Eleventh day of November and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Twenty-second day of November, in the year of our Lord one thousand eight hundred and fifty-three.

GEORGE ROSS,

Clerk to the Council.





PROVINCE OF CANTERBURY.

ANNO SEPTIMO DECIMO.

VICTORIÆ REGINÆ.

SESSION I., No. 6.

An Ordinance to Create a Public Seal for  
the Province of Canterbury.

Published by Authority.

ANALYSIS.

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|---|---|
| <p>1. <i>Public Seal for Canterbury created.</i></p> <p>2. <i>Superintendent may cause Seal to be made, and Device engraven thereon.</i></p> <p>3. <i>Public Seal to be kept by Keeper of Public Records.</i></p> <p>4. <i>Public Seal to be used only under Warrant of Superintendent with consent of Executive Council.</i></p> | <p>5. <i>Public Seal not to be used unless in presence of Member of Executive Council.</i></p> <p>6. <i>Superintendent, with consent of Executive Council, may make Regulations for safe custody and use of Seal, and fix Scale of Fees. Regulations to be binding.</i></p> <p>7. <i>Title.</i></p> |
|---|---|

**B**E it enacted by the Superintendent of the Province of Canterbury, with the advice and consent of the Provincial Council thereof, as follows :

1. There shall be a Public Seal for the Province of Canterbury for sealing all things whatsoever that shall require to be sealed by the Government of the Province. Public Seal for Canterbury created.

2. It shall be lawful for the Superintendent to cause the Public Seal to be made, and to be engraven with such Device as he shall think fit; and such Device, once made, shall not be altered except by the consent of the Provincial Council. Superintendent may cause Seal to be made, and Device engraven thereon.

Public Seal to be kept  
by Keeper of Public  
Records.

3. The Public Seal shall be kept in the Office of the Public Records, and shall be in the custody of the Keeper of the Public Records, to be used only by him as hereinafter provided, and not otherwise.

Public Seal to be used  
only under Warrant  
of Superintendent, with  
consent of Executive  
Council.

4. The Public Seal shall be used in pursuance of Warrants, directed to the Keeper thereof, to be issued under the hand of the Superintendent, with the advice and consent of the Executive Council: And it shall be the duty of the Keeper of the Public Records to seal with the Public Seal all things specified in such Warrants.

Public Seal not to be  
used unless in presence  
of Member of  
Executive Council.

5. The Public Seal shall not be used except in the presence of a Member of the Executive Council, and everything sealed therewith shall be signed by the Keeper of the Public Records, and by the Member of the Executive Council witnessing the sealing thereof.

Superintendent, with  
consent of Executive  
Council, may make  
Regulations for safe  
custody and use of  
Seal, and fix Scale of  
Fees. Regulations to  
be binding.

6. It shall be lawful for the Superintendent, with the advice and consent of the Executive Council, to make Regulations, not being contrary to the provisions of this Ordinance, for the safe custody and for the convenient using of the Public Seal, and to fix a Scale of Fees payable for the using thereof; and such Regulations and Scale of Fees, with such advice as aforesaid, to alter and rescind, and to make others in their stead. And such Regulations and Scale of Fees, being published in the 'Government Gazette,' shall be binding on all those whom they may concern, and shall have the force of Law.

Title.

7. This Ordinance shall be entitled and may be cited as "The Public Seal Ordinance, Session I., No. 6."

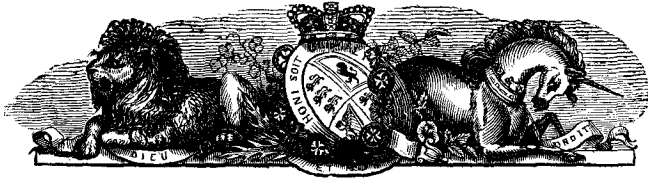
JAMES EDWARD FITZGERALD,

Superintendent.

Passed the Provincial Council on the Twenty-third day of November, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Twenty-third day of November, in the year of our Lord, one thousand eight hundred and fifty-three.

GEORGE ROSS,

Clerk to the Council.



PROVINCE OF CANTERBURY.

ANNO SEPTIMO DECIMO.

VICTORIÆ REGINÆ

SESSION I., No. 7.

An Ordinance for Creating an Office for the Custody of the Public Records of the Province of Canterbury.

Published by Authority.

ANALYSIS.

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>1. <i>Public Record Office created, and Keeper of Records to be appointed.</i></li> <li>2. <i>What to be filed in Record Office.</i></li> <li>3. <i>Keeper of Records to endorse date of Receipt.</i></li> </ul> | <ul style="list-style-type: none"> <li>4. <i>Documents how removable from Record Office.</i></li> <li>5. <i>Superintendent may make Regulations.</i></li> <li>6. <i>Title.</i></li> </ul> |
|---|---|

BE it enacted, by the Superintendent of the Province of Canterbury, with the advice and consent of the Provincial Council thereof, as follows :—

1. There shall be a Public Record Office for the safe custody and registration of all the Public Records of the Province; and there shall be a Keeper of the Public Records, who shall be appointed by the Superintendent, by Warrant under his hand, and shall hold Office during good behaviour,

Public Record Office created, and Keeper of Records to be appointed.

2. The Original of every Law or Ordinance which shall be enacted by the Superintendent and Provincial Council, and of everything which shall be sealed with the Public Seal, and of every Act, Instrument, Notification, Gazette, matter, or thing published by and on behalf of the Government of the Province, shall be deposited in the Public Record Office; and all Documents so deposited in the Public Record Office shall be final evidence, in all Courts of Law, of the contents of all such Documents.

What to be filed in Record Office.

Keeper of Records to  
endorse date of Re-  
ceipt.

3. The Keeper of the Public Records shall endorse upon every Document which shall be deposited in the Office, the date upon which he shall have received the same.

Documents how re-  
movable from Record  
Office.

4. No Document of any kind which shall have been deposited in the Public Record Office, shall be removed therefrom, except in the custody of the Keeper thereof, nor except in pursuance of a Warrant, under the hand of the Superintendent, or under the hand of a Judge of the Supreme Court, or under the hand of the Speaker of the Provincial Council, requiring the production of such Documents at a certain time and place to be specified in such Warrant.

Superintendent may  
make Regulations.

5. It shall be lawful for the Superintendent, with the advice and consent of the Executive Council, to make Regulations for the management of the Office of Public Records, and for the safe custody of the Documents deposited therein, and for the convenience of persons consulting the same, and to fix a Scale of Fees to be paid by such persons; and such Regulations and Scale of Fees, with such advice as aforesaid, to alter and rescind, and to make others in their stead. And all such Regulations and Scale of Fees, being published in the Government Gazette, shall be binding on all persons whom they may concern.

Title.

6. This Ordinance shall be entitled and may be cited as "The Public Record Office Ordinance, Session I., No. 7."

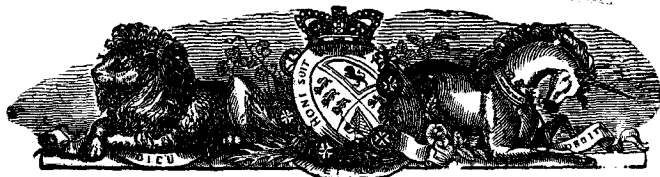
JAMES EDWARD FITZGERALD,

Superintendent.

Passed the Provincial Council on the Twenty-third day of November, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Twenty-third day of November, in the year of our Lord one thousand eight hundred and fifty-three.

GEORGE ROSS,

Clerk to the Council.



PROVINCE OF CANTERBURY.

ANNO SEPTIMO DECIMO

VICTORIÆ REGINÆ.

SESSION I. No. 8.

**An Ordinance to Empower the Superintendent of the Province of Canterbury to Perform certain Acts, heretofore Performed by the Governor, or Lieutenant Governors of New Zealand.**

*Published by Authority*

A N A L Y S I S.

*Preamble.*

1. *Superintendent empowered to perform certain acts.*

2. *President of the Executive Council to be the Officer administering the Government in the death or absence of the Superintendent.*
3. *Saving powers of the Governor.*
4. *Title.*

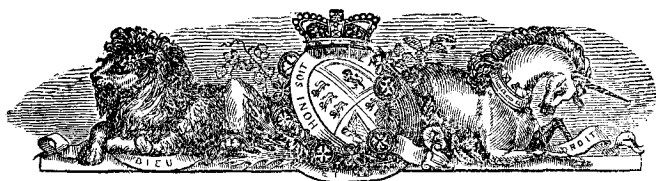
**T**HIS Ordinance shall be entitled and may be cited as the “*Empowering Ordinance, Session I., No. 8.*” Title.

JAMES EDWARD FITZGERALD,  
Superintendent.

Passed the Provincial Council on the Twenty-third day of November, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Twenty-third day of November, in the year of our Lord one thousand eight hundred and fifty-three.

GEORGE A. E. ROSS,  
Clerk to the Council.

*This Ordinance was disallowed by his Excellency the Governor. See Proclamation in "New Zealand Government Gazette," Vol. II., No. 3, January 27, 1854. See also "Empowering Ordinance, Session II., No. 2."*



PROVINCE OF CANTERBURY.

ANNO SEPTIMO DECIMO  
VICTORIÆ REGINÆ.

SESSION I., No. 9.

Scab and Catarrh Ordinance.

Published by Authority.

ANALYSIS.

- Preamble.*
- |   |  |
|---|--|
| 1. <i>Repealing "New Munster Ordinance, Sess. 1, No. 4."</i>                              | 14. <i>Penalties for resisting Inspection.</i>                                     |
| 2. <i>Penalties for driving Scabby Sheep.</i>   | 15. <i>Justices may order Sheep to be herded and yarded.</i>                       |
| 3. <i>Separate Informations may be laid by every person whose Run is crossed, &amp;c.</i> | 16. <i>Saving any other remedies at Law to persons suffering damage.</i>           |
| 4. <i>Diseased Sheep to be kept further than half-a-mile from boundary of Run.</i>        | 17. <i>Sheep dying of Catarrh to be burnt or buried.</i>                           |
| 5. <i>Scabby Sheep to be branded S.</i>   | 18. <i>Sheep dying of Catarrh not to be thrown into any stream or other water.</i> |
| 6. <i>After 1st February, 1854, all Sheep to be branded.</i>                              | 19. <i>Penalty for slaughtering Diseased Sheep.</i>                                |
| 7. <i>All Sheep Brands to be Registered.</i>  | 20. <i>Penalty for landing Sheep before Inspection.</i>                            |
| 8. <i>Superintendent may appoint a Registrar of Brands, &amp;c.</i>                       | 21. <i>Penalty for landing Diseased Sheep.</i>                                     |
| 9. <i>Penalty for using the Registered Brand of another.</i>                              | 22. <i>Landing on Quarantine Ground.</i>   |
| 10. <i>Penalty for Branding Sheep without leave.</i>                                      | 23. <i>Quarantine Ground in lawful occupation of Owner of Sheep thereon.</i>       |
| 11. <i>Brand to be primâ facie evidence of ownership.</i>                                 | 24. <i>Appointment of Inspectors.</i>  |
| 12. <i>Persons having Scabby Sheep after 1st of June, 1854, to be fined.</i>              | 25. <i>All Sheep in a flock infected where one is so.</i>                          |
| 13. <i>Justices to order Examination of Scabby Sheep.</i>                                 | 26. <i>Proceedings to be under "Summary Proceedings Ordinance."</i>                |
|   | 27. <i>Interpretation.</i>   |
|   | 28. <i>Title.</i>  |

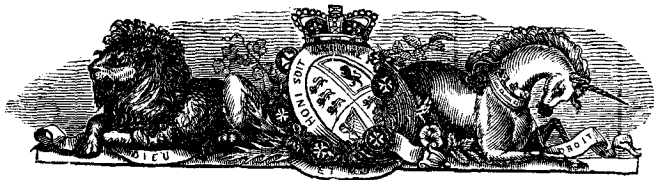
Passed the Provincial Council on the Twenty-third day of November, and assented to by his Honor the Superintendent on behalf of his Excellency the Governor, on the Twenty-third day of November, in the year of our Lord one thousand eight hundred and fifty-three.

JAMES EDWARD FITZGERALD,  
Superintendent.

GEORGE ROSS,  
Clerk to the Council.

*This Ordinance was repealed by the "Scab and Catarrh Ordinance, Session III., No. 2."*





PROVINCE OF CANTERBURY.

ANNO SEPTIMO DECIMO

VICTORIÆ REGINÆ

SESSION II., No. 1.

An Ordinance for Appointing an Agent in  
the United Kingdom for the Province  
of Canterbury.

Published by Authority.

ANALYSIS.

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|---|---|
| <i>Preamble.</i>  | 4. <i>Agent to enter into Contracts, &amp;c., under instructions.</i> |
| 1. <i>English Agent constituted.</i>  | 5. <i>Agent to appoint Successor in certain cases.</i>                |
| 2. <i>All Petitions, Addresses, &amp;c., to be sent through Agent.</i>                                  | 6. <i>Agent to appoint Counsel, &amp;c.</i>                           |
| 3. <i>All correspondence to be conducted by the Superintendent, and laid before Provincial Council.</i> | 7. <i>John Robert Godley, Esquire, to be the first Agent.</i>         |
|   | 8. <i>Title.</i>  |

JOHN Robert Godley, Esquire, appointed to be the first Agent in  
the United Kingdom for the Province of Canterbury.

“The English Agent’s Ordinance, Session II., No. 1.”

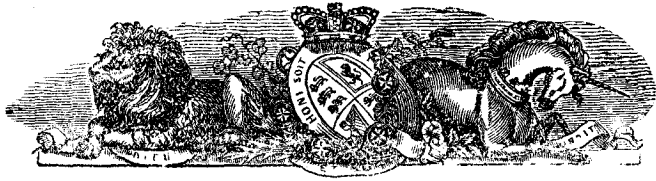
JAMES EDWARD FITZGERALD,  
Superintendent.

Passed the Provincial Council on  
the Ninth day of March, and  
assented to by his Honor the  
Superintendent, on behalf of his  
Excellency the Governor, on the  
Twenty-first day of March,  
in the year of our Lord one  
thousand eight hundred and  
fifty-four.

CHARLES SIMEON,  
Speaker.

GEORGE ROSS,  
Clerk to the Council.

*Amended by "Second English Agent's Ordinance, Session VI., No. 1, 1856." "First and Second English Agent's Ordinance" repealed by the "Third English Agent's Ordinance, Session XVII., No. 1, 1861."*



PROVINCE OF CANTERBURY.

ANNO SEPTIMO DECIMO

VICTORIÆ REGINÆ.

SESSION II., No. 2.

**An Ordinance to Empower the Superintendent of the Province of Canterbury to Perform certain Acts, heretofore Performed by the Governor and Lieutenant-Governors, of New Zealand, and by the Lieutenant-Governor of New Munster.**

Published by Authority.

ANALYSIS.

- Preamble.*
- |  |                                   |
|--|-----------------------------------|
| 1. Superintendent empowered to perform certain acts. | 2. Saving powers of the Governor. |
|  | 3. Title.                         |

**W**HEREAS by certain Ordinances passed by the Governor-in-Chief, Preamble. Governors, and Lieutenant-Governors of New Zealand, and by the Lieutenant-Governor of New Munster, enumerated in the Schedule to this Ordinance annexed, certain powers are vested in the Governor-in-Chief, Governors, or Lieutenant-Governors, or in the Officer administering the Government of the Colony, or Province, for the time being: And Whereas it is expedient that such powers should be vested in and exercised by the Superintendent of the Province of Canterbury: Be it therefore enacted, by the Superintendent of the said Province, with the advice and consent of the Provincial Council thereof, as follows:—

1. All such powers as are, by the several Ordinances recited in the Schedule to this Ordinance, conferred on the Governor-in-Chief, Superintendent empowered to perform certain acts. Lieutenant-Governors, or Governors of New Zealand, or on the Lieutenant-Governor of New Munster, or on the Officer administering the

Government of the Colony, or Province, for the time being, are hereby, within the limits of the Province of Canterbury, conferred on the Superintendent thereof.

Saving powers of the  
Governor.

2. Nothing herein contained shall be construed to limit or control the Governor of New Zealand in the exercise of any power heretofore exercised by his Excellency under authority of the several Ordinances named in the Schedule to this Ordinance.

Title.

3. This Ordinance shall be entitled, and may be cited as, "The Empowering Ordinance, Session II., No. 2."

JAMES EDWARD FITZGERALD,  
Superintendent.

Passed the Provincial Council on the Ninth day of March, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Twenty-first day of March, in the year of our Lord one thousand eight hundred and fifty-four.

CHARLES SIMEON,  
Speaker.

GEORGE A. E. ROSS,  
Clerk to the Council.

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SCHEDULE TO THIS ORDINANCE.

SESSION	II. No. 9.	An Ordinance to provide for the Registration of Deeds and Instruments affecting real property.
"	II. No. 12.	An Ordinance for regulating the sale of Fermented and Spirituous Liquors.
"	II. No. 13.	An Ordinance for Licensing Auctioneers.
"	II. No. 17.	An Ordinance for imposing a tax upon Raupo Houses.
"	III. No. 2.	An Ordinance to make temporary provision for the Constitution of Juries.
"	III. No. 8.	An Ordinance to establish Courts of Requests for the more easy and speedy recovery of small debts.
"	III. No. 21.	An Ordinance to amend an Ordinance for regulating the sale of Fermented and Spirituous Liquors.
"	V. No. 1.	An Ordinance for raising a Militia within the Colony.
"	VI. No. 1.	An Ordinance to empower the Governor of New Zealand to regulate the importation and sale of Arms, Gunpowder, and other warlike stores.

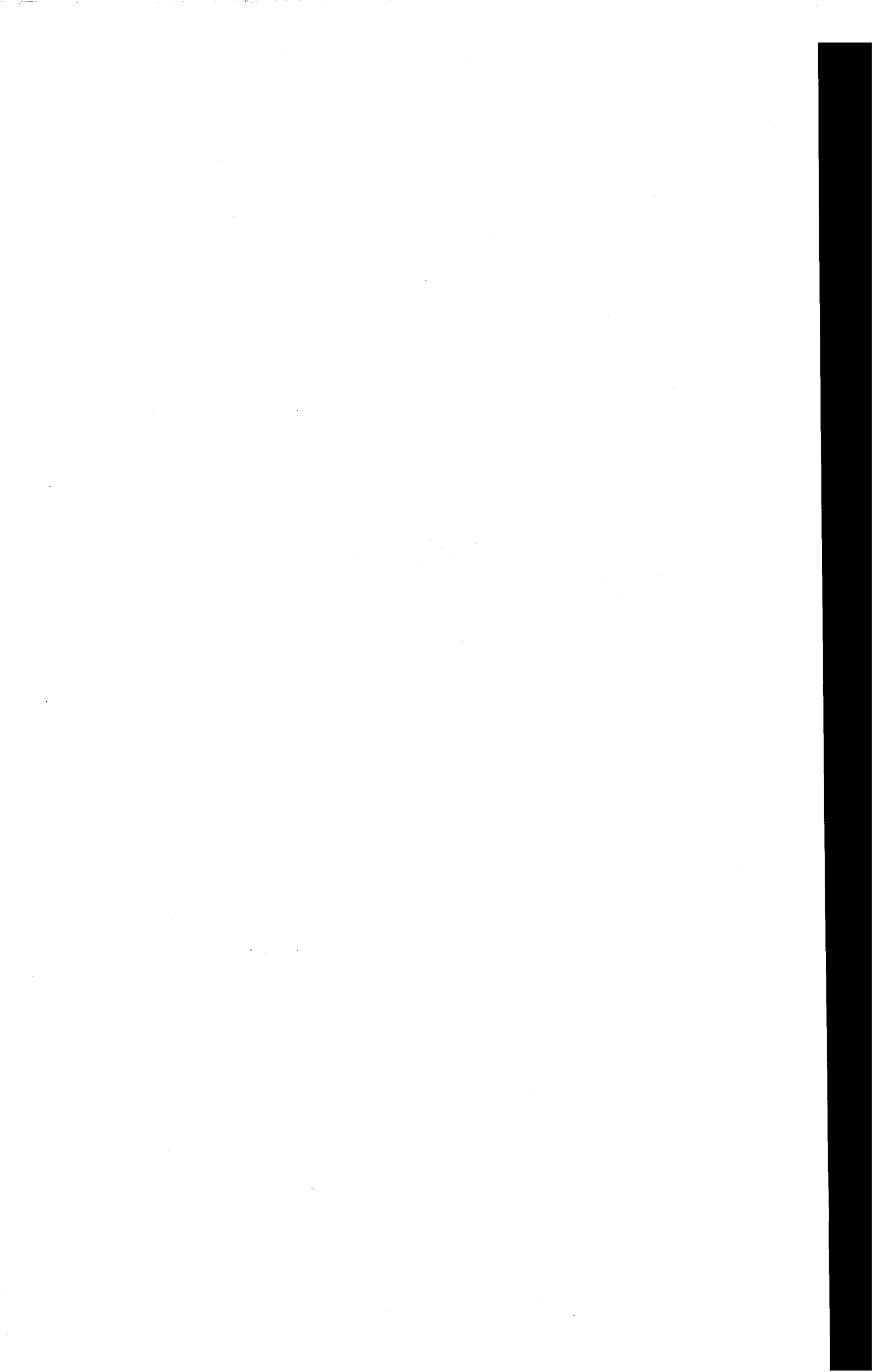
- SESSION VII. No. 2. An Ordinance to provide for the establishment and maintenance of a Constabulary Force.
- „ VII. No. 4. An Ordinance to regulate the appointment and the duties of Sheriff in the Colony of New Zealand.
- „ VII. No. 5. An Ordinance to regulate the appointment and the duties of Coroner in the Colony of New Zealand.
- „ VII. No. 7. An Ordinance for the regulation of Prisons.
- „ VII. No. 16. An Ordinance to provide for the establishment of Resident Magistrates' Courts, and to make special provision for the Administration of Justice in certain cases.
- „ VII. No. 17. An Ordinance to repeal the Cattle Trespass Ordinance, and the Cattle Trespass Amendment Ordinance, and to provide for the summary recovery of compensation for damages done by Cattle trespassing.
- „ VII. No. 18. An Ordinance to regulate the removal, and the making and repairing of Arms, Gunpowder, and other Warlike Stores, within the Colony of New Zealand.
- „ VII. No. 19. An Ordinance to provide for the prevention by summary proceeding of unauthorized Purchases and Leases of Land.
- „ VII. No. 20. An Ordinance for establishing Courts of Sessions of the Peace.
- „ VII. No. 21. An Ordinance to make provision for the safe custody of, and prevention of offences by persons dangerously insane, and for the care and maintenance of persons of unsound mind.
- „ VIII. No. 2. An Ordinance to prohibit the keeping of Gunpowder, exceeding a certain quantity.
- „ VIII. No. 4. An Ordinance to provide for the management of Savings' Banks.
- „ VIII. No. 5. An Ordinance for regulating the slaughtering of Cattle in certain places.
- „ VIII. No. 6. An Ordinance to authorize and regulate the Impounding of Cattle.
- „ VIII. No. 9. An Ordinance for Registering Births, Deaths and Marriages in the Colony of New Zealand.
- „ VIII. No. 10. An Ordinance for promoting the Education of Youth, in the Colony of New Zealand.
- „ VIII. No. 12. An Ordinance to provide for the protection of Foot-paths, in the Colony of New Zealand.
- „ XI. No. 8. An Ordinance for taking a Census of the Colony of New Zealand.
- „ XI. No. 11. An Ordinance for the regulation of Building and Land Societies.

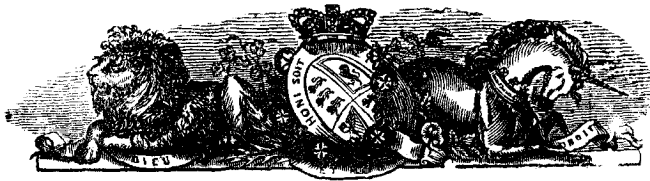
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#### ORDINANCES OF NEW MUNSTER.

- SESSION I. No. 7. An Ordinance to authorize the levying and collecting of Rates for the making and repairing of Roads, Streets, &c., in any Town in the Province of New Munster.
- „ I. No. 9. An Ordinance to increase the efficiency of the Constabulary Force.
- „ I. No. 10. An Ordinance to authorize the levying and collection of Tolls on Roads, and of Rates on Land, in the Province of New Munster.
- „ I. No. 11. An Ordinance to abate the Dog Nuisance.

*Extended by "Empowering Ordinance Extension Ordinance, Session IV., No. 1, 1855."*





PROVINCE OF CANTERBURY.

ANNO SEPTIMO DECIMO

VICTORIÆ REGINÆ.

SESSION II., No. 3.

**A Bill for Establishing a Trust for the Management of Property held for Ecclesiastical and Educational purposes by the Canterbury Association, and for other purposes.**

Published by Authority.

ANALYSIS.

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| <i>Preamble.</i>   | 8. <i>Books, Minutes, and Accounts.</i>   |
| 1. <i>Interpretation Clause.</i>                         | 9. <i>Trustees may make Parishes.</i>   |
| 2. <i>Constitution of Trustees.</i>                      | 10. <i>Parochial Meetings for the Election of Trustees.</i>   |
| 3. <i>General and Special Meetings of Trustees.</i>      | 11. <i>Canterbury Association may convey property to Trustees, and receive re-leases from them.</i> |
| 4. <i>Chairman of Meetings.</i>                          | 12. <i>Application of Trust Property may be extended to the whole Province.</i>                     |
| 5. <i>Bishop to have a veto on all acts of Trustees.</i> | 13. <i>Title.</i>   |
| 6. <i>Powers and functions of Trustees.</i>              |   |
| 7. <i>Committee of Management.</i>                       |   |

**W**HEREAS by Letters Patent, under the Great Seal, bearing date the Preamble. Thirteenth day of November, in the year of our Lord one thousand eight hundred and forty-nine, certain persons therein named were constituted a Body Corporate, with perpetual succession and a common seal, by the name of the Canterbury Association, for founding a Settlement in New Zealand; and by such Letters Patent the said Association were made able and capable in Law to purchase, receive, possess, and enjoy, to them and their Successors, any goods and chattels

whatsoever and wheresoever, and any messuages, lands, tenements, or hereditaments in New Zealand and its dependencies, and also to sell, alienate, mortgage, charge, or otherwise dispose of such property as they should think proper, and also to act in all the concerns of the said Body Corporate for the purposes and objects mentioned in the said Letters Patent as fully and effectually, to all intents and purposes whatsoever, as any other of her Majesty's subjects could or might do in their respective concerns; and the purposes and objects of the said Association were in such Letters Patent declared to be (amongst other things) for the Establishment and Maintenance of Ecclesiastical and Educational Institutions in the Settlement so to be founded as aforesaid in connexion with the Church of England as by Law established: And Whereas, in pursuance of the said Letters Patent, the said Association founded a Settlement in New Zealand, called the Canterbury Settlement, within the Province of Canterbury: And Whereas, under and by virtue of the said Letters Patent, and of an Act of Parliament made and passed in the Thirteenth and Fourteenth years of the reign of her present Majesty, entitled "An Act Empowering the Canterbury Association to Dispose of certain Lands in New Zealand," and of a certain other Act of Parliament made and passed in the Fourteenth and Fifteenth years of the reign of her said Majesty, entitled "An Act to Alter and Amend an Act Empowering the Canterbury Association to Dispose of certain Lands in New Zealand," and under and by virtue of divers acts deeds and things made done and executed in pursuance of the said Letters Patent and Acts of Parliament, the said Association, or some person or persons in trust for them, has or have become possessed of or entitled to divers goods, chattels, and personal estate, and divers messuages, buildings, lands, tenements, hereditaments, and real estate, for the Ecclesiastical and Educational purposes mentioned in the said Letters Patent: And Whereas the said Association are desirous that Trustees should be appointed within the said Settlement for the management of the said real and personal property, and that such property should be transferred to and vested in such Trustees accordingly for the Ecclesiastical and Educational purposes mentioned in the said Letters Patent in the manner hereinafter mentioned: And it is expedient that such property should be so transferred and vested accordingly, but such objects cannot be effected without the aid of some competent Legislative authority:

Be it therefore enacted, by the Superintendent of the Province of Canterbury, with the advice and consent of the Provincial Council thereof, as follows:

Interpretation Clause.

1. In interpreting this Ordinance the term "Bishop" shall be held to mean the Bishop of the Church of England for the time being of the Diocese in which the Canterbury Settlement may be from time to time



included; the term "Incumbent" shall be held to mean the principal Clergyman for the time being officiating under the License of the said Bishop, at or in the principal church, chapel, or place used for Divine Worship within any parish to be created under this Ordinance; the term "Parish" shall be held to mean a district formed under the authority of this Ordinance for Ecclesiastical and Educational purposes; the term "Trustees" shall be held to mean the Body of Trustees intended to be constituted by this Ordinance; the term "Canterbury Settlement" shall be held to include the territory or block of land set apart for the purposes of the said Canterbury Association under the authority of the said referred to Act of Parliament of the Thirteenth and Fourteenth years of her present Majesty, and set forth and described in the Schedule to the said Act, together with all lands comprised within the limits of such block; the term "Church" shall mean the branch of the Reformed Catholic Church, planted in the said Settlement in communion with the Church of England as by Law established; the term "Member of the Church" shall mean and include any person who shall have received the Holy Communion, according to the rites of the Church, at least three times in the preceding year.

2. The Bishop, together with all the Clergy of the Church officiating within the said Settlement, under the License of the Bishop, together with Alfred Charles Barker, William Guise Brittan, William Donald, James Edward FitzGerald, William John Warburton Hamilton, John Hall, Charles Edward Prichard, Charles Simeon, Henry John Tancred, Sir Thomas Tancred, Baronet, Conway Lucas Rose, Belfield Woollcombe, and all such other persons as shall be hereafter elected or

Constitution of  
Trustees.

*See Church Property Trust Amendment Ordinance, Session XI. No. 6, 1859.*

appointed Trustees under the provisions of this Ordinance, and their Successors, shall be, and they are hereby constituted a Body Politic and Corporate by the name of the "Church Property Trustees," and by that name they shall have perpetual succession and a common seal, with full power and authority to alter, vary, break, and renew the same at their discretion, and by the same name and style to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all Courts of Law and Equity whatsoever, and to be for ever capable in the Law to purchase, receive, possess, and enjoy, to them and their Successors, any goods and chattels whatsoever and wheresoever, and any messuages, lands, tenements and hereditaments in the Province of Canterbury; and also to lease, let, sell, alienate, mortgage, charge, or otherwise dispose of such property, as well real as personal, as they shall think proper; and also to act in the concerns of the said Body Politic and Corporate as effectually as any person or persons might or could do in his or their respective concerns for the purpose and object of Establishing and Maintaining Ecclesiastical and Educational Institutions within the

Province of Canterbury in connection with the Church. And the said Alfred Charles Barker, William Guise Brittan, William Donald, James Edward FitzGerald, William John Warburton Hamilton, John Hall, Charles Edward Prichard, Charles Simeon, Henry John Tancred, Sir Thomas Tancred, Baronet, Conway Lucas Rose, and Belfield Woolcombe, shall hold Office until the election of the first Trustees under the provisions of this Ordinance; from and after which time they shall cease to be Trustees, but shall, notwithstanding, be eligible to be elected or nominated as Trustees under the provisions hereinafter contained. Provided always, that if any Trustee shall become bankrupt or insolvent, or shall become insane, or shall be convicted of any infamous offence, or shall leave and cease to reside in the said Province of Canterbury, he shall cease to be a Trustee for the purposes of this Ordinance. No Trustee acting in any matter under the provisions of this Ordinance shall be answerable for any other than his own acts, deeds, receipts, neglects, or defaults. Any Trustee herein named, and any Trustee elected or nominated under the provisions of this Ordinance, may, by writing, addressed to the Bishop, and left at the office or place of business of the Trustees, or some place appointed for this purpose, resign his Office of Trustee, and shall thereupon cease to be a Trustee.

General and Special  
Meetings of Trustees.

3. An Ordinary General Meeting of the Trustees shall be held at least once in every year, and one such Ordinary General Meeting shall be held on the First day of March in each year (unless such day shall fall on a Sunday, in which case it shall be held on the Monday following), and a Special General Meeting may be called at any time by the Bishop, or by any three Trustees, by a public advertisement of the same in a public Newspaper, published in the said Settlement, three times at the least; the first of such times being fourteen days, at the least, before the day of Meeting; and any Meeting of the Trustees may be continued by adjournment; and no act or proceeding, By-law, Resolution, or Regulation, shall be of any force or effect unless the same shall be made, done, or passed at some Meeting duly held under the provisions of this Ordinance, at which not less than five Trustees shall have been present; and all questions at such Meeting shall be determined by a majority of votes of the persons present and voting thereat.

Chairman of Meetings.

4. The Bishop, if present, shall be the Chairman of every such Meeting, and in his absence a Chairman shall be elected from amongst those present: Provided that it shall be competent to the Trustees to elect some person to be perpetual Chairman of such meetings in the absence of the Bishop; and the Chairman of every meeting shall have an original and also a casting vote thereat.

5. The Bishop shall have the power of disallowing any act or proceeding of the Trustees, or any Committee thereof, of what kind soever, at any time within six calendar months after the adoption or passing of the same. The power of disallowance hereinbefore reserved to the Bishop shall not extend to authorize him to annul or disallow any Contract or Agreement, or any Sale, Mortgage, Lease, or other disposition of any part of the said property and estates which shall be actually entered into, made, completed, and executed.

Bishop to have a veto on all acts of Trustees.

6. The Trustees may frame and establish such By-laws, Rules, Orders, Regulations and Resolutions as may be expedient for the Government of the said Body Politic and Corporate, and the management of the goods, moneys, estates, and business thereof, and for determining the time, place, and mode of election and appointment of Trustees under the provisions of this Ordinance, and for ascertaining the persons qualified to vote at such elections, and for regulating the proceedings of Parochial Meetings to be held under the provisions of this Ordinance, and for regulating the increase of the number of Trustees, and for making proper returns of the persons nominated or elected to be Trustees, and for the publication of all acts and proceedings under this Ordinance, and for appointing a Standing or Managing Committee and regulating the proceedings thereof, and for dividing the said Settlement into districts agreeably to the provisions of this Ordinance, and for regulating the times and places of Meetings of the Trustees, and of the Standing, Managing, or any other Committee thereof, and for settling the appointment of Agents, Officers, Clerks, and Servants, and generally for the management and carrying on of all and singular the affairs and business of the Trustees; and the Trustees may from time to time alter, vary, or revoke such By-laws, Orders, Rules, Regulations or Resolutions, or any of them, and may make others in their stead: Provided that any such By-law, Rule, Order, Regulation, or Resolution which shall be repugnant to the provisions of this Ordinance, or to the Laws or Ordinances of the Colony of New Zealand, or of the Province of Canterbury, or to any Canon or Ecclesiastical Law or Regulation now in force, or which may at any time be in force within the said Settlement under the authority of any proper Ecclesiastical Synod or other competent jurisdiction of the Church shall be, and the same is hereby declared to be absolutely null and void. The Trustees and every Managing Committee thereof shall, in all their acts and proceedings, By-laws, Regulations, and Resolutions, conform to and obey all Canons and Ecclesiastical Laws and Regulations now or at any time in force within the said Settlement, touching or relating to the administration of the property vested in them for the purposes aforesaid.

Powers and functions of Trustees.

Committee of Management.

7. There shall be a Committee of Management chosen by and out of the Trustees, of which Committee the Bishop shall be Chairman when present, and such Committee shall be appointed according to By-laws to be made in that behalf, and shall have the management and administration of the property, as well real as personal, of the Trustees, and the execution of the powers and authorities thereof, and generally the direction and conduct of all the affairs and concerns thereof, and (subject to the provisions of this Ordinance, and of any By-law for the time being in force) may do all such acts, deeds, matters and things as may appear to them necessary for carrying into effect the purposes and objects of the Trustees.

Books, Minutes, and Accounts.

8. The Trustees shall keep proper Books for containing Minutes and particulars of their proceedings, and full and true Accounts of their receipts and expenditure. And all such Books and Accounts, together with all Vouchers and other Documents relating to the same, shall be open to inspection by any Member of the Church resident within the said Settlement, at such reasonable times and places, and in such manner as shall be fixed by the Trustees, and Minutes of Proceedings so kept and signed by the Chairman shall be sufficient evidence of such proceedings, and such Accounts of Receipts and Expenditure shall be Audited, at least once in the year, by some person to be appointed by the Bishop, and shall be laid before the Ordinary General Meeting, to be held every year as hereinbefore provided, and shall be published, as the Trustees shall from time to time direct, in a public Newspaper of the said Settlement.

Trustees may make Parishes.

9. The Trustees shall, from time to time, constitute and define certain districts within the said Settlement for the purposes of this Ordinance, and may alter the limits of every such district, and may make new and fresh districts, and every such district shall, for the purposes of this Ordinance, be deemed a parish, provided that no alteration of the limits of any existing parish shall be made without the consent of the Bishop.

Parochial Meetings for the election of Trustees.

10. The Members of the Church residing within every such parish shall, once in each year, by a majority of votes, to be ascertained as hereinafter mentioned, elect a Lay person, being a Member of the Church, to be a Trustee for the purposes of this Ordinance, and at such election every male person of the age of twenty-one years, being a Member of the Church, shall be entitled to vote, and the Incumbent of every such parish shall likewise, once in every year, nominate another lay person, being a Member of the Church, to be a Trustee for the purposes of this Ordinance, and the manner in which the majority of such votes shall be ascertained, and the time, place, and mode of such election and

nomination respectively, shall be determined by the said Trustees, by By-laws, to be made in manner hereinbefore provided ; and the Trustees so elected and nominated shall continue to hold Office until the next annual election and nomination. Provided, that if it shall at any time appear to the Trustees desirable to increase the number of Trustees in and for any parish, it shall be lawful for them to increase the number of such Trustees accordingly, and by any By-law to declare and ordain that such additional number of Trustees shall be elected and nominated as they shall think fit in and for such parish ; but so, nevertheless, that in every parish the Incumbent shall at all times have the right of nominating a number of Trustees equal to the number of elected Trustees.

11. It shall be lawful for the said Canterbury Association, and for any other person or persons holding in trust for them, or his or their Agent or Agents, duly authorized in that behalf, to convey and assign to the said Trustees and their Successors, in trust for Ecclesiastical and Educational purposes within the said Settlement, all or any part of the real or personal property applicable to Ecclesiastical or Educational purposes vested in the Association, or in any other person or persons in trust for them for Ecclesiastical or Educational purposes, subject to any terms or conditions which may be agreed on between the Trustees and the said Association, or their Agent or Agents on their behalf, and such other person or persons in trust for them ; and it shall be lawful for the Trustees to execute and give to the said Association such Re-leases or Indemnities as may be agreed on between the said Trustees and the said Association and such Agent or Agents as aforesaid, and such Re-leases or Indemnities shall be effectual to all intents and purposes.

Canterbury Association may convey property to Trustees, and receive Re-leases from them.

12. It shall be lawful for the Trustees at any Meeting, of which four weeks' previous notice, specifying the object thereof, shall be given by Advertisement, published for four successive weeks in some Newspaper within the said Province, and at which Meeting twelve Trustees at least shall be present, by the votes of not less than two-thirds of the Trustees present at such Meeting, to ordain a By-law for extending to any part of the Province of Canterbury, beyond the limits of the said Canterbury Settlement, the application and benefit of the whole or any part of the property and funds which may, under the provisions of this Ordinance, have been transferred to the said Trustees by the said Canterbury Association, or by any other person or persons holding in trust for them or his or their Agent or Agents duly authorized in that behalf ; and any such By-law shall be good and effectual in the Law, and may thereafter, at any Meeting of the Trustees convened in like manner, and by a like majority, be altered, revoked, and re-ordained ; and such property and funds shall be held, administered, and applied according to and in

Application of Trust Property may be extended to the whole Province.

pursuance of any such By-law, anything herein contained to the contrary notwithstanding.

Title.

13. This Ordinance shall be entitled the "Church Property Trust Ordinance, Session II., No. 3," and may be cited by such title.

JAMES EDWARD FITZGERALD,

Superintendent.

Passed the Provincial Council on the Ninth day of March, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Sixteenth day of March, in the year of our Lord one thousand eight hundred and fifty-four.

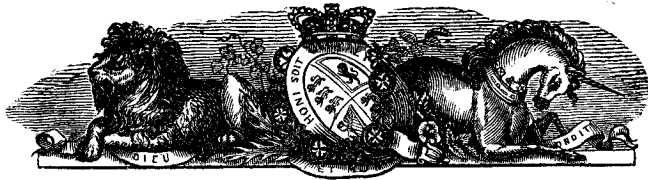
CHARLES SIMEON,

Speaker.

GEORGE A. E. ROSS,

Clerk to the Council.

*See the Christ's College Amendment Ordinance, Session X., No. 8.*



PROVINCE OF CANTERBURY.

ANNO SEPTIMO DECIMO

VICTORIÆ REGINÆ.

SESSION II., No. 4.

An Ordinance for Promoting Immigration to the Province of Canterbury.

Published by Authority.

ANALYSIS.

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| <p><i>Preamble.</i></p> <p>1. <i>Superintendent to appoint Immigration Agents.</i></p> | <p>2. <i>Superintendent may make Regulations, to be laid before Provincial Council.</i></p> <p>3. <i>Title.</i></p> |
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**W**HEREAS it is expedient that provision should be made for the Preamble.  
Immigration from England or other parts into the Province of Canterbury, in New Zealand, of Labourers and other persons desirous of settling in the said Province, and for rendering assistance out of the public funds of the Province to such persons as may be unable to defray the whole cost of their passage thereto: Be it therefore enacted, by the Superintendent of the said Province, with the advice and consent of the Provincial Council thereof, as follows:

1. It shall be lawful for the Superintendent of the said Province to nominate and appoint any person or persons to act as Immigration Agent Superintendent to appoint Immigration Agents. or Agents in England or elsewhere, for carrying into effect the purposes and provisions of this Ordinance; and the same from time to time to remove if he shall think fit, and to appoint others in their stead.

2. The Superintendent may from time to time, with the advice of the Executive Council, make Regulations for the conducting and management of such Immigration, and he is hereby authorised to make such arrangements with such Agent or Agents in England, or elsewhere, Superintendent may make Regulations, to be laid before Provincial Council.

as may be necessary for conducting the same, and may, with such advice as aforesaid, alter or rescind such Regulations or arrangements, or any of them, and make others in the stead thereof. And all such Regulations and arrangements shall be laid before the Provincial Council within ten days after the issue thereof, or, if the Council be not then sitting, within ten days after the opening of the next Session of the same.

Title.

3. This Ordinance shall be entitled and may be cited as "The Immigration Ordinance, Session II., No. 4."

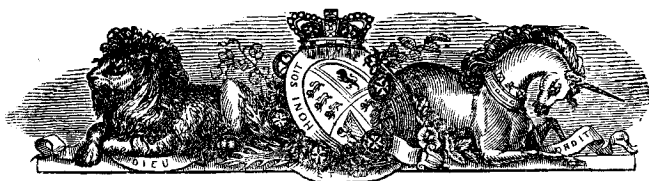
JAMES EDWARD FITZGERALD,  
Superintendent.

Passed the Provincial Council on the  
Fourteenth day of March, and  
assented to by his Honor the  
Superintendent, on behalf of  
his Excellency the Governor, on  
the Twenty-first day of March,  
in the year of our Lord one  
thousand eight hundred and  
fifty-four.

CHARLES SIMEON,  
Speaker.

GEORGE ROSS,  
Clerk to the Council.





PROVINCE OF CANTERBURY.

ANNO SEPTIMO DECIMO

VICTORIÆ REGINÆ.

SESSION II., No. 5.

An Ordinance to Divert a Public Road reserved along a portion of the North Bank of the River Avon, in the Christchurch District, within the Province of Canterbury, New Zealand, over a part of Rural Allotment No. 6, in the said District.

Published by Authority.

ANALYSIS.

*Preamble.*

1. Present Road may be stopped when the Chief Surveyor has certified that a

*new Road has been made passable, &c.*

2. Title.

WHEREAS it is expedient to Stop up the Public Road reserved Preamble. along the North Bank of the River Avon, in the Christchurch District, in the said Province, so far as part of such Road forms part of the Southern Boundary of a certain Rural Allotment, numbered 6 in the said District, of which allotment Edward Gibbon Wakefield is Tenant in fee simple, in possession, and to divert such Road through, in, and over the said allotment: And Whereas the said Edward Gibbon Wakefield is willing, at his own expense, to set out the Public Road so to be diverted through, in, and over the said allotment: Be it enacted by the Superintendent of the Province of Canterbury, by and with the advice and consent of the Provincial Council thereof, as follows:—

1. From and after any day within a period of one year from the passing of this Ordinance, when the said Edward Gibbon Wakefield, his Present Road may be stopped when the Chief Surveyor has

certified that a new  
Road has been made  
passable, &c.

Heirs or Assigns shall have set out and made passable for horses, drays, and all ordinary traffic, a new Road, thirty-three feet wide, through and over the said allotment numbered 6, according to the Plan set forth in the Schedule to this Ordinance annexed, and from and after any day within such period aforesaid, when the Chief Surveyor of Government in the Province shall, by notice in the *Provincial Government Gazette*, certify under his hand that such Road has been so made passable, and that the diversion of the Road from the waterside will not be injurious to the public interests, such new Road shall thenceforth be and become a Public Road, and the Public Road reserved along the North Bank of the said River Avon, so far as such Road forms the Southern Boundary of the said allotment numbered 6, that is to say, from a point about six chains to the westward of the North-west corner of the Christchurch Town Reserve, running thence along the Southern Boundary of the said allotment, and extending to a certain Accommodation Road lying between the said allotment and the rural allotment numbered 7, in the said Christchurch District, shall and may be stopped up by the said Edward Gibbon Wakefield, his Heirs or Assigns, and the said road shall thenceforth be secured to the sole use and behoof of the said Edward Gibbon Wakefield, his Heirs and Assigns for ever.

Title.

2. This Ordinance shall be entituled and may be cited as the "Wakefield Road Alteration Ordinance, Session II., No. 5."

JAMES EDWARD FITZGERALD,

Superintendent.

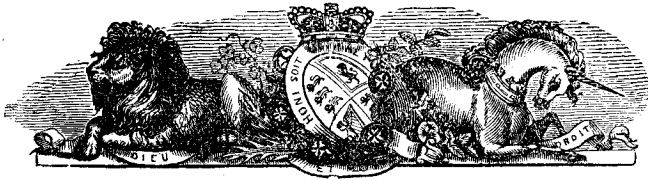
Passed the Provincial Council on the Twenty-first day of March, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Twenty-ninth day of March, in the year of our Lord one thousand eight hundred and fifty-four.

CHARLES SIMEON,

Speaker.

GEORGE A. E. ROSS,

Clerk to the Council.



PROVINCE OF CANTERBURY.

ANNO SEPTIMO DECIMO

VICTORIÆ REGINÆ

SESSION II., No. 6.

**An Ordinance for Authorizing the Superintendent of the Province of Canterbury to Appoint Commissioners to Report upon the best means of Communication between the Towns of Lyttelton and Christchurch.**

Published by Authority.

ANALYSIS.

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| <i>Preamble.</i>                                   | 3. <i>Commissioners to report to the Superintendent.</i> |
| 1. <i>Superintendent to appoint Commissioners.</i> |  |
| 2. <i>Duty of Commissioners.</i>                   | 4. <i>Title.</i>   |

**W**HEREAS it is desirable that the Communication between the Preamble.  
Towns of Lyttelton and Christchurch should be Improved,  
and that Information should be obtained as to the best means of  
effecting such Improvement : Be it therefore enacted, by the Superin-  
tendent of the Province of Canterbury, with the advice and consent of  
the Provincial Council thereof, as follows :

1. It shall be lawful for the Superintendent of the said Province, by Superintendent to ap-  
point Commissioners.  
Warrant, under his hand, to nominate and appoint Five fit and competent  
persons, being Civil Engineers or Surveyors, to be a Board of Com-  
missioners for the purposes hereinafter specified.

2. It shall be the duty of such Commissioners to obtain all such Duty of Commis-  
sioners.  
information as shall be necessary respecting the said means of Com-  
munication, by taking Evidence thereon, and by examining all Papers,

Surveys, Plans, Drawings, Estimates and Accounts relating thereto, and generally acting in such manner as they shall think fit, to carry into effect the purposes of this Ordinance.

Commissioners to report to the Superintendent.

3. It shall be the duty of the said Commissioners, as soon as conveniently may be, to report to the Superintendent upon the best Line of Communication between the towns of Lyttelton and Christchurch, and upon the best means of effecting such Communication, and the Superintendent shall publish such report in the *Government Gazette* of the Province, and shall lay the same before the Provincial Council within ten days after the receipt thereof, or if the Council be not then sitting, then within ten days after the commencement of the next Session of the same.

Title.

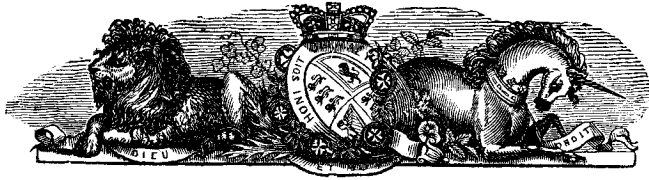
4. This Ordinance shall be entitled and may be cited as the "Lyttelton and Christchurch Road Commissioners' Ordinance, Session II, No. 6."

JAMES EDWARD FITZGERALD,  
Superintendent.

Passed the Provincial Council on the Ninth day of March, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Twenty-first day of March, in the year of our Lord one thousand eight hundred and fifty-four.

CHARLES SIMEON,  
Speaker.

GEORGE ROSS,  
Clerk to the Council.



PROVINCE OF CANTERBURY.

ANNO SEPTIMO DECIMO

VICTORIÆ REGINÆ.

SESSION II., No. 7.

An Ordinance to Repeal all former Laws and Ordinances relating to the Trespass of Cattle, and to the Recovery of Damages for the same, and to Amend and Consolidate the Law thereupon into one Ordinance within the Province of Canterbury.

Published by Authority.

ANALYSIS.

- Preamble.*
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| 1. Former Laws repealed.   | 14. Judgment of the Court upon the award.                           |
| 2. Interpretation of terms.  | 15. Arbitrators may award compensation for damaged fence.           |
| 3. Damages recoverable only under this Ordinance, and within thirty days of trespass.      | 16. Arbitrators to receive compensation.                            |
| 4. Cattle trespassing in towns.  | 17. Arbitrators to be fined for neglect or refusal.                 |
| 5. Cattle trespassing may be detained or driven to residence of Owner.                     | 18. Superintendent to cause Public Pounds to be erected.            |
| 6. Cattle trespassing on unenclosed lands without towns.                                   | 19. Superintendent to appoint Pound-keepers.                        |
| 7. Cattle trespassing on land more than five miles from any town.                          | 20. Pound-keepers to give security.                                 |
| 8. Entire animals wandering at large.  | 21. Pound-keeper to keep Pound in repair, &c.                       |
| 9. Ordinary damages to be recovered in a summary way.                                      | 22. Pound-keeper to receive fees and charges for food.              |
| 10. Special damages to be recovered in a summary way, and to be determined by arbitration. | 23. Pound-keeper to keep board of pound-fees and charges displayed. |
| 11. Superintendent to appoint Arbitrators.   | 24. Penalties for over-charging, &c., by Pound-keeper.              |
| 12. Arbitrators to make award.   | 25. Pound-keeper to keep Pound-book.                                |
| 13. Penalty for obstructing Arbitrators.   | 26. Penalties for not producing Pound-book, &c.                     |

- |   |  |
|---|--|
| <p>27. <i>Cattle impounded in charge of Pound-keeper.</i></p> <p>28. <i>Pound-keeper to receive damages and charges for driving, &amp;c.</i></p> <p>29. <i>Pound-keeper to give notice to Owner of cattle.</i></p> <p>30. <i>Cattle not released to be sold by auction.</i></p> <p>31. <i>Time, &amp;c., of sale of cattle.</i></p> <p>32. <i>Justices may order sale of cattle sooner.</i></p> | <p>33. <i>Pound-keeper to receive price of cattle sold.</i></p> <p>34. <i>Remedy against illegal impounding.</i></p> <p>35. <i>Proceedings under Summary Proceedings Ordinance.</i></p> <p>36. <i>Present Pounds and Pound-keepers continued.</i></p> <p>37. <i>Title.</i></p> |
|---|--|

Title

**T**HIS Ordinance is entitled and may be cited as the "Trespass of Cattle Ordinance, Session II., No. 7."

JAMES EDWARD FITZGERALD,

Superintendent.

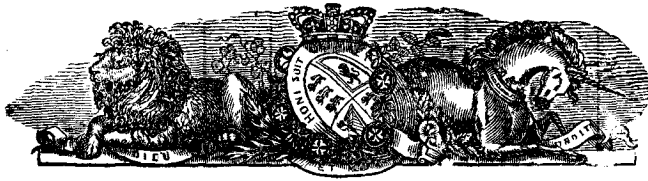
Passed the Provincial Council on the Twenty-fourth day of March, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Twenty-ninth day of March, in the year of our Lord one thousand eight hundred and fifty-four.

CHARLES SIMEON,

Speaker.

GEORGE A. E. ROSS,

Clerk to the Council.



PROVINCE OF CANTERBURY.

ANNO SEPTIMO DECIMO

VICTORIÆ REGINÆ.

SESSION II., No. 8.

**An Ordinance to appropriate the Revenue of  
the Province of Canterbury, for the Year  
ending 31st March, 1855.**

Published by Authority.

ANALYSIS.

- |   |  |
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| <i>Preamble.</i>  |  |
| 1. <i>Certain Revenues to be accounted for to the General Government.</i>     | 3. <i>Provincial Treasurer, &amp;c., shall issue and be allowed credit for the sums appropriated.</i>            |
| 2. <i>Appropriation of Provincial Revenue for Year ending March 31, 1855.</i> | 4. <i>Provincial Treasurer, &amp;c., shall be allowed credit for certain sums expended up to March 31, 1854.</i> |
|   | 5. <i>Title.</i>   |

**W**HEREAS certain Sums of Money of Her Majesty's General and Preamble.  
Land Revenues of the Colony of New Zealand have been and  
may hereafter be paid by the Collectors of the same to the Provincial  
Treasurer of the Province of Canterbury, under certain Instructions  
issued by his Excellency the Governor: And Whereas doubts exist  
whether such Revenue may be lawfully appropriated, except under the  
authority of the General Assembly of the said Colony: And Whereas it  
is expedient that all such Sums of Money, pending any Laws to be  
made in that behalf by the General Assembly of New Zealand, should  
be by Law appropriated to the Public Service of the said Province,  
subject to the approval and authority of the said General Assembly:  
Be it therefore enacted, by the Superintendent of the said Province,  
with the advice and consent of the Provincial Council thereof, as  
follows:—

Certain Revenues to be  
accounted for to the  
General Government.

1. All Sums of Money of her Majesty's General and Land Revenues of the Colony of New Zealand paid, or which hereafter may be paid, under any Instructions of his Excellency the Governor of New Zealand to the Provincial Treasurer of the said Province, by any Collector of Revenue under the General Government of the said Colony, and which shall not have been appropriated to such purpose by any Laws or Ordinances of the General Assembly of the said Colony, shall be taken and deemed to have been advanced out of the said General and Land Revenues, in aid of the Revenues of the said Province of Canterbury, for the Public Service of the same; and shall be accounted for to the General Government of the said Colony in such manner as the General Assembly shall, by any Laws or Ordinances enacted in that behalf, direct; and shall, pending such Laws or Ordinances, be liable to be appropriated as a portion of the Revenues of the said Province, to the Public Service of the same.

Appropriation of Pro-  
vincial Revenues for  
the Year ending March  
31, 1855

2. Out of the Public Revenue of the Province of Canterbury, there may be issued and applied in the manner hereinafter mentioned, any Sum or Sums of Money, not exceeding the several Sums hereinafter specified, amounting in the whole to the sum of Eighteen Thousand Nine Hundred and Ninety-nine Pounds One Shilling and Threepence, for defraying the charge of the Government of the said Province for the Year commencing on the First day of April, one thousand eight hundred and fifty-four, and ending upon the Thirty-first day of March, one thousand eight hundred and fifty-five, that is to say, for the service of

	£	s.	d.
His Honor the Superintendent ... ..	725	0	0
The Provincial Council ... ..	225	0	0
The Supreme Court... ..	200	0	0
The Provincial Secretary ... ..	300	0	0
The Provincial Treasurer ... ..	540	0	0
The Provincial Auditor ... ..	155	0	0
The Provincial Solicitor ... ..	300	0	0
The Registrar, &c. ... ..	365	0	0
The Resident Magistrate ... ..	30	0	0
The Sheriff and Gaol ... ..	234	10	0
The Police ... ..	484	1	3
The Provincial Surgeon ... ..	413	0	0
The Coroner... ..	27	0	0
The Harbor Master... ..	362	10	0
The Inspectors of Sheep ... ..	400	0	0
Akaroa ... ..	293	0	0
Advances in aid of the Post-office... ..	150	0	0
Education ... ..	1,000	0	0
Immigration... ..	10,000	0	0



					£	s.	D.
Public Works	...	...	...	...	2,445	0	0
Printing	...	...	...	...	200	0	0
Census	...	...	...	...	50	0	0
Weights and Measures	...	...	...	...	100	0	0
<b>TOTAL</b>	...	...	...	...	<b>£18,999</b>	<b>1</b>	<b>3</b>

3. The Provincial Treasurer and Sub-Treasurers shall issue from time to time any Sum or Sums of Money for the purposes hereinbefore mentioned, not exceeding in the whole the Sums respectively specified to such persons, and in such portions as the Superintendent shall, by any Order or Orders, in writing, under his hand, from time to time direct; and such Treasurer and Sub-Treasurers shall, in their Accounts, be allowed credit for all Sums paid by them in pursuance of such Orders; and the receipts of the persons to whom such Sums shall have been so paid, shall be to them a full discharge for the Sum or Sums for which such receipts shall have been given, and the amount thereof shall be passed to their credit in account accordingly.

4. And Whereas no provision has hitherto been made by Law for the Appropriation of the Revenue of the said Province from the First day of October, one thousand eight hundred and fifty-three, to the Thirty-first day of March, one thousand eight hundred and fifty-four: Be it therefore enacted, the Provincial Treasurer and Sub-Treasurers shall, in their Accounts be allowed credit for all Sums, not exceeding in the whole the Sums hereinafter respectively specified, paid, or which may be paid by them on or before the Thirty-first day of March, one thousand eight hundred and fifty-four, to such persons and in such portions as the Superintendent shall, by any Order or Orders, in writing, under his hand, have directed; that is to say, for the service of the Departments severally of—

					£	s.	D.
His Honor the Superintendent	...	...	...	...	383	6	8
The Provincial Council	...	...	...	...	117	10	0
The Provincial Treasurer	...	...	...	...	270	0	0
The Provincial Auditor	...	...	...	...	80	0	0
The Provincial Solicitor	...	...	...	...	150	0	0
The Keeper of Public Records	...	...	...	...	3	10	0
The Registrar	...	...	...	...	95	1	0
The Resident Magistrate	...	...	...	...	15	0	0
The Sheriff and Gaol	...	...	...	...	108	2	6
The Police	...	...	...	...	203	5	0
The Provincial Surgeon	...	...	...	...	206	10	0
The Coroner...	...	...	...	...	13	10	0
The Harbor Master...	...	...	...	...	178	15	0
The Inspectors of Sheep	...	...	...	...	37	10	0

Provincial Treasurer, &c., shall issue and be allowed credit for the sums appropriated.

Provincial Treasurer, &c., shall be allowed credit for certain sums expended up to March 31, 1854.

						£	s.	d.
Akaroa	...	...	...	...	...	146	10	0
Printing	...	...	...	...	...	100	0	0
Public Works	...	...	...	...	...	100	0	0
Total ...						£2,208	10	2

Amounting in the whole to Two Thousand Two Hundred and Eight Pounds Ten Shillings and Two-pence, and the receipts of the persons to whom such Sums shall have been so paid shall be to them a full discharge for the Sum or Sums for which such receipts shall have been given, and the amount thereof shall be passed to their credit in account accordingly.

Title.

5. This Ordinance shall be entitled and may be cited as the "Appropriation Ordinance, for the Year 1854-5, Session II., No. 8."

JAMES EDWARD FITZGERALD,

Superintendent.

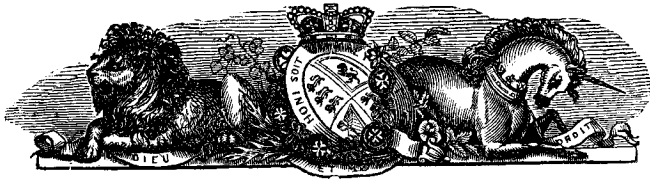
Passed the Provincial Council on the Twenty-fourth day of March, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Twenty-ninth day of March, in the year of our Lord one thousand eight hundred and fifty-four.

CHARLES SIMEON,

Speaker.

GEORGE A. E. ROSS,

Clerk to the Council.



PROVINCE OF CANTERBURY.

ANNO SEPTIMO DECIMO

VICTORIÆ REGINÆ.

SESSION II., No. 9.

An Ordinance to Empower the Superintendent of the Province of Canterbury to Issue Debentures.

Published by Authority.

ANALYSIS.

*Preamble.*

1. *Superintendent may issue Debentures.*

2. *Such Debentures, with Interest, to be a charge upon the Revenues of the Province.*  
3. *Title.*

WHEREAS by an Ordinance of the Superintendent and Provincial Council of the Province of Canterbury, passed in the Seventeenth Year of the reign of her Majesty, entitled "The Appropriation Ordinance for the year 1854-5, Session II., No. 8," it is enacted, that out of the Public Revenue of the said Province, there may be issued and applied, in the manner thereinafter mentioned, any Sum or Sums of Money, not exceeding the several Sums thereinafter specified, amounting in the whole to the sum of Eighteen Thousand Nine Hundred and Ninety-nine Pounds One Shilling and Three-pence, for defraying the charge of the Government of the said Province for the Year commencing on the First day of April, one thousand eight hundred and fifty-four, and ending upon the Thirty-first day of March, one thousand eight hundred and fifty-five: And Whereas the Public Revenues of the said Province may not be sufficient to meet the whole amount by the said recited Ordinance authorized to be issued and applied as aforesaid: Be it therefore enacted by the Superintendent of the said Province, with the advice and consent of the Provincial Council thereof, as follows:

1. It shall be lawful for the Superintendent of the said Province to issue Debentures on account of the said Province for any Sum or Sums

Superintendent may issue Debentures.

of Money which may be required to make up any deficiency in the Revenues of the said Province to meet the gross amount by the said Ordinance authorized to be issued and applied as aforesaid.

Such Debentures, with Interest, to be a charge upon the Revenues of the Province.

2. All and singular such Debentures shall be signed by the Superintendent of the said Province, and shall, together with all Interest, if any, accruing thereon (which Interest shall not exceed the rate of eight pounds sterling per centum per annum) be a charge upon, and shall be discharged out of the Revenues of the said Province.

Title.

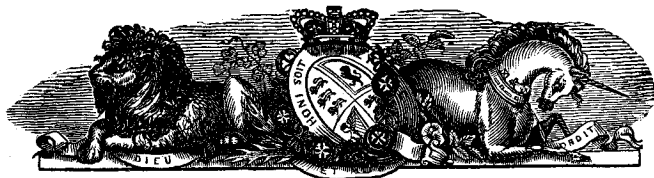
3. This Ordinance shall be entitled and may be cited as "The Province of Canterbury Debentures Ordinance, Session II., No. 9."

JAMES EDWARD FITZGERALD,  
Superintendent.

Passed the Provincial Council on the Twenty-fourth day of March, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Twenty-ninth day of March, in the year of our Lord one thousand eight hundred and fifty-four.

CHARLES SIMEON,  
Speaker.

GEORGE A. E. ROSS,  
Clerk to the Council.



PROVINCE OF CANTERBURY.

ANNO OCTAVO DECIMO

VICTORIÆ REGINÆ.

SESSION III., No. 1.

An Ordinance to Enlarge the Provincial Council, and to Alter the Electoral Districts of the Province of Canterbury.

Published by Authority.

ANALYSIS.

*Preamble.*

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|---|--|
| <p>1. Provincial Council to consist of twenty-four Members.</p> <p>2. Superintendent to cause Writs to be issued for the Election of twelve additional Members.</p> <p>3. After next Dissolution, certain provisions of the Proclamation of 5th March to be null and void.</p> <p>4. Province to be divided into seven Districts.</p> <p>5. Number of Members to be elected for each.</p> <p>6. Superintendent to appoint Returning Officers.</p> | <p>7. Returning Officer to notify places where claims are to be sent in.</p> <p>8. Superintendent to appoint latest day for receiving claims.</p> <p>9. Judge of Supreme Court to appoint Revising Officers.</p> <p>10. Notice of Objections may be served on wife or servant.</p> <p>11. Time of Ordinance coming into operation.</p> <p>12. Interpretation of the word Governor.</p> <p>13. Title.</p> |
|---|--|

THIS Ordinance shall be entitled and may be cited as the Title.  
“ Provincial Council Extension Ordinance, Session III., No. 1.”

JAMES EDWARD FITZGERALD,

Superintendent.

Passed the Provincial Council on the Twenty-first day of November, in the year of our Lord one thousand eight hundred and fifty-four, and reserved for the assent of his Excellency the Governor.

CHARLES SIMEON,  
Speaker.

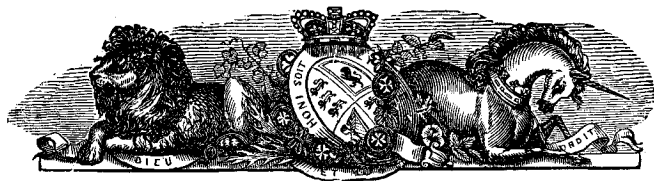
GEORGE A. E. ROSS,  
Clerk to the Council.

I hereby declare that I assent to this Ordinance.

Given under my hand, at Auckland, this Twenty-ninth day of December, in the year of our Lord one thousand eight hundred and fifty-four.

R. H. WYNYARD.

*This Ordinance was repealed by the "Provincial Council Extension Ordinance, Session VIII., No. 8, 1857."*



PROVINCE OF CANTERBURY.

ANNO OCTAVO DECIMO  
VICTORIÆ REGINÆ.

SESSION III., No. 3.

Scab and Catarrh Ordinance.

Published by Authority.

ANALYSIS.

- Preamble.*
- |  |   |
|--|---|
| 1. <i>Repealing Scab and Catarrh Ordinance, Sess. 1., No. 9.</i>                                 | 16. <i>Penalties for resisting inspection.</i>                                  |
| 2. <i>Penalties for driving Scabby Sheep.</i>  | 17. <i>Justices may order Sheep to be herded and yarded.</i>                    |
| 3. <i>Separate information may be laid by every person whose Run is crossed, &amp;c.</i>         | 18. <i>Saving any other remedies at Law to persons suffering damage.</i>        |
| 4. <i>Notice to be given to Occupier of an intention to drive Sheep through his Land or Run.</i> | 19. <i>Sheep dying of Catarrh to be burnt or buried.</i>                        |
| 5. <i>Diseased Sheep to be kept further than half a mile from boundary of Run.</i>               | 20. <i>Sheep dying of Catarrh not be thrown into any stream or other water.</i> |
| 6. <i>Scabby Sheep to be branded S.</i>  | 21. <i>Penalty for slaughtering Diseased Sheep.</i>                             |
| 7. <i>All Sheep to be branded.</i>   | 22. <i>Penalty for Landing Sheep before inspection.</i>                         |
| 8. <i>All Sheep-brands to be registered.</i>   | 23. <i>Penalty for introducing Sheep by Land before inspection.</i>             |
| 9. <i>Superintendent may appoint Registrar of Brands, &amp;c.</i>                                | 24. <i>Penalty for Landing Diseased Sheep.</i>                                  |
| 10. <i>Penalty for using the registered brand of another.</i>                                    | 25. <i>Landing on Quarantine Ground.</i>  |
| 11. <i>Penalty for branding Sheep without leave of Owner.</i>                                    | 26. <i>Quarantine Ground in lawful occupation of Owner of Sheep thereon.</i>    |
| 12. <i>Brand to be primâ facie evidence of ownership.</i>  | 27. <i>Appointment of Inspectors.</i>   |
| 13. <i>Persons having Scabby Sheep to be fined.</i>  | 28. <i>All Sheep in a flock infected where one is so.</i>                       |
| 14. <i>Justices to order examination of Scabby Sheep.</i>  | 29. <i>Proceedings to be under "Summary Proceedings Ordinance."</i>             |
| 15. <i>Occupier may, without warrant, examine Sheep on his Land or Run.</i>                      | 30. <i>Interpretation.</i>  |
|  | 31. <i>Title.</i>   |

THIS Ordinance shall be entituled and may be cited as the "Scab and Catarrh Ordinance, Session III. No. 2."

JAMES EDWARD FITZGERALD,

Superintendent.

Passed the Provincial Council on the Twenty-fourth day of November, and assented to by his Honor the Superintendent on behalf of his Excellency the Governor, on the Eleventh day of December, in the year of our Lord one thousand eight hundred and fifty-four.

CHARLES SIMEON,  
Speaker.

GEORGE A. E. ROSS,  
Clerk to the Council.

*This Ordinance was repealed by the "Sheep Ordinance, Session X., No. 9, 1858."*





PROVINCE OF CANTERBURY.

ANNO OCTAVO DECIMO

VICTORIÆ REGINÆ

SESSION III., No. 3.

Auctioneers' Ordinance.

Published by Authority.

A N A L Y S I S.

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|---|---|
| <p><i>Preamble.</i></p> <ol style="list-style-type: none"><li>1. <i>Former Laws Repealed.</i></li><li>2. <i>Provincial Treasurer to issue Auctioneers' Licenses.</i></li><li>3. <i>Form of License.</i></li><li>4. <i>Treasurer to publish names of Licensees.</i></li><li>5. <i>No Auctioneer to sell by artificial light.</i></li><li>6. <i>Auctioneers may act as sworn appraisers.</i></li><li>7. <i>Penalty for selling without License.</i></li><li>8. <i>Proof of being licensed to lay on person selling.</i></li></ol> | <ol style="list-style-type: none"><li>9. <i>Application of penalties.</i></li><li>10. <i>Customs and Government sales, and sales by distress excepted.</i></li><li>11. <i>Fines to be recovered by summary proceeding at suit of an Officer of Government.</i></li><li>12. <i>Sub-Treasurers to act as Treasurer.</i></li><li>13. <i>Commencement of Ordinance.</i></li><li>14. <i>Title.</i></li></ol> |
|---|---|

**W**HEREAS an Ordinance was passed by the Governor and Legislative Council of New Zealand, entitled "An Ordinance for Licensing Auctioneers, Session II., No. 13": And Whereas a similar Ordinance was passed entitled "An Ordinance to Amend an Ordinance for Licensing Auctioneers, Session III., No. 10": And Whereas it is desirable that the said recited Ordinances should be repealed, and that further provisions should be made for regulating the issue of Auctioneers' Licenses within the Province of Canterbury: Be it enacted by the Superintendent of the Province of Canterbury, by and with the advice of the Provincial Council thereof, as follows:—

1. From and after the day when this Ordinance shall come into operation, the above recited Ordinances shall be, and the same are hereby repealed within the said Province.

Provincial Treasurer  
to issue Auctioneers'  
Licenses.

2. The Provincial Treasurer shall issue an Auctioneers' License to any person who shall, at any time during the year, on applying for the same, pay into his hands the sum of forty pounds sterling.

Form of License.

3. Every such License shall be in the form in Schedule A hereunto annexed; and shall commence from the date of the issue thereof, and shall be in force until the expiration of the Thirtieth day of June next ensuing: Provided always, that it shall be lawful for the Provincial Treasurer to issue, in accordance with the Provisions of this Ordinance, Licenses which shall commence on the Twenty-fifth day of April next, one thousand eight hundred and fifty-five, and shall be in force until the expiration of the Thirtieth day of June, one thousand eight hundred and fifty-six, and for which a fee of forty-seven pounds eight shillings shall be payable.

Treasurer to publish  
names of Licensees.

4. Within ten days after the issuing any such License, the Provincial Treasurer shall notify the same in the "Government Gazette" of the Province, or in some Newspaper published therein, and shall, at the same time, publish the name, place of abode, and calling of the Licensee.

No Auctioneer to sell  
by artificial light.

5. If any person so licensed shall exercise his business or calling of an Auctioneer by any artificial light, or after the hour of five o'clock in the afternoon, from April to September inclusive, or after the hour of seven o'clock in the evening during the residue of the year, he shall forfeit and pay for every such offence any sum not exceeding fifty pounds sterling.

Auctioneers may act as  
sworn Appraisers.

6. All Auctioneers licensed under this Ordinance shall be deemed competent and duly authorized to act as sworn Appraisers in cases of distress for rent, and all appraisements so made by them shall be deemed to satisfy the requirements of the Statutes in that behalf.

Penalty for selling  
without License.

7. If any person, not being duly licensed under the provisions of this Ordinance, shall sell any estates, goods or effects by way of public auction or tender, or in any way whereby the highest Bidder shall be deemed the Purchaser, either by public sale or otherwise, he shall forfeit and pay for every such offence a sum of not less than ten pounds nor more than one hundred pounds sterling.

Proof of being licensed  
to lay on person selling.

8. In all proceedings taken against any person for having acted as an Auctioneer without License, such person, unless he shall produce a License proving him to have been duly licensed at the time at which the alleged offence shall have been committed, or shall bring other satisfactory proof to that effect, shall be deemed to have been unlicensed.

9. All fines and penalties recovered under this Ordinance shall, Application of penalties. after deducting the charges of prosecution, be given and paid as follows : that is to say, two-thirds to the Provincial Treasurer, on behalf of her Majesty, her heirs and successors, for the public uses of the Province of Canterbury, and the remaining one-third to any person or persons who shall give information leading to the prosecution, in such portions as the Court shall, in their discretion, think proper.

10. Nothing herein contained shall extend to any sale by order of the Customs and Government sales, sales by distress excepted. Governor of New Zealand, or of the Superintendent of the Province, or of any Collector or Sub-Collector of Customs, or to any sale of any vessel, or the apparel, stores, or cargo of any vessel which may be taken and condemned as a prize and sold for the benefit of the captors, or to any sale of goods distrained for rent, or by order of any Justices of the Peace.

11. All fines and penalties imposed hereby shall be sued for and Fines to be recovered by summary proceeding at suit of an Officer of Government. recovered in a summary way, but at the instance only and in the name of the Treasurer or the Provincial Solicitor or other person lawfully acting in that behalf.

12. For the purposes of this Ordinance the term Sub-Treasurers to act as Treasurer. Provincial Treasurer shall be taken to include Provincial Sub-Treasurers.

13. This Ordinance shall come into operation on the Commencement of Ordinance. Twenty-fifth day of April next, in the year of our Lord one thousand eight hundred and fifty-five.

14. This Ordinance shall be entitled and may be cited as "Title. The Auctioneers' Ordinance," Session III., No. 3, in the year of our Lord one thousand eight hundred and fifty-four.

JAMES EDWARD FITZGERALD,

Superintendent.

Passed the Provincial Council, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Fourteenth day of February, in the year of our Lord one thousand eight hundred and fifty-five.

CHARLES SIMEON,

Speaker.

GEORGE A. E. ROSS,

Clerk to the Council.

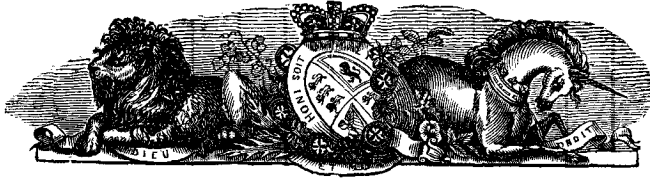
## SCHEDULE A.

## FORM OF AUCTIONEERS' LICENSE.

Provincial Treasury (Lyttelton),  
day of 185  
(name at length), of (street and town or place of abode), (trade or calling), is hereby licensed to exercise the business or calling of a public Auctioneer from the date hereof until the expiration of the 30th day of June next. The said (name) having this day (personally or by his duly accredited agent) paid into the Provincial Treasury the sum of forty pounds sterling.

(Signed)

Provincial Treasurer.



**PROVINCE OF CANTERBURY.**

ANNO OCTAVO DECIMO

**VICTORIÆ REGINÆ.**

SESSION IV., No. 1.

**Empowering Extension Ordinance.**

*Published by Authority.*

A N A L Y S I S .

*Preamble.*

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|--|------------------|
| 1. <i>Empowering Ordinance to extend to the Ordinance in the Schedule.</i> | 2. <i>Title.</i> |
|--|------------------|

**W**HEREAS it is expedient to extend the operation of an Ordinance Preamble. passed by the Superintendent and Provincial Council of the Province of Canterbury, entitled the “Empowering Ordinance, Session II., No. 2.”

Be it therefore enacted by the Superintendent of the said Province, with the advice and consent of the Provincial Council thereof, as follows :—

1. From and after the passing of this Ordinance, the operation of the said recited Ordinance shall be taken and deemed to extend to the Ordinance recited in the Schedule hereto annexed in the same manner and to the same extent as though the said Ordinance recited in the Schedule hereto annexed had been recited in and had formed part of the Schedule to said recited Ordinance, Session II., No. 2. Empowering Ordinance to extend to the Ordinance in the Schedule.

2. This Ordinance shall be entitled and may be cited as the Title. “Empowering Extension Ordinance, Session IV., No. 1.”

**JAMES EDWARD FITZGERALD,**

Superintendent.

Passed the Provincial Council on  
the Seventh day of June, and  
assented to by his Honor the  
Superintendent, in the name of  
his Excellency the Governor,  
on the Nineteenth day of June,  
in the year of our Lord one  
thousand eight hundred and  
fifty-five.

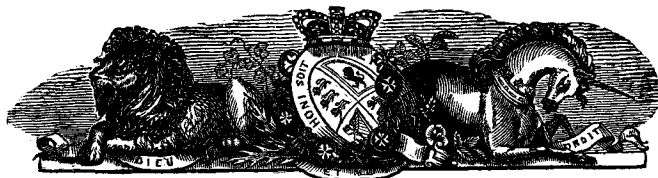
CHARLES BOWEN,  
Speaker.

GEORGE A. E. ROSS,  
Clerk to the Council.

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SCHEDULE.

Session 12, No. 2. Land Registration Amendment and Extension Ordinance.



PROVINCE OF CANTERBURY.

ANNO OCTAVO DECIMO

VICTORIÆ REGINÆ.

SESSION IV., No. 2.

Census Ordinance.

Published by Authority.

ANALYSIS.

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| <p><i>Preamble.</i></p> <ol style="list-style-type: none"><li>1. <i>Repealing former Ordinance.</i></li><li>2. <i>Census to be taken at certain times.</i></li><li>3. <i>Superintendent to appoint Collectors of Census.</i></li><li>4. <i>Superintendent to publish notice of Census to be taken.</i></li><li>5. <i>Schedules, when to be left at houses and filled in.</i></li><li>6. <i>If Master of house absent, Schedule by whom to be filled in.</i></li><li>7. <i>Collector to call for Schedules; if not filled in, Collector to obtain necessary information.</i></li><li>8. <i>In certain cases Collectors may call only once at each house.</i></li></ol> | <ol style="list-style-type: none"><li>9. <i>Penalties for refusal or neglect in filling in Schedules, or for making false Returns.</i></li><li>10. <i>Penalty on Collector for neglect of duty.</i></li><li>11. <i>Superintendent may issue Instructions for collecting native Census.</i></li><li>12. <i>Collectors to return Schedules within one month to Provincial Secretary.</i></li><li>13. <i>Superintendent to publish totals of Returns in Gazette.</i></li><li>14. <i>Original Schedules to be deposited in Public Record Office.</i></li><li>15. <i>Title.</i></li></ol> |
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THIS Ordinance shall be entitled and may be cited as the "Census <sup>Title.</sup> Ordinance, Session IV., No. 2."

JAMES EDWARD FITZGERALD,

Superintendent.

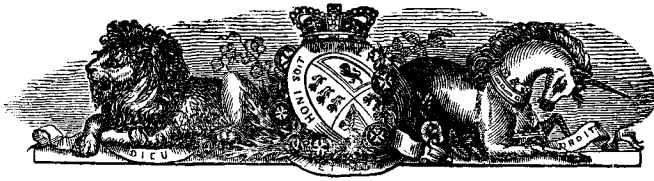
Passed the Provincial Council on the Twelfth day of June, and assented to by his Honor the Superintendent, in the name of his Excellency the Governor, on the Nineteenth day of June, in the year of our Lord one thousand eight hundred and fifty-five.

CHARLES BOWEN,  
Speaker.

GEORGE A. E. ROSS,  
Clerk to the Council.

*This Ordinance was disallowed by his Excellency the Governor. See Proclamation in "New Zealand Government Gazette," No. 21, 15th September, 1865, page 106.*





PROVINCE OF CANTERBURY.

ANNO OCTAVO DECIMO  
VICTORIÆ REGINÆ.

SESSION IV., No. 3.

An Ordinance to Amend the Provincial  
Council Extension Ordinance.

Published by Authority.

A N A L Y S I S.

- Preamble.*  
1. *Boundaries of Lyttelton District defined.* | 2. *Title.*

**T**HIS Ordinance shall be entitled and may be cited as “An <sup>Title.</sup> Ordinance to Amend the Provincial Council Extension Ordinance, Session IV., No. 3.”

JAMES EDWARD FITZGERALD,  
Superintendent.

Passed the Provincial Council on  
the Nineteenth day of June,  
in the year of our Lord one  
thousand eight hundred and  
fifty-five, and reserved for the  
assent of his Excellency the  
Governor.

CHARLES BOWEN,  
Speaker.

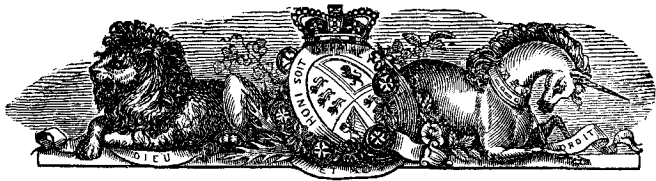
GEORGE A. E. ROSS,  
Clerk to the Council.

I hereby declare that I assent to this Ordinance.

Given under my hand, at Auck-  
land, this Twenty-third day of  
August, in the year of our  
Lord one thousand eight  
hundred and fifty-five.

R. H. WYNYARD.

*This Ordinance has become obsolete, as it merely amended the "Provincial Council Extension Ordinance, Session III., No. 1.," which was repealed by the "Provincial Council Extension Ordinance, Session VIII., No. 8, 1857."*



PROVINCE OF CANTERBURY.

ANNO NONO DECIMO

VICTORIÆ REGINÆ.

SESSION IV., No. 4.

Christ's College Ordinance.

Published by Authority.

ANALYSIS.

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| <i>Preamble.</i>   | } of "Christ's College, Canterbury." |
| 1. <i>Warden, Sub-Warden and Fellows to be a Body Politic and Corporate, by name</i> |                                      |

WHEREAS by Letters Patent, under the Great Seal, bearing date the Thirteenth day of November, one thousand eight hundred and forty-nine, certain persons therein named were constituted a Body Corporate, with perpetual succession and a common seal, by the name of the Canterbury Association for founding a Settlement in New Zealand, and by such Letters Patent the said Association, was made able and capable in Law to purchase, receive, and enjoy to it and its Successors any goods and chattels whatsoever and wheresoever, and any messuages, lands, tenements, or hereditaments in New Zealand and its dependencies, and also to sell, alienate, mortgage, charge, or otherwise dispose of such property as it should think proper, and to act in all the concerns of the said Body Corporate for the purposes and objects mentioned in the said letters patent as fully and effectually to all intents and purposes whatsoever as any other of her Majesty's subjects might or could do in their respective concerns, and the purposes and objects of the said Association were in such Letters Patent declared to be amongst other things for the establishment and maintenance of Ecclesiastical and Educational Institutions in the Settlement so to be founded as aforesaid in connexion with the Church of England as by Law established. And Whereas, in pursuance of the said Letters Patent, the said Association founded a Settlement in New Zealand, called the

Canterbury Settlement," within the Province of Canterbury: And Whereas, under and by virtue of the said Letters Patent, and of an Act of Parliament, made and passed in the Thirteenth and Fourteenth years of the Reign of her present Majesty, entitled "An Act Empowering the Canterbury Association to Dispose of certain Lands in New Zealand," and of a certain other Act of Parliament made and passed in the Fourteenth and Fifteenth years of the Reign of her said Majesty, entitled "An Act to Alter and Amend an Act Empowering the Canterbury Association to Dispose of certain Lands in New Zealand," and under and by virtue of divers Acts, Deeds, and things made done and executed in pursuance of the said Letters Patent and Acts of Parliament, the said Association, or some person or persons in trust for it, became possessed of, or entitled to divers Goods, Chattels, and Personal Estate, and also seized of or entitled to divers messuages, buildings, lands, tenements, hereditaments and real estate for the Ecclesiastical and Educational purposes mentioned in the said Letters Patent. And Whereas, by a certain Ordinance made and passed by the Superintendent and Provincial Council of the said Province of Canterbury, in the Seventeenth year of the Reign of her said Majesty Queen Victoria, entitled "The Church Property Trust Ordinance, Session II, No. 3," it was amongst other things enacted that certain persons therein named, and all such other persons as should be thereafter elected or appointed Trustees under the provisions of the said Ordinance and their Successors should be, and they were thereby constituted a Body Politic and Corporate, by the name of "The Church Property Trustees," and by that name should have perpetual succession and a common seal, and be for ever capable in the Law to purchase, receive, possess, and enjoy to them and their Successors, any goods and chattels, whatsoever and wheresover, and any messuages, lands, tenements, and hereditaments, in the said Province of Canterbury, and also to lease, sell, alienate, mortgage, charge, or otherwise dispose of such property, as well real as personal as they should think proper, and also to act in the concerns of the said Body Politic and Corporate as effectually as any person or persons might or could do in his or their respective concerns for the purpose and object of establishing and maintaining Ecclesiastical and Educational Institutions within the said Province of Canterbury, and it was by the said Ordinance further enacted, that it should be lawful for the said Canterbury Association, and any other person or persons holding in trust for them or his or their agents duly authorized in that behalf, to convey and assign to the said Trustees and their Successors in trust for Ecclesiastical and Educational purposes within the said Settlement, all or any part of the real or personal property applicable to Ecclesiastical or Educational purposes vested in the said Association, or in any other person or persons in trust for them for Educational purposes, subject to

any terms or conditions which might be agreed on between the Trustees and the said Association, or their Agent or Agents in their behalf, and such other person or persons in trust for them.

And Whereas, in pursuance of the said Ordinance, by two several Deeds, bearing date respectively the Sixteenth and Eighteenth day of May, one thousand eight hundred and fifty-five, divers lands, tenements, and hereditaments, theretofore vested in the said Canterbury Association, or in certain Trustees appointed by the said Association, upon trust for the said Ecclesiastical and Educational purposes within the said Settlement, were conveyed and assured unto the Trustees for the time being of the said Church Property Trust Ordinance and their Successors, upon the trusts of the said Ordinance :

And Whereas the said Trustees, being desirous of promoting and establishing Educational and Ecclesiastical Institutions within the said Province of Canterbury, in accordance with the doctrine and discipline of the Church of England, as now by Law established, have, by a certain deed or instrument, in writing, a copy whereof is set forth in the Schedule hereunto annexed, founded a College, by the name and style of "Christ's College, Canterbury," consisting of a Warden, Sub-Warden and Fellows :

And Whereas the said Sub-Warden and Fellows are desirous of obtaining for the said College an Ordinance of Incorporation, and it is expedient that the same should be granted accordingly :

1. Be it therefore enacted by the Superintendent of the Province of Canterbury, with the advice and consent of the Provincial Council thereof, as follows :—The Bishop of the Diocese for the time being the Warden, the Reverend Henry Jacobs, Master of Arts, the Sub-Warden, together with the Reverend Robert Bateman Paul, Master of Arts, the Reverend Octavius Mathias, Bachelor of Arts, the Reverend William Wellington Willock, Master of Arts, the Reverend James Wilson, Master of Arts, the Reverend George Cotterill, Bachelor of Arts, James Edward FitzGerald, Bachelor of Arts, John Bealey, Master of Arts, Charles Robert Blakiston, Henry Barnes Gresson, Bachelor of Arts, and William John Warburton Hamilton, the Fellows, and all such other persons as shall hereafter become Wardens, or be elected or appointed Sub-Warden or Fellows and their Successors shall be, and they are hereby constituted a Body Politic and Corporate, by the name of "Christ's College, Canterbury," and by such name they shall have perpetual succession and a common seal, with full power and authority by the same name and style to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all Courts of Law

Warden, Sub-Warden,  
and Fellows to be a  
Body Politic and Cor-  
porate, by name of  
"Christ's College,  
Canterbury."

whatsoever, and shall be able and capable in Law to purchase, receive, possess, and enjoy to them and their Successors, any goods, chattels, and personal property whatsoever, and any messuages, lands, buildings, tenements, and hereditaments situate within the said Colony or elsewhere, and that they and their Successors shall be able and capable in Law to grant devise, alienate, or otherwise dispose of all or any of the property real or personal, belonging to the said College, and also to do all other matters and things incidental or appertaining to a Body Politic, subject to the restrictions and conditions in the said Deed or Instrument of Foundation set forth and contained.

Title.

2. And be it enacted that this Ordinance shall be entitled "Christ's College Ordinance, Session IV., No. 4," and may be cited by such title.

JAMES EDWARD FITZGERALD,  
Superintendent.

Passed the Provincial Council on  
the Twenty-seventh day of  
June, and assented to by his  
Honor the Superintendent, on  
behalf of his Excellency the  
Governor, on the Twenty-  
eighth day of June, in the  
year of Our Lord One  
thousand eight hundred and  
fifty-five.

CHARLES BOWEN,  
Speaker.

GEORGE A. E. ROSS,  
Clerk to the Council.

DEED OF FOUNDATION  
OF  
CHRIST'S COLLEGE, CANTERBURY.

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IN the name of GOD, Amen. We, the Church Property Trustees, duly appointed, nominated, and elected under and by virtue of an Ordinance passed by the Superintendent and Provincial Council of the Province of Canterbury, Session II., No. 3, entitled "The Church Property Trust Ordinance," being desirous of promoting Ecclesiastical and Educational Institutions within the said Province of Canterbury, by virtue and in exercise of the powers vested in us as such Trustees, and of every power and authority enabling us in that behalf, do by this present Deed, sealed with our Corporate Seal, testify and declare that the several lands, tenements, and hereditaments, specified and set forth in the first Schedule hereunder, within, or hereunto annexed, with their respective appurtenances are, and henceforth shall be held by us, and our Successors, and Assigns upon, and for the several uses, trusts, intents, and purposes following, and upon or for no other use, trust, intent, or purpose whatsoever, that is to say: upon trust for the foundation, endowment, and maintenance of a College, to be henceforth established within the said Province of Canterbury, by the name and style of "Christ's College, Canterbury." And we do accordingly hereby found the said College, to the Honor and Glory of the Eternal and ever Blessed Trinity, for the propagation of the Most Holy Christian Religion, as it is now professed and taught by the United Church of England and Ireland, and for the promotion of sound piety and useful learning, more especially within the said Province of Canterbury. And we do hereby declare that the said College shall be constituted as follows, that is to say:—There shall be a Warden, Sub-Warden, and Fellows, not fewer than six, nor exceeding twenty-five in number; subject, however, to increase in the manner provided for by the Statute in that behalf, in the second Schedule hereunto annexed. The Bishop of the Church of England for the time being of the Diocese, in which the said College shall be situate, shall be *ex officio* the Warden of the College; provided, that if at any time such Bishop should refuse to hold the said office of Warden, it shall be competent to the Fellows of the College for the time being, to elect a person to fill such office for such period as shall elapse between the refusal of such Bishop to accept the said office of Warden, and the consecration of his Successor to the Bishopric held at the time of such refusal by the Bishop so refusing, and no longer. The Governing Body of the said College shall consist of a Society formed of the Warden, Sub-Warden, and Fellows, of whom the Sub-Warden and Fellows shall be nominated by us in the first instance. And we do hereby accordingly nominate, constitute, and appoint the Reverend

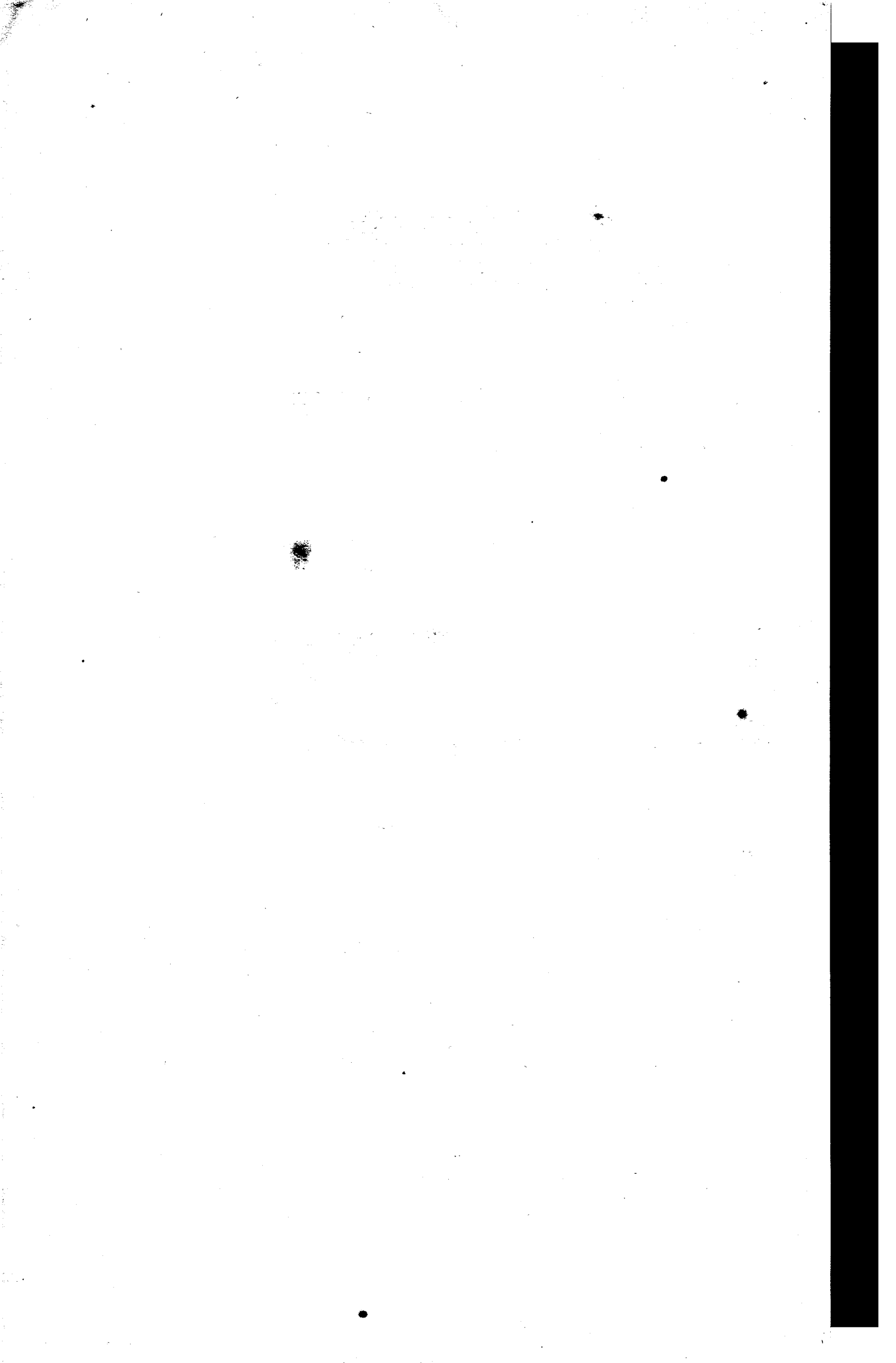
Henry Jacobs, Master of Arts, to be Sub-Warden, and the following persons to be the Fellows of the said College, that is to say—The Reverend Robert Bateman Paul, Master of Arts, the Reverend Octavius Mathias, Bachelor of Arts, the Reverend William Wellington Willock, Master of Arts, the Reverend James Wilson, Master of Arts, the Reverend George Cotterill, Bachelor of Arts, James Edward FitzGerald, Bachelor of Arts, John Bealey, Master of Arts, Charles Robert Blakiston, Henry Barnes Gresson, Bachelor of Arts, and William John Warburton Hamilton. The Metropolitan Bishop of the Church of England for the time being, of the Ecclesiastical Province, within which the said College shall be situate, shall be the visitor thereof. The Sub-Warden and Fellows shall hold office during life, subject nevertheless to the provisions in the Statutes in the second Schedule for the determination of such Sub-Wardenship or Fellowship respectively. All future Sub-Wardens shall be elected by the Fellows, subject to a veto to be exercised by the Warden; provided nevertheless, that if at any time, from the omission of the Fellows of the said College for the time being to exercise their right of election, or from any other cause, the office of Sub-Warden shall remain vacant for a period of three calendar months at any one time, then and so often as the same shall happen, the nomination and appointment of a person to fill such vacant office shall thereupon devolve upon the Warden of the said College for the time being, who is hereby empowered, in such event, to make such appointment by his own sole authority. The said College shall be governed by the Statutes set forth in the said second Schedule hereunto annexed, together with such other Statutes as shall from time to time be made in pursuance of the power vested in the said Society under the Statutes in that behalf contained in the said second Schedule. Immediately upon the passing of an Ordinance granting corporate powers to the said Warden, Sub-Warden, and Fellows, the said lands, tenements, and hereditaments set forth in the said first Schedule, with their appurtenances, shall be duly conveyed and assured to the said Warden, Sub-Warden, and Fellows, and their Successors, to be held by them and their Successors, upon trust, for the endowment and maintenance of the said College. It shall be lawful for the Warden, Sub-Warden, and Fellows of the said College for the time being, to alienate so much of the said lands, tenements, and hereditaments as may be necessary for payment of a sum of four hundred pounds with which the same now stands charged, and also of such further sum, not exceeding five hundred pounds, as may be required for the erection of such buildings and making such improvements as may be required for the said College; and it shall be lawful also for the said Sub-Warden and Fellows, with the approbation, in writing, of the Warden of the said College for the time being, but not otherwise, and subject to the proviso for re-investment hereinafter contained, from

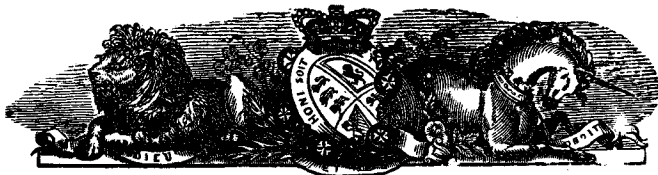


time to time, to sell such further portion or portions of the said lands, tenements, and hereditaments, as they shall think proper; provided nevertheless, that immediately, or so soon as conveniently may be after every such sale, the proceeds thereof shall be re-invested in lands, tenements, and hereditaments within the said Province, of the like tenure, to be duly conveyed to and held by the Warden, Sub-Warden, and Fellows of the said College for the time being, upon and for the like uses and trusts as are in these presents declared concerning the lands, tenements, and hereditaments which shall have been so sold as last aforesaid, or as near thereto as circumstances will admit of, and upon or for no other use or trust whatsoever. But save as aforesaid, it shall not be lawful for the said Warden, Sub-Warden and Fellows to alienate, mortgage, charge, or demise the said lands, tenements, or hereditaments, or any other lands, tenements, or hereditaments, to which the said College may become entitled by grant, purchase, or otherwise, unless under the authority of an Ordinance or Ordinances of the Provincial Council of the said Province, to be made in that behalf, except by way of Lease, for a term not exceeding thirty-one years from the time when such Lease shall be made, in and by which Lease there shall be reserved and made payable during the whole of the term thereby granted the best yearly rent that can be reasonably procured for the same, without any fine or premium. In Witness, whereof, we, the said Church Property Trustees, have to this Deed, and also to the two Schedules hereunto annexed, affixed our Corporate Seal, this twenty-first day of May, in the year of our Lord, one thousand eight hundred and fifty-five.



L. S.





PROVINCE OF CANTERBURY.

ANNO NONO DECIMO

VICTORIÆ REGINÆ.

SESSION IV., No. 5.

Appropriation Ordinance.

Published by Authority.

ANALYSIS.

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| <p>1. <i>Appropriation of Provincial Revenues for the Year ending 31st March, 1856.</i></p> <p>2. <i>Provincial Treasurer, &amp;c., shall issue and be allowed credit for the sums appropriated.</i></p> | <p>3. <i>Provincial Treasurer, &amp;c., shall be allowed credit for certain sums expended up to 31st March, 1855.</i></p> <p>4. <i>Title.</i></p> |
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BE it enacted by the Superintendent of the Province of Canterbury, with the advice and consent of the Provincial Council thereof, as follows :—

1. Out of the Public Revenues of the said Province there may be issued and applied, in the manner hereinafter mentioned, any Sum or Sums of Money, not exceeding the several Sums hereinafter specified, amounting in the whole to the sum of Twenty Thousand Five Hundred and Sixty Pounds Sixteen Shillings for defraying the charge of the Government of the said Province for the Year commencing on the First day of April, one thousand eight hundred and fifty-five, and ending upon the Thirty-first day of March, one thousand eight hundred and fifty-six ; that is to say, for the service of the department of—

Appropriation of Provincial Revenues for the Year ending 31st March, 1856.

	£	s.	D.
The Superintendent ... ..	550	0	0
Provincial Council ... ..	625	0	0
Provincial Secretary ... ..	510	0	0
Provincial Treasurer ... ..	200	0	0
Provincial Auditor ... ..	100	0	0
Provincial Solicitor ... ..	300	0	0
Registrar ... ..	370	0	0

	£	s.	D.
Supreme Court ... ..	100	0	0
Resident Magistrate ... ..	425	0	0
Sheriff and Gaol ... ..	304	16	0
Police ... ..	887	6	0
Provincial Surgeon ... ..	473	0	0
Coroner ... ..	30	0	0
Harbor Master ... ..	327	10	0
Inspector of Sheep ... ..	400	0	0
Printing and Stationery ... ..	300	0	0
Akaroa ... ..	293	4	0
Miscellaneous charges, including Rent and Insurance of Government Offices, Council Chamber, Fuel, &c. ... ..	175	0	0
Immigration ... ..	2,100	0	0
Education ... ..	1,000	0	0
Public Works ... ..	9,410	0	0
Steam ... ..	1,680	0	0
	<u>£20,560</u>	<u>16</u>	<u>0</u>

Provincial Treasurer,  
&c., shall issue, and be  
allowed credit for the  
sums appropriated.

2. The Provincial Treasurer and Sub-Treasurers shall issue, from time to time, any Sum or Sums of Money for the purposes hereinbefore mentioned, not exceeding in the whole the Sums respectively specified, to such persons and in such portions as the Superintendent shall, by any Warrant, under his hand, from time to time direct; and shall be allowed credit in their Accounts for all such Sums so paid by them in pursuance of such Orders; and the receipts of the persons to whom such Sums shall have been so paid shall be to them a full discharge for the Sum or Sums for which such receipts shall be given.

Provincial Treasurer,  
&c., shall be allowed  
credit for certain sums  
expended up to 31st  
March, 1855.

3. And Whereas, in defraying the charge of the Provincial Government for the Year ending the Thirty-first day of March, one thousand eight hundred and fifty-five, and on account of the several services hereinafter mentioned, certain Sums of Money, amounting in the whole to the sum of One Thousand Three Hundred and Eighty-seven Pounds Seven Shillings and Ten-pence, were issued and paid by the Provincial Treasurer in pursuance of Warrants under the hand of the Superintendent, whereof certain Sums, that is to say, for the service of—

	£	s.	D.
The Provincial Council ... ..	14	9	5
The Provincial Secretary ... ..	238	19	3
The Resident Magistrate ... ..	4	2	0
Police ... ..	3	12	4
The Provincial Surgeon ... ..	29	2	1
Charitable Aid ... ..	128	6	7

	£	s.	d.
Immigration ... ..	100	0	0
Printing ... ..	95	11	0
Census ... ..	5	7	10
Public Records ... ..	0	1	10
Provincial Engineer ... ..	109	16	4
Steam ... ..	3	15	0
Repairs of Bridle Path ... ..	17	10	5
Harewood Road ... ..	97	14	7
Ferry over the Courtenay (Waimakariri) ...	15	9	8
Sumner Bar ... ..	4	0	0
Miscellaneous Expenses ... ..	23	0	0
	<hr/>		
	£890	18	4

were so issued and paid in excess of the Sums by Law appropriated to the said several services; and certain other Sums, that is to say, for the service of—

	£	s.	d.
The Provincial Council ... ..	100	0	0
Fitting up Offices, &c. ... ..	60	0	0
North Road ... ..	117	2	9
Road South of Christchurch ... ..	81	8	10
Alterations to Hospital ... ..	119	13	11
Bridges over Avon ... ..	18	4	0
	<hr/>		
	£496	9	6

were so issued and paid in pursuance of Resolutions of the Provincial Council in that behalf, but were not included in any Bill for the Appropriation of the Public Revenues of the Province for the said year: Be it therefore enacted: The Provincial Treasurer shall be allowed credit in his Accounts for all Sums of Money so issued and paid by him for the said several services, and not exceeding the several amounts hereinbefore particularly specified. And the receipts of the persons to whom such Sums of Money shall have been paid under such Warrants as aforesaid, shall be a complete discharge for the Sum or Sums for which such receipts shall have been given.

4. This Bill shall be entitled, and may be cited as the “Appropriation Bill, 1855-6, Session IV., No 5.”

JAMES EDWARD FITZGERALD,

Superintendent.

Passed the Provincial Council on the Fifth day of July, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Tenth day of July, in the year of our Lord one thousand eight hundred and fifty-five.

C. BOWEN,  
Speaker.

GEORGE A. E. ROSS,  
Clerk to the Council.



PROVINCE OF CANTERBURY.

ANNO NONO DECIMO

VICTORIÆ REGINÆ.

SESSION IV., No. 6.

Canterbury Association's Ordinance.

Published by Authority.

ANALYSIS.

*Preamble.*

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| <p>1. Powers, &amp;c., of the Canterbury Association to be vested in the Provincial Council.</p> <p>2. Powers to be exercised by Ordinance.</p> <p>3. Property to be vested in the Superintendent and his successors.</p> <p>4. Property to be held by the Superintendent in trust for the Province on the terms set forth in the 'Public Reserves Act.'</p> <p>5. Existing Contracts with regard to lands affected by this Ordinance not prejudiced.</p> <p>6. Contracts, &amp;c., with regard to lands held in trust for Ecclesiastical and Educational purposes shall be valid.</p> <p>7. Superintendent may issue Debentures.</p> <p>8. Such Debentures to be for sums not less than £25 and not more than £100.</p> | <p>9. Principal of Debentures to be payable in London on the 1st of July, 1865; notice to be given of anticipated payment.</p> <p>10. Debentures to be paid in order as they are numbered.</p> <p>11. Interest to be at six per cent, and payable in London half yearly.</p> <p>12. Place of payment may be changed to the Provincial Treasury.</p> <p>13. Notice of anticipated payment in such case to be given in the Province.</p> <p>14. Principal and interest of Debentures to be a first charge on the general revenues.</p> <p>15. Payment and receipt of Debentures as cash for the purchase of Waste Lands to be an effectual discharge of the principal of such Debentures.</p> <p>16. Title.</p> |
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**W**HEREAS by Letters Patent, bearing date the Thirteenth day of Preamble.  
November, in the Thirteenth year of the reign of her present Majesty, certain persons therein named were constituted a Body Corporate, with perpetual succession and a common seal, by the name of the Canterbury Association, for founding a Settlement in New Zealand: And 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, entitled "An Act Empowering the Canterbury Association to Dispose of Certain Lands in New Zealand:" And Whereas an Act was passed in the Session of Parliament holden in the Fourteenth and Fifteenth years of the reign of her present Majesty, chapter eighty-four, entitled "An Act to Alter and Amend an Act Empowering the Canterbury Association to Dispose of Certain Lands in New Zealand:" And Whereas, by the said Letters Patent and Acts of Parliament, divers functions, powers and authorities were vested in the said Association, some of which the said Association was empowered lawfully to exercise only for a certain term of years in the said first recited Act mentioned, subject nevertheless to expiration at the end of such term, or to sooner determination upon certain conditions therein set forth: And Whereas, by an Act passed in the Session of Parliament holden in the Fifteenth and Sixteenth years of the reign of her present Majesty, entitled "An Act to Grant a Representative Constitution to the Colony of New Zealand," it was enacted, in respect of the functions, powers and authorities, at the time of the passing of the said Act, vested in or lawfully exercised by the said Association, that it should be lawful for the Canterbury Association, at any time after a Provincial Council should have been constituted under the said Act for the Province of Canterbury, to transfer to the said Council all such functions, powers and authorities, and the said Council was thereby empowered to accept such transfer upon such terms and conditions as should be agreed upon between the said Association and the said Council: Provided always, that nothing contained in such terms and conditions should interfere with the rights of her Majesty, her Heirs and Successors, or of the New Zealand Company respectively; and that, from and after such time as should be agreed upon between the said Council and the said Association, the said Council should have, and be entitled to exercise, all the said functions, powers and authorities: And Whereas the said Association, being desirous of transferring the said functions, powers and authorities, did, by a certain Deed Poll, or Instrument in writing, executed by the said Association; under its common seal, and bearing date the Sixteenth day of September, one thousand eight hundred and fifty-two, which Deed Poll, or Instrument in writing is annexed as the Schedule A to this Ordinance, transfer to the said Provincial Council all functions, powers and authorities then vested in the Association, subject nevertheless to a certain proviso therein contained that such transfer should not take effect until the said Provincial Council should have been constituted, nor until the said transfer should have been duly accepted and agreed to by the said Provincial Council, nor until the terms and conditions of transfer between the said Association and the said Provincial Council should have been duly agreed to and certified by a Certificate under the hand and seal of Henry Sewell, Esquire, the Agent of the said Association, in manner therein



mentioned, nor until the time fixed by such terms and conditions: And Whereas, in pursuance of the said desire, the said Association did, by the said Deed Poll, or Instrument in writing, constitute and appoint the said Henry Sewell the Attorney of the said Association, in its name, and on its behalf, to do and execute all matters and things whatever in any way material or necessary for effecting and completing such transfer, and to settle and arrange the terms and conditions thereof, and to make, do, and execute all such Acts, Deeds and Instruments whatsoever as should be necessary for effecting the same: And Whereas, since the passing of the said last mentioned Act, and the execution by the said Association of the said Deed Poll, or Instrument in writing, certain of the functions, powers and authorities theretofore vested in the said Association have ceased and determined, in pursuance of certain conditions set forth in the said first mentioned Act: And Whereas, under and by virtue of the powers vested in the said Association by the said Letters Patent and Acts of Parliament respectively, and of certain Acts and Deeds done and executed in the exercise of such powers, and especially by the execution of two Deeds which are annexed as the Schedule B to this Ordinance, the said Association became or claimed to be seized, possessed of, or entitled to certain lands, tenements, and hereditaments, and have become possessed of certain goods and chattels: And Whereas it is expedient that all the functions, powers and authorities now vested in or which may be lawfully exercised by the said Association should be transferred to the said Provincial Council, upon certain terms and conditions which have been agreed upon between the said Provincial Council and the said Henry Sewell, testified by the Certificate under the hand and seal of the said Henry Sewell, set forth in the Schedule C to this Ordinance: And it is further expedient that all the lands and tenements, goods and chattels, respectively, now vested in, claimed by, or belonging to the said Association (except such portion thereof as may be held in trust for Ecclesiastical and Educational purposes) should be conveyed and assigned to and vested in the Superintendent of the said Province, to be held by him in trust for the public uses thereof in the manner and under the conditions in this Ordinance particularly set forth: And Whereas for the quieting of all doubts which may arise or have arisen respecting the title to the said lands and tenements, as to whether the said Association has full power and authority legally to convey the same, it is expedient that such Conveyance should be confirmed by the Governor of New Zealand on Her Majesty's behalf: And Whereas certain Deeds, Conveyances, Contracts, and Dispositions have been heretofore made, executed, and entered into by the Agents and Attornies of the said Association authorised in that behalf, of and relating to portions of the Estates vested in the said Association for Ecclesiastical and Educational

purposes, and it is expedient that the same should be confirmed: And Whereas in carrying into effect the objects for which the said Association was incorporated, and in defraying the cost of founding the Settlement of Canterbury in the said Province, a certain debt was incurred by the said Association, the amount whereof has been ascertained as not exceeding the sum of Twenty-eight Thousand Nine Hundred and Thirty-nine Pounds Ten Shillings and Seven Pence; and it is just and expedient that the said debt should be charged upon and paid out of the Public Revenues of the said Province:

Be it therefore enacted by the Superintendent of the Province of Canterbury, with the advice and consent of the Provincial Council thereof, as follows:

Powers, &c., of the Canterbury Association to be vested in the Provincial Council.

1. From and after the execution of the Deeds and Certificate in the Schedule C to the Ordinance annexed, all the functions, powers, and authorities now vested in or which may be lawfully exercised by the Canterbury Association shall be, and the same are hereby declared to be vested in, and may be lawfully exercised by the Provincial Council of the said Province in the manner hereinafter provided.

Powers to be exercised by Ordinance.

2. All such functions, powers, and authorities shall be exercised in such manner as shall be set forth and prescribed in any Ordinance or Ordinances to be passed by the Superintendent and Provincial Council in that behalf.

Property to be vested in the Superintendent and his Successors.

3. From and after the due execution of the said Deeds in the Schedule C to this Ordinance annexed by the Governor of New Zealand for and on behalf of the Crown, and by the said Henry Sewell, for and on behalf of the Canterbury Association, respectively, all the property, whether real or personal, now vested in or belonging to the Canterbury Association, or claimed by the said Association as vested in or belonging to them (excepting only such property as now is or may be held by the said Association in trust for Ecclesiastical and Educational purposes, in accordance with the provisions of the said recited Letters Patent and Acts of Parliament respectively), shall be taken and deemed to be duly conveyed and transferred to and vested in the Superintendent of the said Province and his Successors; and the said Superintendent is hereby enabled to accept and take such conveyance and transfer, and to receive and hold such property to him and his Successors as a Body Corporate as effectually as if the same were vested in him under the Provisions of an Act of the General Assembly of New Zealand, entitled the "Public Reserves Act, 1854."

4. All lands, tenements, and hereditaments so conveyed to the Superintendent, shall be held by him in trust for the public uses of the said Province, upon the terms and conditions set forth in the said Act of the General Assembly of New Zealand, entitled the "Public Reserves Act, 1854;" and all such lands shall be managed and disposed of according to the provisions of the said Act.

Property to be held by the Superintendent in trust for the Province on the terms set forth in the "Public Reserves Act."

5. Provided always, that nothing in this Ordinance contained shall prejudice the rights of any person or persons whatsoever, who shall, before the passing thereof, have entered into any contracts with the Canterbury Association, or with any Agent or Agents lawfully acting in its behalf, in respect of any of the lands affected by this Ordinance.

Existing Contracts with regard to lands affected by this Ordinance not prejudiced.

6. All Deeds, Contracts, Conveyances and Dispositions made, entered into, and executed, of any lands, tenements, or hereditaments heretofore held by the said Association or by any person in trust for them for Ecclesiastical and Educational purposes, by any Agents or Attornies authorised in that behalf by the said Association, or such other persons as aforesaid, shall be valid and effectual to all intents and purposes.

Contracts, &c., with regard to lands held in trust for Ecclesiastical and Educational purposes shall be valid.

7. At any time after the execution of the Deeds hereinbefore mentioned, it shall be lawful for the Superintendent of the said Province to issue Debentures charging the Public Revenues of the said Province to an amount not exceeding in the whole the sum of Twenty-eight Thousand Nine Hundred and Thirty-nine Pounds Ten Shillings and Seven Pence, in satisfaction of all claims of the said Association, or of any other person or persons whomsoever, in respect of the debt hereinbefore mentioned.

Superintendent may issue Debentures.

8. Such Debentures shall be issued for sums not less than Twenty-five Pounds and not exceeding One Hundred Pounds each, and shall be numbered consecutively, and shall be in the form set forth in the Schedule D to this Ordinance annexed.

Such Debentures to be for sums not less than £25 and not more than £100.

9. The principal of such Debentures shall be payable at the Union Bank of Australia, or such other place in London as the Superintendent shall appoint, on the First day of July, in the year one thousand eight hundred and sixty-five. Provided that if the Superintendent of the said Province shall, with the advice of the Provincial Council, deem it expedient to pay off the same, or any part thereof, at an earlier day, and of such intention shall give six calendar months' notice, by advertisement in some Newspaper published in London, for six consecutive weeks, specifying the Debentures intended to be paid

Principal of Debentures to be payable in London on the 1st of July 1865, notice to be given of anticipated payments.

off, and the day of payment; in such case payment may be made at such earlier date as aforesaid: Provided that it shall be lawful for the said Superintendent, with the advice of his Executive Council, out of the proceeds of any personal property late belonging to the said Association which may be converted into money, to pay off a proportionate part of the said Debentures and interest.

Debentures to be paid in order as they are numbered.

10. In case of such anticipated payment, the order in which the said Debentures shall be paid off shall be the order in which they shall be respectively numbered.

Interest to be at 6 per cent. and payable in London half-yearly.

11. All such Debentures shall bear interest at the rate of Six Pounds Sterling per centum per annum; and such interest shall be payable at the Union Bank of Australia, or such other place in London as the Superintendent shall appoint, half-yearly, on the Thirtieth day of June and the Thirty-first day of December in every year.

Place of payment may be changed to the Provincial Treasury.

12. If the Holder of any such Debenture shall present the same at the office of the Provincial Treasurer, in the said Province, and shall require the place of payment to be changed from London to the said office, the Provincial Treasurer shall make an endorsement on such Debenture to that effect, and the place of payment of the principal and interest of such Debenture shall be changed accordingly.

Notice of anticipated payment in such case to be given in the Province.

13. In case of such anticipated payment as aforesaid of any Debentures which shall have been so made payable in the said Province, the notice hereinbefore required to be given in some Newspaper published in London, shall, instead thereof, be given in the *Provincial Government Gazette*, and in some Newspaper published in the said Province.

Principal and interest of Debentures to be a first charge on the General Revenues.

14. The Superintendent shall cause the principal and interest of such Debentures, according to the tenor thereof respectively, to be paid as a first charge out of all the General Revenues of the said Province of what kind soever.

Payment and receipt of Debentures as cash for the purchase of waste lands to be an effectual discharge of the principal of such Debentures.

15. Provided that if by any Law or Regulation at any time in force within the said Province, such Debentures shall be made payable and receivable as cash, for the purchase of the waste lands of the Crown in the said Province, the payment and receipt thereof accordingly shall be an effectual discharge of the principal of such Debentures so paid and received.

16. This Ordinance shall be entitled and may be cited as the <sup>Title.</sup>  
"Canterbury Association's Ordinance, Session IV., No. 6."

JAMES EDWARD FITZGERALD,

Superintendent.

Passed the Provincial Council, and  
assented to by his Honor the  
Superintendent, on behalf of  
his Excellency the Governor,  
on the Tenth day of July, in  
the year of our Lord one  
thousand eight hundred and  
fifty-five.

CHARLES BOWEN,

Speaker.

GEORGE A. E. ROSS,

Clerk to the Council.

**LIST OF THE SCHEDULES APPENDED TO THIS ORDINANCE.****SCHEDULE A.**

A Power of Attorney, dated the Sixteenth day of September, one thousand eight hundred and fifty-two, executed under the common seal of the Canterbury Association, appointing Henry Sewell, Esq., to be the Attorney of the said Association, for the purpose of effecting a transfer of the powers and property of the Association to the Provincial Council of the Province of Canterbury.

**SCHEDULE B.**

Two Deeds, dated the Ninth day of September, one thousand eight hundred and fifty-one, and the Twenty-seventh day of February, one thousand eight hundred and fifty-two respectively, executed under the common seal of the Canterbury Association, declaring certain Lands within the Province of Canterbury to be reserved and held in trust by the Association for public purposes.

**SCHEDULE C.**

1. A Certificate, under the hand and seal of Henry Sewell, certifying that the terms and conditions of the transfer of the powers and property of the Canterbury Association to the Provincial Council have been duly agreed on.

2. A Deed under the hand and seal of Henry Sewell, as Agent and Attorney of the Canterbury Association, conveying to the Superintendent of the Province of Canterbury all the property, real and personal, of the Canterbury Association, to be held under the terms and conditions of this Ordinance.

3. A Deed executed under the public seal of the Islands of New Zealand in confirmation of the last-mentioned Deed, conveying all the estate and interest of the Crown in the aforesaid property to the Superintendent of the Province, to be held by him in Trust for Public Purposes, under the terms and conditions set forth in the "Public Reserves Act, 1854."

**SCHEDULE D.**

The Form of Debenture.

SCHEDULE A REFERRED TO IN THE FOREGOING  
ORDINANCE.

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TO ALL TO WHOM THESE PRESENTS SHALL COME, THE CANTERBURY ASSOCIATION FOR FOUNDING A SETTLEMENT IN NEW ZEALAND, SEND GREETING :

WHEREAS, under and by virtue of her Majesty's Letters Patent, under the Great Seal of Great Britain, bearing date at Westminster, the Thirteenth day of November, one thousand eight hundred and forty-nine, the said Association were and are incorporated for certain purposes, with certain powers, and subject to certain conditions in the said Letters Patent expressed : And Whereas by certain Acts passed in the Thirteenth and Fourteenth, and the Fourteenth and Fifteenth years of the reign of her present Majesty, the said Association obtained certain powers, in the said Acts expressed for selling and disposing of lands in New Zealand, and certain other powers therein expressed, subject to certain conditions in the said Acts expressed : And Whereas, under and by virtue of the said Letters Patent and Acts of Parliament respectively, or some of them, the said Association have acquired and are now invested with certain powers, functions, and authorities, and have acquired certain lands, tenements, hereditaments, goods, and chattels in New Zealand : And Whereas, under and by virtue of a certain other Act passed in the last Session of Parliament for Establishing a Constitution of Representative Government in New Zealand, it was, amongst other things provided that a certain Province to be termed the Province of Canterbury, should be formed in New Zealand, and a certain Provincial Council should be established therein in manner in the said Act mentioned, and with such powers as are in the said Act expressed : And it is further provided that it should be lawful for the said Canterbury Association, at any time after a Provincial Council should have been constituted for the Province of Canterbury, to transfer to the said Council all such functions, powers, and authorities, and the said Council was thereby empowered to accept such transfer upon such terms and conditions as should be agreed upon between the said Council and the said Association : Provided that nothing contained in such terms and conditions should interfere with the rights of her Majesty, her Heirs and Successors, or of the New Zealand Company respectively. And from and after such time as should be agreed on between the said Association and the said Council, the said Council should have and be entitled to exercise all the said functions, powers, and authorities : And Whereas the said Association have resolved to exercise, so far as in them lies, the power of transfer in the last-mentioned Act contained, and to transfer to the said Legislative Council for the said Province of Canterbury all functions, powers, and authorities in any way vested in them, and which they are by the said last-mentioned Act empowered to transfer unto the said Provincial Council, such transfer to take effect after the said Provincial Council shall have been constituted in manner and upon the terms and conditions hereinafter mentioned : And Whereas, by reason of distance between New Zealand and England, it is necessary to depute some person or persons with sufficient authority to make such transfer, and to negotiate and agree upon such terms and conditions as aforesaid, and for that purpose the said Association have deputed and appointed Henry Sewell, late of

Bloomsbury Square, in the County of Middlesex, Esquire, to manage and transact such transfer, and to negotiate and agree upon such terms and conditions on behalf of the said Association : And Whereas the said Association are further desirous of winding up and settling all their affairs in New Zealand, and of effectually transferring and disposing of all property, real and personal, vested in them in New Zealand in such manner that after and subject to the payment of all just debts and liabilities, the same may be held and appropriated according to a plan to be arranged and agreed upon between the Provincial Council and the said Association, to the purposes for which the same real and personal property ought to be held and appropriated. Now these presents witness that the said Association, for divers good causes and considerations them thereunto moving, by virtue and in pursuance and exercise of the power and authority in that behalf vested in them by the said recited Act of the last Session of Parliament, and of all other powers and authorities whatsoever them in that behalf in anywise enabling, do, by these presents, sealed with their common seal, resolve and determine to transfer, and do transfer to the Provincial Council of the said Province of Canterbury, after the same shall have been constituted, such transfer to take effect in manner and subject to the provisions hereinafter mentioned, all powers, functions and authorities whatsoever, in any way vested in the said Association by virtue of the said Letters Patent and Acts of Parliament respectively or either of them, so and in such manner that the same powers, functions, and authorities, and every of them, may, from the time and subject to the provisions herein expressed, be fully and effectually vested in and exercised by the said Provincial Council of the said Province of Canterbury : Provided nevertheless that this present transfer shall not take effect until the said Provincial Council shall have been constituted, nor until this present transfer shall have been duly accepted and agreed to by the said Provincial Council according to Law, nor until the terms and conditions of transfer between the said Association and the said Provincial Council shall have been duly agreed to and certified in manner hereinafter mentioned, nor until the time fixed by such terms and conditions as aforesaid : Provided always that a Certificate in that behalf, under the hand and seal of the said Henry Sewell, made in manner hereinafter mentioned, shall be conclusive evidence that said terms and conditions have been agreed upon, and such original Certificate shall be delivered to the said Provincial Council, or in such manner as the said Council shall direct, and a Copy thereof, shall as soon as conveniently may be thereafter, be transmitted to the Governor-in-Chief of New Zealand, and to the said Association in England, and such transfer shall be perfected by such delivery of the said original Certificate as aforesaid : Provided always, that until such transfer shall have been perfected in manner aforesaid, all powers, functions, and authorities in any way vested in the said Association or its Attorney or Attornies, Managing Committee or Managing Committees, shall subsist and continue : And these presents further witness that for such causes and considerations as aforesaid, the said Association do, by these presents, make, constitute, and appoint the said Henry Sewell their true and lawful Attorney, for them, in their name and on their behalf to do and execute all matters and things whatsoever in any way material or necessary for affecting and completing such transfer, and to settle and arrange the terms and conditions thereof, and on behalf of the said Association to agree to such terms and conditions, and to make, do, and execute all such Acts, Deeds, and Instruments whatsoever as shall be necessary for effecting the same, and for that purpose, if



requisite, to affix the duplicate seal of the Association to any such Deeds and Instruments, which duplicate seal shall, for the purposes aforesaid, be deemed to be the original seal of the said Association, and generally to do and perform all acts whatsoever necessary for completing and perfecting such transfer as aforesaid, and all and whatsoever he the said Henry Sewell shall do or cause to be done in the premises, and all terms and conditions of arrangement and agreement whatsoever which the said Henry Sewell shall make or enter into, the said Association doth ratify, confirm and allow, and agree to ratify, confirm, and allow as fully and effectually as if the same were duly made, done, or entered into by the said Association under its common seal or otherwise in due course of Law: Provided nevertheless, that nothing in the said terms and conditions shall interfere with the rights of her Majesty, her Heirs and Successors, or of the New Zealand Company: And these presents further witness that if the said Henry Sewell shall die, or refuse, or neglect to execute the powers and authorities hereby vested in him before the same shall be fully executed and performed, or if the said Henry Sewell shall not arrive within the said Colony of New Zealand within nine months from the date hereof, or shall leave the same before the said powers and authorities shall be fully executed and performed, then and in either of the said cases, the said Association do, by these presents, nominate and appoint the Reverend Robert Paul, Clerk, John Robert Godley, Esquire, Charles Simeon, Esquire, James Edward FitzGerald, Esquire, and William Guise Brittan, Esquire, all of the said Colony, and the Survivors and Survivor of them, to be true and lawful Attornies and Attorney of the said Association in the place of the said Henry Sewell, to do, execute, and perform all matters and things whatsoever, and to exercise all powers, authorities, and discretion whatsoever which the said Henry Sewell is hereby authorised to do, execute, perform, or exercise, as effectually as if their or his names or name had been throughout substituted in these presents for that of the said Henry Sewell, and the acts of any three of the said last mentioned Attornies shall be as effectual as if done by all: And all and whatsoever the said Henry Sewell, or the said other Attornies shall do or cause to be done in the Premises, the said Association doth ratify, confirm, and allow, and agree to ratify, confirm, and allow. In witness whereof the said Canterbury Association have hereunto affixed their common seal, this Sixteenth day of September, in the year of our Lord one thousand eight hundred and fifty-two.

L. S.  
C. A.

By order of the said Association, at  
a Meeting held this Sixteenth  
day of September, one thou-  
sand eight hundred and fifty-  
two.

H. F. ALSTON,  
Secretary.

SCHEDULE B REFERRED TO IN THE FOREGOING  
ORDINANCE.

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TO ALL TO WHOM THESE PRESENTS SHALL COME, THE CANTERBURY  
ASSOCIATION FOR FOUNDING A SETTLEMENT IN NEW ZEALAND,  
INCORPORATED BY LETTERS PATENT, DATED THIRTEENTH  
NOVEMBER, ONE THOUSAND EIGHT HUNDRED AND FORTY-NINE,  
SEND GREETING :

WHEREAS by the said Letters Patent, after reciting amongst other things that the said Association had entered into arrangements for procuring to be set apart and placed at the disposal of the said Association a large tract of land in the Colony of New Zealand or its Dependencies, which it was the purpose of the said Association to sell and convey, or cause to be sold and conveyed, in lots or parcels to such of the subjects of her Majesty, being Members of the Church of England, as might be willing to purchase portions thereof; and reciting that it was the purpose of the said Association to expend the whole of the funds which might come to their hands, whether arising from the sale of lands or otherwise, in founding the said intended Settlement in New Zealand, and promoting the prosperity thereof, more especially by the execution of divers works and operations of a public nature adapted to prepare the site of the intended Settlement for the reception of Emigrants, and afford peculiar facilities for the immediate occupation thereof, and by the establishment and maintenance of Ecclesiastical and Educational Institutions in connection with the Church of England as by Law established, and which expenditure was intended to be regulated, so far as circumstances would admit, according to the following distribution and appropriation, that is to say: the said funds should be considered to be divided into six equal parts, whereof one sixth part should be appropriated to the acquisition of the tract of land requisite for the site of the said intended Settlement, two other sixth parts should be appropriated to the emigration of Settlers, two other such parts should be appropriated to Ecclesiastical and Educational purposes, and the remaining sixth part should be appropriated to the general purposes of the Association, including the execution of such preparatory and other works and operations as aforesaid, it was amongst other things declared, that the said Association should be a Body Politic and Corporate for the purposes and objects aforesaid by such name or style as aforesaid: And it was declared that they should be for ever able and capable in the Law, notwithstanding the Statutes of mortmain, to take, purchase, possess, hold, and enjoy, to them and their Successors, any messuages and tenements of any tenure, with the appurtenances, situate in any part or parts in the United Kingdom of Great Britain and Ireland requisite to be occupied or used for transacting or carrying on the business of the said Association, not exceeding the net annual value of Two Thousand Pounds (such net annual value to be calculated and ascertained at the period of taking, purchasing, or acquiring the same), and any messuages, lands, tenements, or hereditaments in the said Colony of New Zealand or its Dependencies, and also to sell, alienate, mortgage, charge, or otherwise dispose of the property, as well real as personal, of the said Body Politic and Corporate as they should think proper, and also to act in all the concerns of the said Body Politic and Corporate for the purposes and objects aforesaid as fully and effectually,

to all intents and purposes whatsoever, as any other of her Majesty's subjects could or might do in their respective concerns. And it was further declared that there should be a General Meeting of the Members of the said Body Politic and Corporate, to be held from time to time as thereafter mentioned, and that there should always be a Committee of Management formed of and chosen from the Members of the said Body Politic and Corporate as thereafter mentioned: And it was further declared that the funds of the said Body Politic and Corporate should be regulated according to the distribution and appropriation thereinbefore particularly mentioned, subject only to such variations or modifications as might at any time, or from time to time, be directed or approved by the Resolution of a General Meeting, sanctioned as thereafter provided: And that the said Body Politic and Corporate should cause distinct and true Accounts, in writing, under each head of Expenditure, to be kept in proper books as therein mentioned: And it was further declared that the said Body Politic and Corporate should not make or enter into any contract or agreement involving an expenditure by the said Body Politic of a sum exceeding Two Thousand Pounds or upwards, unless at the time of the making thereof, or within ten days thereafter, two Members of the Committee of Management, nominated for that purpose by the Lords of the Committee of Privy Council appointed for the consideration of all matters relating to trade and foreign plantations, should, by writing, under their hands, at the foot of a Copy of such Contract or Agreement, certified by the Secretary or other proper Officer of the said Body Politic and Corporate, declare that it appeared from the Accounts of the said Body Politic and Corporate, submitted to them, that the said Body Politic and Corporate was, at the date of such Contract or Agreement, possessed of funds available and adequate to answer the same: And Whereas, in pursuance of the powers conferred by the said Letters Patent, and of a certain Act passed in the Session of Parliament holden in the Thirteenth and Fourteenth Years of the reign of her present Majesty, chapter seventy, the said Association have procured, to be set apart by the Crown and placed at their disposal, a large tract of land in the said Colony of New Zealand, known by the name of the Canterbury Settlement, in which the lands situate in the town and port of Lyttelton and around it, within the said Canterbury Settlement, delineated in the plan drawn on the third and fourth skins of these presents, and therein distinguished by green colour, are part, on condition of the said Association paying one-sixth part of the whole produce of any sales that may be made by the said Association to her Majesty, her Heirs and Successors, and subject to the regulations in the said Act contained: And Whereas the said Association, having become possessed of divers large funds, such funds have been considered as divided into six equal parts, and the expenditure thereof has been regulated according to the distribution and appropriation mentioned in the said Letters Patent, and Accounts of such expenditure have from time to time been kept in proper books, under four heads, in manner following, that is to say: Such portion of the said funds as has been appropriated to the acquisition of the tract of land requisite for the site of the said intended Settlement, being one-sixth part of the whole funds which has come to the hands of the said Association, has from time to time been carried over to an Account in the books of the said Association, entituled "The Crown Account." And such portion of the said funds as has been appropriated to the emigration of Settlers, being other two-sixth parts of the whole funds which have come to the hands of the said Association, has from time to time been carried over to an

Account in the books of the said Association entitled "The General Emigration Account." And such portion of the said funds as has been appropriated to Ecclesiastical and Educational purposes, being other two-sixth parts of the whole funds which have come to the hands of the said Association, has from time to time been carried over to an Account in the books of the said Association, entitled "The Ecclesiastical and Educational Account." And such portion of the said funds as has been appropriated to the general purposes of the said Association, being the remaining sixth part of the whole funds which have come to the hands of the said Association, has, from time to time, been carried over to an Account in the books of the said Association entitled "The Miscellaneous Account:" And Whereas, by an Act passed in the Session of Parliament holden in the Fourteenth and Fifteenth years of the reign of her present Majesty, chapter eighty-nine, it is, amongst other things enacted, that it should be lawful for the said Association, and they are thereby 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 said land therein mentioned is intended to be reserved and appropriated, and 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 purpose 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: And Whereas the said Association, in pursuance of the said power contained in the said last mentioned Act, are desirous of reserving and appropriating, and intend to reserve and appropriate, for general purposes, including the execution of divers works and operations of a public nature, the several parcels of land particularly described in the Schedule hereto annexed: And Whereas the whole price of the land so intended to be reserved and appropriated, considered as sold to an ordinary Purchaser, would amount to the sum of Three Thousand Three Hundred and Fifty-one Pounds, Thirteen Shillings and Tenpence, and after deducting the amount which would be appropriated to the said part of the said funds, on such distribution as aforesaid, the price of the said lands amounts to the sum of Two Thousand Seven Hundred and Ninety-three Pounds, One Shilling and Sixpence Half-penny: And Whereas the funds now in the hands of the said Association for the time being, applicable to the general purposes of the said Association, are sufficient to pay a sum equal to the said sum of Two Thousand Seven Hundred and Ninety-three

Pounds, One Shilling and Sixpence Half-penny: And Whereas the said Association have distributed and appropriated the said sum of Two Thousand Seven Hundred and Ninety-three Pounds, One Shilling and Sixpence Half-penny, in manner following, that is to say: Firstly, they have transferred and carried over the sum of Five Hundred and Fifty-eight Pounds, Twelve Shillings and Threepence Half-penny, standing in the books of the said Association on the credit side of the said "Miscellaneous Account" to the credit side of the "Crown Account." Secondly, they have carried over and transferred the sum of One Thousand One Hundred and Seventeen Pounds, Four Shillings and Sevenpence, standing on the books of the said Association, on the credit side of the said "Miscellaneous Account" to the credit side of the said "General Emigration Account." Thirdly, they have transferred and carried over the sum of Eleven Hundred and Seventeen Pounds Four Shillings and Seven Pence standing on the books of the Association on the credit side of the said "Miscellaneous Account" to the credit side of the said "Ecclesiastical and Educational Account." Now these presents witness that the said Association do, in pursuance of the power contained in the said Act of the Fourteenth and Fifteenth Victoria, chapter eighty-four, and of every other power in that behalf enabling them by this Deed under their common seal, declare that they do, by these presents, reserve and appropriate, to the intent and purpose that the same may be used for laying out and making roads, streets, squares, markets, parks, and sites of public buildings, and erecting buildings thereon, if they shall so think fit, with the necessary additional space, and for other public purposes, adapted to afford facilities for the beneficial occupation of the lands so reserved and appropriated, and of the other lands sold by the said Association according to the true intent and meaning of the said Letters Patent and the said last recited Act, the several parcels of town and rural land described in the Schedule hereto annexed, containing the several admeasurements set forth in the said Schedule, and which said lands are more particularly delineated on the Map drawn on the third and fourth skins of these presents, and colored green, to the intent that such lands may be held by the said Association, in trust, for the said purposes, and with such power of sale, alienation, mortgage, charge, or other disposition, and of general management as the said Association are, by the said Letters Patent, capable of having and enjoying over or in respect of real and personal property in New Zealand, purchased or acquired by them, so far as the same is consistent with the provisions of the said last recited Act. In witness whereof the said Canterbury Association have hereunto affixed their common seal, this Ninth day of September, in the year of our Lord one thousand eight hundred and fifty-one.

L. S.  
C. A.

## THE SCHEDULE ABOVE REFERRED TO.

NO.	TOWN LANDS.	ACRES.	ROODS.	PRCHS.	£	s.	D.
5	The Gaol.....	0	3	28	44	8	0
9	Mechanics' Institute.....	0	0	16	4	16	0
10	Association's Offices .....	0	0	16	4	16	0
11	Hospital .....	0	3	0	36	0	0
15	Government Offices .....	0	1	18	17	8	0
16	Association's Store .....	0	0	30	9	0	0
29	Hospital .....	0	1	17	17	2	0
31	Custom House .....	0	2	32	33	12	0
32	Wharves and Store .....	1	0	10	51	0	0
33	Boathouse, &c. ....	0	1	27	20	2	0
34	Agent's House and Offices, Immigration } Barracks, &c. }	1	2	28	80	8	0
35	Exchange and Post Office	0	1	0	12	0	0
36	Town Hall .....	0	1	0	12	0	0
37	Police Court .....	0	1	0	12	0	0
38	Gaol.....	0	1	0	12	0	0
RURAL LANDS.							
21	Botanical Garden .....	23	0	0	69	0	0
22	Cattle Market .....	7	2	0	22	10	0
23	Abattoir .....	2	0	0	6	0	0
24	Town Reserve .....	897	0	0	2691	0	0
25	Government Domain.....	64	2	0	193	10	0
39	Store at Sumner.....	0	3	5	2	6	10
41	The Ferry House .....	0	1	0	0	15	0
		1002	2	27	3351	13	10

The first Plan referred to in the foregoing Deed is a Tracing headed "The Association's Reserves at Lyttelton, otherwise Christchurch," shewing the Town of Christchurch, and the Reserves marked 5, 9, 10, 11, 15, 16, 21, 22, 23, 24 and 25 respectively, and is deposited in the Provincial Council Chamber.

GEORGE A. E. ROSS,  
Clerk to the Council.

No. 186. 10 a.m., 24th January, 1854.  
Dated the 27th of February, 1852.  
Canterbury Association.

## D E E D

*Declaring the Reservation of Further Lands by the Association, for Public Purposes in Town and Port of Lyttelton and around it.*

TO ALL TO WHOM THESE PRESENTS SHALL COME, THE CANTERBURY ASSOCIATION FOR FOUNDING A SETTLEMENT IN NEW ZEALAND, INCORPORATED BY LETTERS PATENT, DATED THIRTEENTH OF NOVEMBER, ONE THOUSAND EIGHT HUNDRED AND FORTY-NINE, SEND GREETING,

WHEREAS by the said Letters Patent, after reciting amongst other things that the said Association had entered into arrangements

for procuring to be set apart and placed at the disposal of the said Association a large tract of land in the Colony of New Zealand or its Dependencies, which it was the purpose of the said Association to sell and convey, or cause to be sold and conveyed, in lots or parcels to such of the subjects of her Majesty, being Members of the Church of England, as might be willing to purchase portions thereof: And reciting that it was the purpose of the said Association to expend the whole of the funds which might come to their hands, whether arising from the sale of lands or otherwise, in founding the said intended Settlement in New Zealand and promoting the prosperity thereof, more especially by the execution of divers works and operations of a public nature, adapted to prepare the site of the said intended Settlement for the reception of Emigrants, and afford peculiar facilities for the immediate occupation thereof, and by the establishment and maintenance of Ecclesiastical and Educational Institutions in connection with the Church of England as by Law established, and which expenditure was intended to be regulated, so far as circumstances would admit, according to the following distribution and appropriation: that is to say, the said fund

*One Pound*  
*Fifteen shillings.*

*London*  
*4. 3. 52.*

Y

should be considered to be divided into six equal parts, whereof one-sixth part should be appropriated to the acquisition of the tract of land requisite for the site of the said intended Settlement; two other sixth parts should be appropriated to the emigration of Settlers; two other sixth parts should be appropriated to Ecclesiastical and Educational purposes, and the remaining sixth part should be appropriated to the general purposes of the Association, including the execution of such preparatory and other works and operations as aforesaid; it was amongst other things declared that the said

Association should be a Body Politic and Corporate for the purposes and objects aforesaid, by such name or style as aforesaid: And it was declared that they should be for ever able and capable in the Law, notwithstanding the Statutes of mortmain, to take, purchase, possess, hold and enjoy to them and their Successors, any messuages or tenements of any tenure, with the appurtenances, situate in any part or parts in the United Kingdom of Great Britain and Ireland, requisite to be occupied or used for transacting or carrying on the business of the said Association, not exceeding the net annual value of Two Thousand Pounds (such net annual value to be calculated and ascertained at the period of taking, purchasing, or acquiring the same), and any messuages, lands, tenements, or hereditaments in the said Colony of New Zealand or its Dependencies; and also to sell, alienate, mortgage, charge, or otherwise dispose of the property, as well real as personal, of the said Body Politic and Corporate, as they should think proper. And also to act in all the concerns of the said Body Politic and Corporate for the purposes and objects aforesaid as fully and effectually, to all intents and purposes whatsoever, as any other of her Majesty's subjects could or might do in their respective concerns: And it was further declared that there should be a General Meeting of the Members of the said Body Politic and Corporate, to be held from time to time as hereinafter mentioned, and that there should always be a Committee of Management formed of and chosen from the Members of the said Body Politic and Corporate as hereinafter mentioned. And it was further declared that the expenditure of the funds of the said Body Politic and Corporate should be regulated according to the distribution and appropriation thereinbefore particularly mentioned, subject only to such variations or modifications as might at any time, or from time to time, be directed or approved

by the Resolution of a General Meeting sanctioned as thereafter provided: And that the said Body Politic and Corporate should cause distinct and true Accounts in writing, under each head of expenditure, to be kept in proper books as therein mentioned. And it was further declared that the said Body Politic and Corporate should not make or enter into any contract or agreement involving an expenditure by the said Body Politic of a sum exceeding Two Thousand Pounds or upwards, unless at the time of the making thereof or within ten days thereafter, two Members of the Committee of Management, nominated for that purpose by the Lords of the Committee of Privy Council appointed for the consideration of all matters relating to trade and foreign plantations, should, by writing, under their hands, at the foot of a Copy of such Contract or Agreement, certified by the Secretary or other proper Officer of the said Body Politic and Corporate, declare that it appeared from the Accounts of the said Body Politic and Corporate submitted to them, that the said Body Politic and Corporate was, at the date of such Contract or Agreement, possessed of funds available and adequate to answer the same: And Whereas, in pursuance of the powers conferred by the said Letters Patent, and of a certain Act passed in the Session of Parliament holden in the Thirteenth and Fourteenth years of the reign of her present Majesty, chapter seventy, the said Association have procured to be set apart by the Crown, and placed at their disposal a large tract of land in the said Colony of New Zealand, known by the name of the Canterbury Settlement, of which the lands situate within the said Canterbury Settlement, delineated in the plan drawn on the third skin of these presents and specified and therein distinguished by green color are part, on condition of the said Association paying one-sixth part of the whole produce of any sales that may be made by the said Association to her Majesty, her Heirs, and Successors, and subject to the Regulations in the said Act contained: And Whereas the said Association having become possessed of divers large funds, such funds have been considered as divided into six equal parts, and the expenditure thereof has been regulated according to the distribution and appropriation mentioned in the said Letters Patent, and Accounts of such expenditure have, from time to time, been kept in proper books, under four heads, in manner following, that is to say: such portion of the said funds as has been appropriated to the acquisition of the tract of land requisite for the site of the said intended Settlement, being one-sixth part of the whole funds which have come to the hands of the said Association, has, from time to time, been carried over to an Account in the books of the said Association, entitled "The Crown Account," and such portion of the said funds as has been appropriated to the emigration of Settlers, being other two-sixth parts of the whole funds which have come to the hands of the Association, has, from time to time, been carried over to an Account in the books of the said Association, entitled "The General Emigration Account," and such portion of the said funds as has been appropriated to Ecclesiastical and Educational purposes, being other two-sixth parts of the whole funds which have come to the hands of the said Association, has, from time to time, been carried over to an Account in the books of the the said Association, entitled "The Ecclesiastical and Educational Account," and such portion of the said funds as has been appropriated to the general purposes of the said Association, being the remaining sixth part of the whole funds which have come to the hands of the said Association, has, from time to time, been carried over to an Account in the books of the said Association, entitled "The Miscellaneous Account:" And Whereas, by an Act passed in the Session of Parliament,



holden in the Fourteenth and Fifteenth years of the reign of her present Majesty, chapter eighty-four, it is, amongst other things enacted, that it should be lawful for the said Association, and they are thereby 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 said land therein mentioned is intended to be reserved and appropriated, and 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. And Whereas the said Association, in pursuance of the said power contained in the said last-mentioned Act, by Indenture, under their common seal, bearing date the Ninth day of September last, one thousand eight hundred and fifty-one, did, after reciting, as hereinbefore is recited, reserve and appropriate the several lands mentioned and described in the Schedule thereto annexed, and the Map drawn thereon, to and for the general purposes of the Association hereinbefore referred to, and as are after particularly mentioned: And Whereas the said Association, in pursuance of the power hereinbefore referred to, contained in the said last-mentioned Act of Parliament, are desirous of reserving and Appropriating, and intend to reserve and appropriate for general purposes, including the execution of divers works and operations of a public nature, the further several parcels of land particularly described in the Schedule hereto annexed: And Whereas the said last-mentioned land so now intended to be reserved and appropriated has not yet been sold or appropriated, and the current price of such parcel of land considered as sold to an ordinary purchaser, and the acreage thereof is set forth in the said Schedule hereto annexed: And Whereas the whole price of the land so intended to be reserved and appropriated, considered as sold to an ordinary Purchaser, would amount to the sum of Nine Hundred and Twenty Pounds, Three Shillings and Sixpence, and after deducting the amount which would be appropriated to the said part of the said funds on such distribution as aforesaid, the price of the said lands amounts to the sum of Seven Hundred and Sixty-six Pounds, Sixteen Shillings, and Threepence: And Whereas the funds now in the hands of the said Association for the time being, applicable to the general purposes

*Ten Shillings.*

London  
4, 3, 25,  
Y.

of the said Association, are sufficient to pay a sum equal to the said sum of Seven Hundred and Sixty-six Pounds, Sixteen Shillings and Threepence: And Whereas the said Association have distributed and appropriated the said sum of Seven Hundred and Sixty-six Pounds Sixteen Shillings and Threepence in manner following, (that is to say,)— Firstly, they have transferred and carried over the sum of One Hundred and Fifty-three Pounds, Seven Shillings and Threepence, standing in the books of the said Association on the credit side of the said "Miscellaneous Accounts" to the credit side of the said "Crown Account." Secondly, they have transferred and carried over the sum of Three Hundred and Six Pounds, Fourteen Shillings and Sixpence standing in the books of the said Association, on the credit side of the said "Miscellaneous Account" to the credit side of the said "General Emigration Account." Thirdly, they have transferred and carried over the sum of Three Hundred and Six Pounds Fourteen Shillings and Sixpence standing in the books of the said Association, on the credit side of the said "Miscellaneous Accounts," to the credit side of the said "Ecclesiastical and Educational Account." Now these presents witness that the said Association do, in pursuance of the power contained in the said Act of the Fourteenth and Fifteenth Victoria, chapter eighty-four, and of every other power in that behalf enabling them, by this Deed, under their common seal, declare that they do, by these presents, reserve and appropriate, to the intent and purpose that the same may be used for laying and making roads, streets, squares, markets, parks, and sites of public buildings, and erecting buildings thereon if they shall so think fit, with the necessary additional space, and for other public purposes, adapted to afford facilities for the beneficial occupation of the lands so reserved and appropriated, and all the other lands sold by the said Association, according to the true intent and meaning of the said Letters Patent and the said last recited Act, the several parcels of Town and Rural Land described in the Schedule hereto annexed, containing the several admeasurements set forth in the said Schedule, and which said lands are more particularly delineated in the said Map drawn on the third skin of these presents and coloured green, to the intent that such lands may be held by the said Association in trust for the said purposes, and with such power of sale, alienation, mortgage, charge, or other disposition, and of general management, as the said Association are, by the said Letters Patent, capable of having and enjoying over or in respect of real and personal property in New Zealand, purchased or acquired by them so far as the same is consistent with the provisions of the said last recited Act. In witness whereof, the said Canterbury Association have hereunto affixed their common seal, this Twenty-seventh day of February, in the year of our Lord one thousand eight hundred and fifty-two.

L. S.  
C. A.

Passed under the seal of the Association  
by order of the Committee of  
Management.

H. F. ALSTON,  
Secretary.

## THE SCHEDULE ABOVE REFERRED TO.

*Town Land.*

NO.		A. R. P.	£	S.	D.
44	Wharf, Christchurch ... ..	0 0 25	7	10	0

*Rural Lands.*

47	Heathcote Ferry West ... ..	0 1 0	0	15	0
47 <sup>a</sup>	Heathcote Ferry Wharf ... ..	0 1 12	0	19	6
48 } 49 }	Land for Ferry over the Courtenay	0 2 0	1	10	0
57 }	Land for Canal between the Heathcote and Halswell... ..	29 1 24	88	4	0
58 }	Land for Canal between the Avon and Purarekanui ... ..	45 0 0	135	0	0
59 }	Land for Canal between the Avon and the Sea ... ..	28 3 0	86	5	0
62 }	Land to be selected as a Landing Place for Sheep to be taken within one year from the date hereof out of No. 62 described in the annexed Map ...	200 0 0	600	0	0
Total ... ..		304 1 21	920	3	6

SCHEDULE C 1 REFERRED TO IN THE FOREGOING  
ORDINANCE.

---

I, Henry Sewell, late of Bloomsbury Square, in the County of Middlesex, the Agent and Attorney of the Canterbury Association for Founding a Settlement in New Zealand, duly appointed in that behalf, do hereby certify that the Terms and Conditions of Transfer between the said Association and the Provincial Council of the Province of Canterbury, in the Colony of New Zealand, referred to in the Deed Poll, under the common seal of the said Association, bearing date the Sixteenth day of September, one thousand eight hundred and fifty-two, hereunto annexed, have been duly agreed to, and that such Terms and Conditions are contained in the Ordinance hereunto annexed.

L. S.

Given under my hand and seal at  
Christchurch, this Tenth day  
of July, in the year of our  
Lord one thousand eight  
hundred and fifty-five.

HENRY SEWELL.

Signed, sealed, and delivered by  
the said Henry Sewell, in the  
presence of us,

GEORGE A. E. ROSS,  
Clerk to the Provincial Council,  
Christchurch.

H. B. GRESSON,  
of Christchurch  
Barrister at Law.

SCHEDULE C 2 REFERRED TO IN THE FOREGOING  
ORDINANCE.

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This Deed, made the Tenth day of July, one thousand eight hundred and fifty-five, between the Canterbury Association for Founding a Settlement in New Zealand, of the one part, and the Superintendent of the Province of Canterbury, in New Zealand, of the other part, witnesseth, that in exercise of all powers and authorities whatsoever, the said Association in that behalf enabling, and in pursuance of the provisions of a certain Ordinance passed by the Superintendent and Provincial Council of the Province of Canterbury, entitled "The Canterbury Association's Ordinance, Session IV., No. 6," the Canterbury Association doth, by these presents, grant, convey, and assure unto the said Superintendent and his Successors all and singular the

messuages, lands, tenements, and hereditaments situate in the Province of Canterbury and Colony of New Zealand, referred to in the Deeds contained in the Schedule B to the said Canterbury Association's Ordinance hereunto annexed and specified and set forth in the Schedules to the said Deeds respectively, with all and singular the rights, easements and appurtenances to the same belonging, all which said hereditaments and premises are more particularly delineated and described by the Plans thereof respectively drawn upon the skins of parchment to the said Deeds respectively annexed. And all the estate, rights, title, and interest whatsoever, at Law and in equity of the said Association, of, in, or to the said hereditaments and premises intended to be hereby conveyed, to hold the said hereditaments and premises hereby conveyed, with their appurtenances, unto and to the use of the said Superintendent and his Successors, nevertheless, for the purposes and subject to the provisions expressed and contained in the said Ordinance of the Superintendent and Provincial Council of the Province of Canterbury, called "The Canterbury Association's Ordinance, Session IV., No. 6": And this Deed further witnesseth that the said Canterbury Association doth hereby transfer and make over to the said Superintendent and his Successors all and singular the goods and chattels of and belonging to the said Association specified and set forth in the Schedule hereunto annexed; and all other, if any, the personal property of the said Association, to hold the said goods, chattels, and personal property unto the said Superintendent and his Successors for the purposes and subject to the provisions expressed and contained in the said Ordinance, called the "Canterbury Association's Ordinance, Session IV., No. 6." In witness whereof, the said Canterbury Association hath signified its assent hereto by the signature of Henry Sewell, its Attorney in that behalf, lawfully authorized, the day and year first above written.

HENRY SEWELL,

Attorney for the Canterbury Association for  
founding a Settlement in New Zealand.

Signed by the said Henry Sewell, Agent and Attorney of the  
Canterbury Association, for and on behalf of the said Association,  
in the presence of us :

GEORGE A. E. ROSS,

Clerk to the Provincial Council of Canterbury, Christchurch.

H. B. GRESSON,

Christchurch, Barrister-at-Law.

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SCHEDULE REFERRED TO IN THE ANNEXED DEED MARKED C 2.

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- A Trigonometrical and Topographical Map, 2 inches to a mile.
- B Trigonometrical and Topographical Map, Harewood District, 2 inches to a mile.
- C Trigonometrical Map, Christchurch District, 4 inches to a mile.
- D General Map of the Country South of the Ashley.

- E General Map of the Surveyed Country, Canterbury Block, 1 inch to a mile.
- F General Map of the Surveyed Country, Canterbury Block, shewing Pasturages.
- G Map of Native Reserves from Kaiapoi to Waitangi.
- H Trigonometrical Map of the Town and Suburbs of Akaroa.
- I Map of Banks' Peninsula, shewing Sections, &c.
- J Working Map of the Town of Christchurch, 4 chains to an inch.
- K Copy Map of the Town of Christchurch, 4 chains to an inch.
- L Map of Lyttelton (complete), 4 chains to an inch.
- M Map of Lyttelton (eastern part), 2 chains to an inch.
- N Map of Lyttelton (eastern part), 2 chains to an inch.
- O Map of Lyttelton (western part), 2 chains to an inch.
- P Map of Sumner, 4 chains to an inch.
- Q Chart of the Harbour of Port Victoria.
- R General Map of Topographically Surveyed Districts.
- S Mr. Hamilton's Map of the Country North of the Canterbury Block.
- T Mr. Jollie's Map of the Country from Nelson.
- U European Reserves, 10 Maps.
- V Section 201, at Harewood.
- W Sketch Maps on the Trig.-work of Surveyed Districts.
- X Tracings by Heaphy and Torlesse, portions of Middle Island.
- Y Sketch Maps (2) of Canterbury Block.
- Z Ground Plan of Cookson and Bowler's Wharf.
- AA 10 Plans of Sections Surveyed in Port Victoria.
- BB Plans of Sections on Banks' Peninsula, exclusive of Port Victoria.
- CC Plan of Road from Christchurch to the Ferry.
- DD Land Office Copy of Surveyed Districts, 2 inches to a mile.
- EE Land Office Copy of Surveyed Districts, Christchurch.
- FF Land Office Copy of Surveyed Districts, Lyttelton.
- GG Map of Pasturages between Bridle-path and Godley Head.
- HH Land Office, Copy of Lithographic Map.
- II Tracings of the Working Maps, Christchurch District.
- JJ Tracings of the Working Maps, Mandeville District.
- KK Tracings of Reserves for Public Purposes.
- LL Tracings of European Reserves by Carrington.  
Working Maps of the Christchurch District.  
Working Maps of the Mandeville District.  
Working Maps of the Lincoln District.
- MM Map of the Canterbury Block, shewing the Third Class Runs.  
1 Map, N.Z., Arrowsmith.  
1 Map, Lyttelton.  
1 Map, Christchurch.  
2 Lithographic Maps—Surveyed Districts.  
1 Chart—Port Victoria, &c.  
1 Sketch Map of Country.  
1 Map of Pasturages about Lyttelton.  
1 Map of Norwich Quay.

## LIST OF FIELD BOOKS.

- Topographical Survey—11 Field Books.  
Mr. Jollie's Town and Road—4 Field Books.  
Trigonometrical Survey, Messrs. Cass, Torlesse and Boys—9 Field Books.  
Land and Sections around Christchurch—4 Field Books.

Transit Instrument ... ..	One	{ handed over to the Provincial Engineer
Theodolite (six inch) ... ..	Two	
Theodolite (five inch) ... ..	Five	
Sextant ... ..	One	
Quadrants ... ..	Two	
Artificial Horizons ... ..	Two,	wanting mercury
Protractors (brass) ... ..	Two	
Protractors (card) ... ..	Nine	
Pentagraph ... ..	One	
Standard Scale (3 feet) ... ..	One	
Brass Straight Edge (5 feet) ... ..	One	
Steel Straight Edge (30 inches) ... ..	One	
T Square (mahogany) ... ..	One	
Level ... ..	One	
Levelling Staves ... ..	Two	{ one in charge of Provincial Engineer
Brass Rolling Parallels (12 inches)	Three	
Ebony Rolling Parallels (12 inches)	One	
Brass Rolling Parallels (3 feet) ... ..	One	
Ebony Rolling Parallels (2 feet) ... ..	One	
Box of Ivory Plotting Scales ... ..	One	
Extra Plotting Scales ... ..	Nine long and Six	offset
Box of Drawing Instruments ... ..	One	
Box of Drawing Pens ... ..	One	
Pocket Sextants ... ..	Two	
Prismatic Compasses ... ..	Two	
Pocket Compass ... ..	One	
Rain Gauge ... ..	One	
Universal Dial ... ..	One	
Barometer ... ..	One	
Thermometers ... ..	Two	
Camera Lucida ... ..	One,	out of order
Chronometer Compass ... ..	One	
Standard Chain ... ..	One	
Gunter's Chains ... ..	Twenty	{ 17 perfect, 3 broken
Arrows for do ... ..	Twelve sets	
Lithographic Press ... ..	One,	complete
Stone ... ..	One	
Telescope ... ..	One	
Chronometer Watch ... ..	One,	out of order
Weights (map) ... ..	Nine	
Tape Measure ... ..	One	
Leather Slings for Theodolite Legs	One set	
Log Glass ... ..	One	
Log Chip ... ..	One	
Erasing Knives ... ..	Two	
Wafer Stamps ... ..	Two	
Colour Pallets ... ..	Six	
One Large Drawing Table.		
One Small Drawing Table.		
One Writing Table with Drawers.		
One Common Table, fixture under staircase.		
Two Tables in Land office (one of them in the Registrar's Office).		
Seal and Press.		
Sundry Cupboards, Pigeon-holes, and other fittings in Offices.		

Packing cases.  
Fire Annihilator.

## SUNDRY STORES, &amp;c.

Bill Hooks	...	Two	Gate Bar	...	One
Axe	...	One	Trig. Clamp Irons	...	Two
Camp Oven	...	One	Saw, Crosscut	...	One
Camp Kettle	...	One	Saw, Hand	...	One
Frying Pan	...	One (broken)	Pickaxe	...	One
Branding Irons		Two Sets	Beetle Rings	...	One Set
Bucket	...	One	Grindstone	...	One
Block (double)		One	Ranging Poles	...	Four
Hooks	...	Two	Pile Driver	...	One

## STATIONERY, DRAWING MATERIALS, &amp;c.

Antiquarian Drawing Paper, about 200 Sheets.  
 Double Elephant } About 800 Sheets.  
 Double Cartridge }  
 Mounted Drawing Paper, about 80 feet.  
 Tracing Paper, 1 Roll.  
 Blank Levelling Books, Four.  
 Pencils, Lead, Three Dozen.  
 Camel-hair Pencils, Half-dozen.  
 Colors, Water, Six Cakes.  
 Indian Ink, Two Pieces.  
 India Rubber, Half-pound.  
 Nautical Almanacs, 1848, 1849, 1850.  
 100 Pieces Iron Piping, more or less.  
 1 Cast-iron Pit Crane, Jib and Crab complete, on the Jetty at  
 Lyttelton.  
 1 Pile Engine, Monkey and Apparatus complete.  
 Fittings, &c., of Powder Magazine at Sumner (damaged).  
 Windlass, and part of small Pile Engine.  
 Sets (more or less) Clamps for Trigonometrical Survey.

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SCHEDULE C 3 REFERRED TO IN THE FOREGOING  
ORDINANCE.

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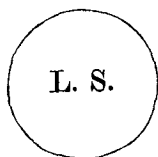
TO ALL WHOM THESE PRESENTS SHALL COME, I, ROBERT HENRY  
 WYNYARD, COMMANDER OF THE MOST HONOURABLE ORDER OF  
 THE BATH, OFFICER ADMINISTERING THE GOVERNMENT, AND  
 COMMANDER-IN-CHIEF IN AND OVER THE ISLANDS OF NEW  
 ZEALAND, SEND GREETING :

KNOW ye that in pursuance of the provisions of the Ordinance  
 hereunto annexed, passed by the Superintendent and Pro-  
 vincial Council of the Province of Canterbury, entitled "The  
 Canterbury Association's Ordinance, Session IV., No. 6," and in  
 exercise of the powers vested in me by an Act of the General Assembly  
 of New Zealand, passed in the first Session thereof, entitled "The  
 Public Reserves Act, 1854," and of every other power enabling  
 me in that behalf, I, the said Robert Henry Wynyard, by and  
 with the advice of my Executive Council, in the name and on the



behalf of her most Gracious Majesty Queen Victoria, do by this Grant, sealed with the public seal of the Islands of New Zealand, grant unto the Superintendent of the Province of Canterbury and his Successors, all and singular, the messuages, lands, tenements, and hereditaments, situate in the Province of Canterbury and Colony of New Zealand, referred to in the Schedule B of the Canterbury Association's Ordinance hereunto annexed, and specified and set forth in the Schedules to the said Deeds respectively, and more particularly delineated and described by the Maps or Plans thereof respectively, drawn upon skins of parchment annexed to the said Deeds, with all the rights, and appurtenances to the said messuages, lands, tenements, and hereditaments belonging; and all the estate, right, title, and interest (if any,) of her said Majesty therein or thereto, to hold unto the said Superintendent of the said Province of Canterbury and his Successors, upon the several trusts for the Public Service of the said Province in the said Deeds particularly set forth and described, but subject nevertheless to the proviso in that behalf contained in the said Act of the General Assembly for changing the said trusts and appropriating the said premises to other and different purposes of public utility for the public service of the said Province, in the manner in the said Act set forth.

In testimony whereof, I have caused this Grant to be sealed with the public seal of the said Colony of New Zealand.



Given under my hand and sealed under the public seal of the Islands of New Zealand, at Auckland, this Eleventh day of August, in the year of our Lord one thousand eight hundred and fifty-five.

R. H. WYNYARD.

Signed by the said

In the presence of

SCHEDULE D REFERRED TO IN THE FOREGOING  
ORDINANCE.

PROVINCE OF CANTERBURY, NEW ZEALAND.

£ \_\_\_\_\_ No. \_\_\_\_\_

DEBENTURE FOR . POUNDS STERLING.

*To the Provincial Treasurer of the Province of Canterbury.*

IN pursuance of the "Canterbury Association's Ordinance, Session IV., No. 6," you are hereby authorized and required to pay on the First day of July, one thousand eight hundred and sixty-five, to the Bearer hereof, out of the General Revenues of the Province of Canterbury, the sum of \_\_\_\_\_ Pounds sterling, together with interest thereon, in the meantime, at the rate of Six Pounds sterling per centum per annum, commencing from the date hereof, by equal half-yearly payments on the Thirty-first day of December, and the Thirtieth day of June, in each year, such Payments to be made at the Union Bank of Australia, in London.

Dated at Christchurch, this \_\_\_\_\_ day of \_\_\_\_\_ one thousand  
eighth hundred and fifty-five.

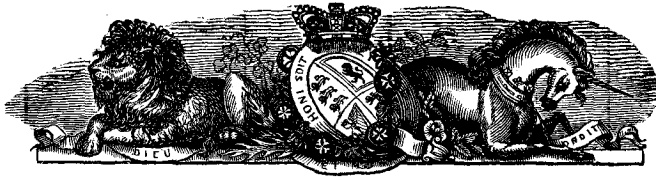
Sealed by me with the public seal of the Province

Keeper of the Public Records.

In my presence

Member of the Executive Council.

L. S.  
C. A.



PROVINCE OF CANTERBURY.

ANNO NONO DECIMO

VICTORIÆ REGINÆ.

SESSION IV., No. 7.

Sumner Road Ordinance.

Published by Authority.

ANALYSIS.

- Preamble.*
- |  |   |
|--|---|
| 1. <i>Certain lands declared to be a road.</i>                                       | 6. <i>If Arbitrators cannot agree, case to be referred to Umpire.</i> |
| 2. <i>Road to be marked out by Provincial Engineer, and deemed a public highway.</i> | 7. <i>Value added, and damage done to be considered.</i>              |
| 3. <i>Owner or Occupier may receive compensation.</i>                                | 8. <i>Vacancies by death or otherwise to be filled up.</i>            |
| 4. <i>Arbitrators and Umpire to be appointed.</i>                                    | 9. <i>Grant of land to discharge all claims for compensation.</i>     |
| 5. <i>Statement to be referred to Arbitrators.</i>                                   | 10. <i>Title.</i>   |

**W**HEREAS it is desirable that a public highway should be made Preamble.  
from Lyttelton through Sumner Valley to the Ferry over the River Heathcote, and that the Owners and Occupiers of private lands through which such highway shall pass should obtain compensation for any damage which they may suffer thereby: Be it therefore enacted by the Superintendent of the Province of Canterbury, with the advice and consent of the Provincial Council thereof as follows:—

1. From and after the passing of this Ordinance there shall be a Certain lands declared to be a road.  
Public Road lying within the distance of one chain on either side of the line drawn on the plan to this Ordinance annexed, and marked thereon as the line of the Sumner Road: Provided that such road shall nowhere exceed one chain in width.

2. Such road shall be marked out on the ground by the Provincial Road to be marked out by Provincial Engineer and deemed a public highway.  
Engineer within the limits above described, and, being so marked out, shall be taken and deemed to be a public highway to all intents and

purposes whatsoever. Provided always, that in case the lands so taken shall have been enclosed or cultivated, the road taken shall not be deemed a public highway until a good and sufficient fence shall have been erected to enclose such lands from the road, which fence shall be made by the Provincial Government.

Owner or Occupier may receive compensation.

3. If any person being the Owner of the said lands, or of any part thereof, or being entitled to any less estate, term, or interest therein, shall, within two years from the date of the passing of this Ordinance deliver a Statement to the Superintendent, in writing, under his hand, or under the hand of his Agent or Attorney, lawfully authorized, setting forth the damage done to him by the making of such highway, and claiming compensation for the same, and if the amount of compensation so claimed shall appear to be just and reasonable, it shall be lawful for the Superintendent, by and with the advice and consent of the Executive Council, to pay and discharge the same in the manner provided by this Ordinance: Provided nevertheless, that if the amount of compensation so claimed shall appear to the Superintendent and Executive Council to be excessive, such person shall be entitled to receive such amount of compensation as shall be awarded to him in the manner hereinafter provided.

Arbitrators and Umpire to be appointed.

4. Every person delivering such a Statement shall, within seven days after being required by written Notice from the Superintendent so to do, by writing, under his hand, nominate and appoint some person to act as Arbitrator in the case in the manner hereinafter provided, setting forth the name, description, and place of abode of such person so appointed; and the Superintendent shall, within seven days after the receipt of such Statement, nominate and appoint some other person to act as Arbitrator in like manner; and the Arbitrators so appointed shall, before proceeding to business, nominate a third person to act as Umpire in the case if necessary: Provided that such Arbitrators and Umpire shall be persons resident, and who shall have resided at least one year in the said Province: And provided also, that no person having any interest, direct or indirect, in the said lands or any part thereof, shall act as such an Arbitrator or Umpire as aforesaid.

Statement to be referred to Arbitrators

5. The Superintendent shall, as soon as conveniently may be, refer the said Statement to the Arbitrators so appointed, who shall within one calendar month thereafter consider the same, and shall, by their award, determine the amount of compensation to which the Claimant shall be entitled in respect of the damage done to him by reason of the making of such highway.

If Arbitrators cannot agree, case to be referred to Umpire.

6. If the Arbitrators so appointed shall be unable to agree on the amount of compensation, the case shall be referred to the Umpire, who

shall, in like manner, by his award, determine the amount of such compensation, and the award of the Umpire so appointed shall be final.

7. In making any award under this Ordinance the value added, as well as the damage done to any lands by the formation of a road, shall be taken into consideration in deciding upon the amount of compensation. Value added and damage done to be considered.

8. In case any Arbitrator or Umpire shall die, or shall become incapacitated from proceeding to business, or shall refuse to act, before an award shall have been made, the vacancy shall be filled up as in the manner already provided. Vacancies by death or otherwise to be filled up.

9. All the costs of such arbitration and the amount of the compensation awarded thereby shall be a charge upon, and shall be paid out of the public revenues of the said Province. Provided always, that if any person entitled to such compensation shall accept and receive in lieu thereof a Grant of waste lands of the Crown under any Regulations at any time in force within the said Province in that behalf, he shall not be entitled to receive any further compensation out of the public revenues of the said Province, but such Grant of waste land shall be taken and deemed to be a full and sufficient discharge of all claims on account of any damage he may have sustained by the making of such highway as aforesaid. Grant of land to discharge all claims for compensation.

10. This Ordinance shall be entitled and may be cited as the "Sumner Road Ordinance, Session IV., No. 7." Title.

JAMES EDWARD FITZGERALD,

Superintendent.

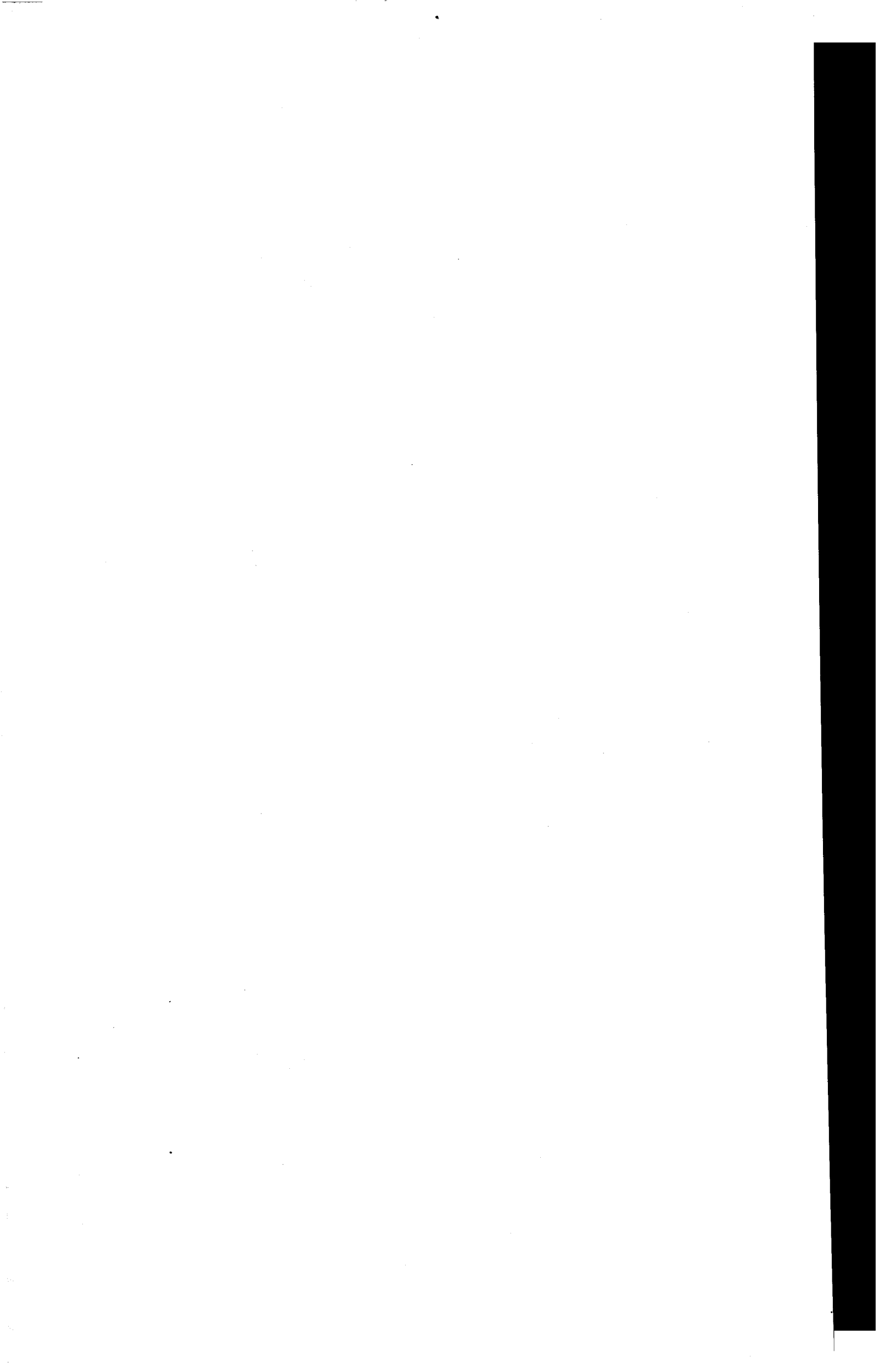
Passed the Provincial Council and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Tenth day of July, in the year of our Lord one thousand eight hundred and fifty-five.

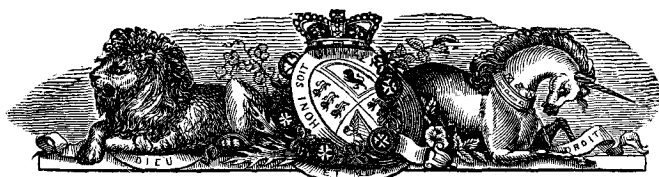
CHARLES BOWEN,

Speaker.

GEORGE A. E. ROSS,

Clerk to the Council.





PROVINCE OF CANTERBURY.

ANNO NONO DECIMO

VICTORIÆ REGINÆ.

SESSION V., No. 1.

Census Ordinance.

Published by Authority.

ANALYSIS.

*Preamble.*

- |   |  |
|---|--|
| <ol style="list-style-type: none"><li>1. <i>Census to be taken at certain times.</i></li><li>2. <i>Superintendent to appoint Collectors of Census.</i></li><li>3. <i>Superintendent to publish notice of Census to be taken.</i></li><li>4. <i>Schedules, when to be left at houses and filled in.</i></li><li>5. <i>If master of house absent, Schedule by whom to be filled in.</i></li><li>6. <i>Collector to call for Schedules, if not filled in, Collector to obtain necessary information.</i></li><li>7. <i>In certain cases Collectors may call only once at each house.</i></li></ol> | <ol style="list-style-type: none"><li>8. <i>Penalties for refusal or neglect in filling in Schedules or for making false Returns.</i></li><li>9. <i>Penalty on Collector for neglect of duty.</i></li><li>10. <i>Superintendent may issue instructions for collecting Native Census.</i></li><li>11. <i>Collectors to return Schedules within one month to Provincial Secretary.</i></li><li>12. <i>Superintendent to publish totals of Returns in Gazette.</i></li><li>13. <i>Original Schedules to be deposited in Public Record Office.</i></li><li>14. <i>Title.</i></li></ol> |
|---|--|

**W**HEREAS an Ordinance was passed by the Governor-in-Chief and Preamble. Legislative Council of the Islands of New Zealand, entitled "An Ordinance for taking a Census of the Colony of New Zealand, Session XI, No. 8:" And Whereas it is expedient that further provisions should be made for obtaining full statistical information respecting the Province of Canterbury and the inhabitants thereof:

Be it therefore enacted by the Superintendent of the said Province, with the advice and consent of the Provincial Council thereof as follows:—

Census to be taken at certain times.

1. A Census of the number and condition of the Inhabitants of the Province of Canterbury shall be taken in the first, fourth, and seventh years of every decade of years, and in such other years as the Superintendent, with the advice of the Executive Council shall think fit, upon the days and in the manner hereinafter provided.

Superintendent to appoint Collectors of Census.

2. The Superintendent shall appoint fit and proper persons to collect the said Census, and may cause a reasonable allowance to be made to any such person, not exceeding Twenty Shillings a day for every day during which he shall be actually employed in collecting the said Census.

Superintendent to publish notice of Census to be taken.

3. The Superintendent shall, on or before the First day in January in each year in which it is intended such Census shall be taken, cause a Notice to be published in all the Newspapers within the Province, and to be affixed in such conspicuous places as he shall think fit, calling upon every Householder to be prepared, on the Fifteenth day of January, or so soon thereafter as he shall be required by any Collector duly authorised, to give all such information as is required by the Schedule hereunto annexed.

Schedules, when to be left at houses and filled in.

4. Every such Collector shall, on or before the Tenth day of January in each year in which it is intended such Census shall be taken, leave at every house within the district assigned to him a Schedule, being a blank copy of the Schedule hereunto annexed; and every Householder able to write, shall, on the Fifteenth day of January, furnish, in writing, the information required by the said Schedule, by filling up the same, and subscribing his name at the foot thereof, and shall deliver the same to any such Collector on demand.

If master of house is absent, Schedule by whom to be filled in.

5. If the Master of any house shall have been absent therefrom on the Fifteenth day of January, it shall be lawful for any competent person resident therein, to fill up and sign the said Schedule on behalf of the said Householder.

Collector to call for Schedules, if not filled in, Collector to obtain necessary information.

6. Every such Collector shall, as soon after the Fifteenth day of January as possible, call at every house in his district to collect the Schedules; and is hereby authorised to put such questions as may be necessary to the complete filling up thereof to any Householder, who, from inability to write, may not have duly filled up the same; or, in case of the absence of such Householder, to any other person who may be resident in such house; and the Collector shall thereupon himself fill up the Schedule with the information so supplied, and shall sign the same.



7. And Whereas, by reason of the population being thinly scattered over some parts of the said Province, the said Collectors could not conveniently leave the Schedules and call for the same at each house as hereinbefore required without much unnecessary loss of time and expense, be it enacted, it shall be lawful for the Superintendent to authorise the Collectors, in such parts as he shall think fit, to call only once at each house therein upon the Fifteenth day of January, or so soon after as possible, and to obtain, by enquiry, from the Master of such house, or, in his absence, from any other person resident therein, such information as may be necessary to enable him to fill up the said Schedule; and the Collector shall in such case fill up and sign the said Schedule.

In certain cases Collectors may call only once at each house.

8. Every Householder who shall wilfully refuse, or, without lawful excuse, neglect to fill up the said Schedule to the best of his knowledge and belief, or to sign and deliver the same, or shall make, sign or deliver, or shall cause to be made, signed, or delivered any false Return of any of the matters specified in the said Schedule, and any person whatever who shall refuse to answer, or wilfully give a false answer to any such questions as aforesaid, shall, for every such refusal, neglect, or wilful false answer, upon conviction before any two Justices of the Peace, forfeit a sum not exceeding Five Pounds, nor less than Twenty Shillings.

Penalties for refusal or neglect in filling in Schedules, or for making false Returns.

9. Every such Collector who shall have been duly appointed, and shall have consented to act under the authority of this Ordinance, and who shall thereafter refuse, or shall wilfully neglect to fulfil the duties of such his office, not being hindered by illness or other sufficient cause, shall, upon conviction of such refusal or neglect, before any two Justices of the Peace, be liable to a penalty not exceeding Ten Pounds.

Penalty on Collector for neglect of duty.

10. It shall be lawful for the Superintendent, any of the provisions herein contained notwithstanding, to issue such Instructions as he shall think fit to the said Collectors, or any of them, for collecting the Census of the Native Inhabitants of the said Province, and such Instructions shall be taken and deemed to be a part of this Ordinance, and shall be received and complied with accordingly by any Collectors to whom the same shall have been addressed: Provided that no Native person shall be liable to any fine or penalty imposed under the provisions of this Ordinance.

Superintendent may issue Instructions for collecting Native Census.

11. The several Collectors shall return the Schedules within one month after they shall have been filled up, into the Office of the Provincial Secretary, unless reasonable cause shall be shewn to the contrary.

Collectors to return Schedules within one month to Provincial Secretary.

Superintendent to publish total of Returns in Gazette.

12. The Superintendent shall cause the totals of the Returns contained in the said Schedules for each District to be made up, so soon as conveniently may be, after they shall have been sent in to the Secretary, and shall publish the same in the *Government Gazette* of the Province.

Original Schedules to be deposited in Public Record Office.

13. So soon as the said Returns shall have been published, the original Schedules shall be deposited in the Office of Public Records, and shall be preserved therein.

Title.

14. This Ordinance shall be entitled and may be cited as the "Census Ordinance, Session V., No. 1."

JAMES EDWARD FITZGERALD,  
Superintendent.

Passed the Provincial Council on the Seventeenth day of October, and assented to by his Honor the Superintendent, in the name of his Excellency the Governor, on the Twenty-third day of October, in the year of our Lord one thousand eight hundred and fifty-five.

CHARLES BOWEN,  
Speaker.

GEORGE A. E. ROSS,  
Clerk to the Council.

SCHEDULE.

PROVINCE OF CANTERBURY.

CENSUS OF 18

District of \_\_\_\_\_  
 Name of Householder \_\_\_\_\_

NOTICE.—This paper must be filled up upon the 15th of January, or the necessary information given to the Collector when he calls, under a penalty of Five Pounds.

*Directions for filling up this paper with the proper entries.*

Column 1. The Christian and Surnames of every person who passed the night next preceding the 15th of January in the house, must be written at length.

If there be more than one family in the house, a line must be drawn after each separate family.

2. The following letters must be used :—M (for male); F (for female).

3. The following letters must be used :—H (for husband); W (for wife); S (for son); D (for daughter); S (for servant); L (for lodger).

4, 8 and 9. The initial letters of the names must be entered in the proper columns.

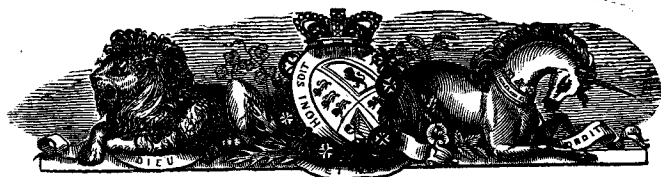
10, 11, 12, 13, 14, 15. The entries must, in general, refer to the land and stock only attached to the house. Property attached to another house will appear in another Return. But if the Householder has any property to which no house is attached, and which would not therefore be entered in another Return, he is to enter the land or stock attached to the house first, and then to draw a line, and to enter his other property beneath it.

1	2	3	4	5	6	7	8	9						12	13							14	15																																			
								Public		Private		At Schools.	Extent of Land.		Nature of Holding.	No. of Acres fenced.	Wheat	Barley	Oats	Maize	Potatoes		Artificial grass	Garden or Orchard	Any other crop	No. and description of Buildings and Improvements.	Horses	Mules & Asses	Cattle	Sheep	Goats	Pigs																										
Name.	Box	Relationship	Age		Race	Profession, Trade, or Calling	Church, or other Religious Denominations.	Cannot read	Can read only.	Can read and write.	Day			Sunday								Public					Day	Sunday	Private	Day and Sunday	Day and Sunday	No. of Acres fenced.	Wheat	Barley	Oats	Maize	Potatoes	Artificial grass	Garden or Orchard	Any other crop	No. and description of Buildings and Improvements.	Horses	Mules & Asses	Cattle	Sheep	Goats	Pigs											
			Under 5 years	Between 5-10								10-15	15-21		21-30	30-40	40-50	50-60	Above 60																																							

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Christchurch: Printed under the Authority of the Provincial Government of the Province of Canterbury, at  
the "Times" Office, Gloucester Street and Cathedral Square, by CHARLES LUCAS, Official Printer for  
the time being to the said Government.

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PROVINCE OF CANTERBURY.

ANNO NONO DECIMO.

VICTORIÆ REGINÆ.

SESSION V., No. 2.

Canterbury Association's Reserves  
Ordinance.

Published by Authority.

ANALYSIS.

*Preamble.*

1. *Lands in the Schedule shall be disposed of by way of lease or sale.*
2. *No buildings to be erected on the wharves at Lyttelton.*
3. *Government domain, subject to Grant to Christ's College, to be reserved for ever as the site of the residence of the chief Officer of the Government.*
4. *Hagley Park to be reserved for ever as a public park.*
5. *Lands in Hagley Park may be let.*
6. *Certain streets to be extended to meet the road round the boundary of the town reserves.*
7. *Road along the north, east, and south boundary of the town reserves, to be widened and denominated the Town Belt.*
8. *A portion of the Government Domain to be granted to Christ's College.*

9. *A portion of the Town Reserves to be granted to the Free Church of Scotland.*
10. *Lands in Schedule B to the Canterbury Association's Ordinance not mentioned in this Ordinance, or in the Schedule, to be appropriated to the purposes for which they were reserved.*
11. *Sales and leases to be made by the Superintendent, in his name, and under the seal of the Province.*
12. *Proceeds to be paid to the Provincial Treasurer for the Canterbury Association's Debentures Fund.*
13. *Interest on Debentures to be paid by rents. Principal by proceeds of sales.*
14. *Moneys to be issued by the Treasurer.*
15. *Accounts to be laid before the Provincial Council.*
16. *Title.*

**W**HEREAS by an Ordinance of the Superintendent and Provincial Preamble. Council of the Province of Canterbury, entitled the "Canterbury Association's Ordinance, Session IV., No. 6," and by virtue of certain Deeds in the Schedules to the said Ordinance annexed, certain buildings, lands, tenements, and hereditaments in the said Schedules particularly

set forth and described, are vested in the Superintendent of the said Province, to be held by him, in trust, for the public uses thereof, upon the terms and conditions set forth in a certain Act of the General Assembly, entitled the "Public Reserves Act, 1854," to be managed and disposed of according to the provisions of the said Act: And Whereas, in pursuance of the provisions of the said Ordinance, certain Debentures have been issued, or are about to be issued, amounting in the whole to the sum of Twenty-eight Thousand Nine Hundred and Thirty-nine Pounds Ten Shillings and Seven Pence, bearing interest at the rate of Six Pounds sterling per centum per annum, and it is expedient that the buildings, lands, tenements and hereditaments aforesaid should be managed and disposed of in the manner hereinafter provided, and that the proceeds thereof should be applied to discharge the principal and interest of such Debentures, and to no other purpose whatsoever:

Be it therefore enacted by the Superintendent of the said Province, with the advice and consent of the Provincial Council thereof as follows:—

Lands in the Schedule shall be disposed of by way of Lease or sale.

1. Such of the said buildings, lands, tenements, and Hereditaments as are described in the Schedule to this Ordinance, shall be disposed of by way of lease, not exceeding thirty-two years in possession, at rack rent, or sale, or by way of Lease with a Covenant for the purchase of the demised premises within the term of such Lease: Provided that no part of such land shall be sold for a less sum than at the rate of Fifty Pounds sterling per acre, nor until such buildings, lands, tenements and hereditaments, or proposed Leases of such buildings, lands, tenements, and hereditaments, with or without Covenants for purchase, shall have been first submitted to public auction at such upset price or rent (not less in the case of sale or Covenant for purchase than the rate aforesaid), and subject to such conditions as shall be determined on by the Superintendent: Provided that if no advance be made on the upset price or rent at such auction, the Superintendent shall have power at any time thereafter, and from time to time, to sell, alienate, or let at such upset price or rent as aforesaid: and provided also that no such Lease, with such purchasing clauses, shall be for a longer term than ten years.

No buildings to be erected on the wharves at Lyttelton.

2. It shall not be lawful to erect upon any part of the land herein described as the wharves at Lyttelton, any building of greater height than the level of the footway on the North side of Norwich Quay, opposite such building: and every Conveyance or Lease of any part of such lands shall be made subject to the condition in this Clause contained.

3. The Land commonly known and described in the Schedule B to the Canterbury Association's Ordinance as the Government Domain, No. 25, shall, except such part as shall be comprised in any Grant which the Superintendent is hereinafter authorised to make to the Corporation of Christ's College, Canterbury, be reserved for ever as the site of the residence of the Superintendent or other Chief Officer of the Government of the said Province: Provided that not more than twenty acres of such land shall be occupied at one and the same time as gardens, or cultivated as farm land, or used except as grass or pasture land, or for the purpose of plantations and pleasure grounds.

Government domain, subject to Grant to Christ's College, to be reserved for ever as the site of the Residence of the Chief Officer of the Government.

4. The land commonly known as Hagley Park, being part of the land numbered 24, and described as the "Town Reserves" in the Schedule B to the Canterbury Association's Ordinance, bounded on the west and south by the road reserved along the boundary of the town reserves; on the north by the road reserved along the banks of the River Avon; on the east and south-east by the River Avon and the Lower Lincoln Road, shall be reserved for ever as a public park, and shall be open for the recreation and enjoyment of the public: Provided that it shall be lawful for the Superintendent to set apart so much of the said land as he shall think fit for plantations, gardens, and places for public amusement, and to make Regulations for the use and preservation thereof, and to lay out public roads through the said Park, and to make Regulations from time to time for the depasturing of cattle therein.

Hagley Park to be reserved for ever as a Public Park.

5. It shall be lawful for the Superintendent, anything herein contained to the contrary notwithstanding, to let the lands herein described as Hagley Park and the Government Domain, or any part thereof respectively, upon lease, for any term not exceeding seven years in possession, at the best improved rent which can reasonably be obtained for the same: Provided that every such lease shall contain a condition that the Land so let shall be given up at the expiration of such Lease laid down with good meadow grass, and fenced in with a sufficient fence within the meaning of the "Cattle Trespass Ordinance," in good repair.

Lands in Hagley Park may be let.

6. The streets hereinafter mentioned in the town of Christchurch shall be extended in straight lines to meet the road reserved round the boundary of the town reserves, that is to say: Durham-street, Colombo-street, Manchester-street and Madras-street in a northerly direction; Chester-street, Armagh-street, Gloucester-street, Worcester-street, Hereford-street, Cashel-street, Lichfield-street, Tuam-street and St. Asaph-street in an easterly direction; Barbadoes-street, Madras-street, Manchester-street, Colombo-street, Durham-street, Montreal-street and Antigua-street in a southerly direction; and the land

Certain streets to be extended to meet the road round the boundary of the town reserves.

occupied by the continuation of the said streets, and all such other land within the said town reserves as shall be laid out and declared by the Superintendent to be public streets, shall be reserved as public roads, and shall thenceforth be and be deemed to be public highways to all intents and purposes whatsoever.

Road along the north, east, and south boundary of the town reserves, to be widened and denominated the Town Belt.

7. The road reserved along the north, east, and south boundary of the town reserves shall be extended to two chains in width throughout its whole length, and shall be denominated the "Town Belt:" Provided that it shall be lawful for the Superintendent to reserve therefrom so much land as he shall think fit, and to lay out the same in plantations: Provided always, that the road along the said Town Belt shall not thereby be made narrower than thirty-three feet in any part thereof.

A portion of the Government domain to be granted to Christ's College.

8. It shall be lawful for the Superintendent to convey, by way of free Grant, to the Corporation of Christ's College, Canterbury, a portion of the lands herein described as the "Government Domain," at Christchurch, not exceeding ten acres in extent, to be held by the said Corporation in trust as a site for the said College, and for grounds attached thereto: Provided that it shall be a condition of the said Grant that if the said lands be not occupied for the purpose aforesaid within three years from the passing of this Ordinance, or shall at any time thereafter cease to be so occupied, the said Lands shall revert to the Superintendent as though the said Grant had never been issued, and shall thenceforth constitute a part of the Government domain, as herein described.

A portion of the town reserves to be granted to the Free Church of Scotland.

9. It shall be lawful for the Superintendent to convey, by way of free Grant, a portion of the lands herein described as the town reserves, not exceeding three acres in extent, to be held in trust as a site for a church and schools, and for the residences of a Clergyman and Schoolmaster in connection with the Free Church of Scotland: Provided that it shall be a condition of the said Grant, that if the said lands be not occupied for the purpose aforesaid within three years from the passing of this Ordinance, or shall at any time thereafter cease to be so occupied, the said lands shall revert to the Superintendent as though the said Grant had never been issued, and may, at any time thereafter, be sold and disposed of as a portion of the town reserves, under the authority of this Ordinance.

Lands in Schedule B to the Canterbury Association's Ordinance not mentioned in this Ordinance or in the Schedule, to be appropriated to the purposes for which they were reserved.

10. All the lands described in the Schedule B to the "Canterbury Association's Ordinance" which are not mentioned in this Ordinance or in the Schedule hereto annexed, shall, until further provision be made in that behalf, be appropriated to the several purposes for which the same were severally reserved.



11. All sales and Leases hereby authorised to be made shall be made by the Superintendent, upon such terms and conditions, subject nevertheless to the conditions in this Ordinance contained, as the Superintendent shall, with the advice and consent of the Executive Council direct. And all such Conveyances and Leases shall be made by and in the name of the Superintendent, and shall be executed under the public seal of the Province.

Sales and Leases to be made by the Superintendent in his name, and under the seal of the Province.

12. The proceeds of all sales and all rents payable under the authority hereof, shall be paid to the Provincial Treasurer, who is hereby authorised to demand and receive, and to give receipts for the same; and shall be placed by him to the credit of a separate fund to be called the "Canterbury Association's Debentures Fund."

Proceeds to be paid to the Provincial Treasurer for the Canterbury Association's Debentures Fund.

13. The proceeds of all rents arising from the said property shall, after defraying the charges incurred in carrying out the provisions of this Ordinance, be applied solely to discharge the interest on the said Debentures, and, except as herein provided, to no other purpose whatsoever. And the proceeds of all sales of the said property shall, after defraying such charges as aforesaid, be applied solely to discharge the principal of such Debentures, and to no other purpose whatsoever: Provided that upon a Resolution of the Provincial Council to that effect, it shall be lawful to apply so much of the proceeds of such sales, and of any rents in excess of the annual interest from time to time as shall be named in such Resolution to the payment of the said Debentures, or of the interest due thereon.

Interest on Debentures to be paid by rents. Principal by proceeds of Sale.

14. All moneys of the said fund shall be issued by the Treasurer, in pursuance of Warrants under the hand of the Superintendent, to such persons, and in such portions as shall be mentioned in such Warrants. And the Treasurer shall be allowed credit in his Accounts for such sums only as he shall have so issued in pursuance of such Warrants.

Moneys to be issued by the Treasurer.

15. Full and detailed Accounts of the receipts and expenditure on account of the said Fund, shall be laid before the Provincial Council within ten days after the opening of every Session of the same.

Accounts to be laid before the Provincial Council.

16. This Ordinance shall be entitled and may be cited as the "Canterbury Association's Reserves Ordinance, Session V., No. 2."

Title.

JAMES EDWARD FITZGERALD,  
Superintendent.

Passed the Provincial Council on the Seventeenth day of October, and assented to by his Honor the Superintendent, in the name of his Excellency the Governor, on the Twenty-third day of October, in the year of our Lord one thousand eight hundred and fifty-five.

CHARLES BOWEN,  
Speaker.

GEORGE A. E. ROSS,  
Clerk to the Council.

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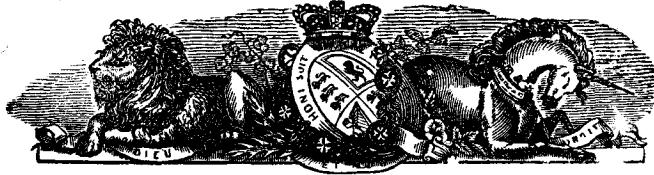


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SCHEDULE.

No.		A.	R.	P.
5.	The Jail ... ..	0	3	28
10.	Association's Offices ... ..	0	0	16
16.	The Association's Store ... ..	0	0	30
29.	The Hospital ... ..	0	1	17
32.	Wharves and Stores ... ..	1	0	10
33.	Boathouse, &c... ..	0	1	27
34.	Agent's House and Offices, Immigration Barracks, &c.	1	2	28
21.	Botanical Garden ... ..	23	0	0
	Part of the Lands described as—			
24.	Town Reserves ... ..	897	0	0
	—Being all that part thereof not including the lands described in this Ordinance severally, as Hagley Park, the Town Belt, or as public highways, and not including the land which the Superintendent is hereby authorised to grant to the Members of the Free Church of Scotland.			
39.	The Store at Sumner ... ..	0	3	5
44.	The Wharf, Christchurch ... ..	0	0	25
47a.	Heathcote Wharf ... ..	0	1	12

*This Ordinance was amended by the "Canterbury Association's Reserves Amendment Ordinance, Session VIII., No. 11, 1857," and has been further amended by the "Canterbury Association's Reserves Amendment Ordinance, 1858, Session IX., No. 3."*



**PROVINCE OF CANTERBURY.**

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ANNO NONO DECIMO

**VICTORIÆ REGINÆ.**

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SESSION VI., No. 1.

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**English Agent's Ordinance.**

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*Published by Authority.*

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ANALYSIS.

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|---|--|---|
| <i>Preamble.</i>                                  |  | 2. <i>Henry Selfe Selfe, Esq., to be the Agent.</i> |
| 1. <i>Agent may resign and appoint Successor.</i> |  | 3. <i>Title.</i>                                    |
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**H**ENRY SELFE SELFE, ESQUIRE, appointed to be the Second <sup>Title.</sup>  
Agent in the United Kingdom, for the Province of Canterbury.  
“The Second English Agent's Ordinance, Session VI., No. 1.”

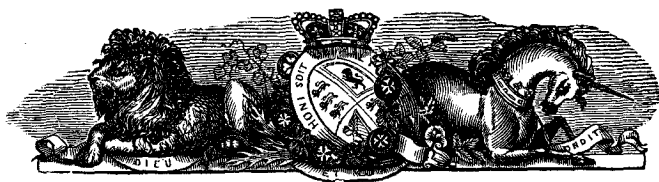
JAMES EDWARD FITZGERALD,  
Superintendent.

Passed the Provincial Council on  
the Eighteenth day of March,  
and assented to by his Honor  
the Superintendent, on behalf  
of his Excellency the Governor,  
on the Twenty-eighth day of  
March, in the year of our  
Lord, one thousand eight hun-  
dred and fifty-six.

CHARLES BOWEN,  
Speaker.

GEORGE A. E. ROSS,  
Clerk to the Council.

*Repealed by the "Third English Agent's Ordinance, Session XVII., No. 1," 1861.*



PROVINCE OF CANTERBURY.

ANNO NONO DECIMO

VICTORIÆ REGINÆ.

SESSION VI., No. 2.

Road Ordinance.

Published by Authority.

ANALYSIS.

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|--|---|
| <p><i>Preamble.</i></p> <p>1. <i>Interpretation Clause.</i></p> <p>2. <i>Provincial Engineer to superintend works and advise.</i></p> <p>3. <i>Road Districts to be established by Ordinances or by the Superintendent upon Memorial of Ratepayers.</i></p> <p>4. <i>Districts may be divided.</i></p> <p>5. <i>Waywarden to be elected.</i></p> <p>6. <i>Duties of Waywarden.</i></p> <p>7. <i>Waywarden to be a Corporation.</i></p> <p>8. <i>Rates, &amp;c., to be the property of the Waywarden,—penalty for withholding property from the Waywarden.</i></p> <p>9. <i>Minutes and Accounts to be kept.</i></p> <p>10. <i>Minutes and Accounts to be open to the inspection of the Superintendent.</i></p> <p>11. <i>Penalty for not complying with provisions of Clauses 9 and 10.</i></p> <p>12. <i>Accounts to be audited.</i></p> <p>13. <i>Waywarden to make a List of persons and property liable to be rated, and list to be posted.</i></p> <p>14. <i>Such List to be amended in the Resident Magistrate's Court.</i></p> <p>15. <i>Waywarden's List to be the Ratepayers' Roll.</i></p> <p>16. <i>Who may vote at Meetings of Ratepayers.</i></p> | <p>17. <i>Returning Officer—his duties</i></p> <p>18. <i>Meeting for Election of Waywarden.</i></p> <p>19. <i>Mode of voting and declaring the Election.</i></p> <p>20. <i>Returning Officer to refuse votes of unqualified persons.</i></p> <p>21. <i>Voting book to be preserved.</i></p> <p>22. <i>Penalty for making false statements at elections.</i></p> <p>23. <i>How vacancies may occur.</i></p> <p>24. <i>How such vacancies shall be filled up.</i></p> <p>25. <i>Returning Officer to make List of Ratepayers and appoint time for the election of the first Waywarden.</i></p> <p>26. <i>Ratepayers may make rates.</i></p> <p>27. <i>Meetings of Ratepayers to be called by public notice.</i></p> <p>28. <i>Rate to be made by a majority. Amount of rate.</i></p> <p>29. <i>Rate how to be collected.</i></p> <p>30. <i>Rate how to be expended.</i></p> <p>31. <i>What description of property shall be rated.</i></p> <p>32. <i>Rates may be levied on the assessed value of property.</i></p> |
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| <p>33. <i>Two Assessors to be appointed.</i></p> <p>34. <i>Assessors to nominate Umpire.</i></p> <p>35. <i>Expenses of assessment.</i></p> <p>36. <i>Who to pay rate.</i></p> <p>37. <i>Levy of rate how to be regulated.</i></p> <p>38. <i>Rate may be paid by labour instead of money.</i></p> | <p>39. <i>Rate may be levied by distress.</i></p> <p>40. <i>Penalty on persons obstructing the Engineer or Waywarden.</i></p> <p>41. <i>Penalty on injuring a road.</i></p> <p>42. <i>Penalty on draining except in a certain manner.</i></p> <p>43. <i>Title.</i></p> |
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**T**HIS Ordinance shall be entitled and may be cited as the "Road Ordinance, Session VI., No. 2."

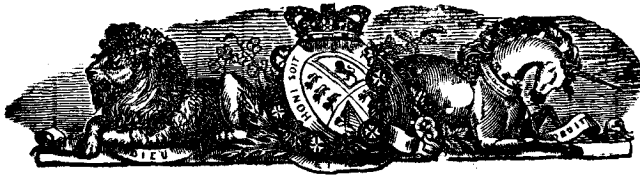
JAMES EDWARD FITZGERALD,  
Superintendent.

Passed the Provincial Council on the Tenth day of April, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Twenty-sixth day of April, in the year of our Lord one thousand eight hundred and fifty-six.

CHARLES BOWEN,  
Speaker.

GEORGE A. E. ROSS,  
Clerk to the Council.

*This Ordinance was repealed by the "Roads Districts Ordinance, Session XX., No. 19, 1863.*



PROVINCE OF CANTERBURY.

ANNO NONO DECIMO

VICTORIÆ REGINÆ.

SESSION VI., No. 3.

Public House Ordinance.

Published by Authority.

ANALYSIS.

- Preamble.*
1. *Ordinances of New Zealand repealed.*
  2. *Penalty for selling or delivering less than two gallons of any one kind or description of liquor at any one time.*
  3. *Liquors exposed for sale without license may be forfeited.*
  4. *Forfeited liquors to be sold or destroyed; reward to informer.*
  5. *In certain cases License not needed.*
  6. *Licenses to be of three kinds.*
  7. *Application for License to be made on or before 1st of April.*
  8. *List of applications to be affixed to the door of the Court House on or before the 8th April.*
  9. *Lists and notices of Annual Licensing Meeting to be published by Resident Magistrate at Lyttelton.*
  10. *General and Adjourned Meetings of Justices.*
  11. *Power given to Superintendent if there is no quorum at such meetings.*
  12. *Justices in certain cases disqualified from acting at such meetings.*
  13. *Licenses may be granted by a majority of Justices, or refused; Proceedings in case of refusal.*
  14. *Treasurer to issue Licenses.*
  15. *List of licensed persons and houses to be published.*
  16. *Licenses not applied for before the 1st July to be void.*
  17. *Conditional Licenses may be granted by the Superintendent.*
  18. *License may be transferred.*
  19. *Executors of a License may appoint a Representative.*
  20. *Holder of a License may transfer business from one house to another.*
  21. *Restrictions on Sale of Liquors to other than Lodgers or Travellers.*
  22. *Exceptions.*
  23. *Penalty on Licensee for neglecting to affix his name and description of license, or a Copy of the Conditions of License in some conspicuous part of the house.*
  24. *Penalty for permitting gambling.*
  25. *Penalty for supplying liquor to any person in a state of intoxication.*
  26. *Penalty for taking anything in pledge for liquors supplied.*
  27. *Penalty for allowing wages to be paid on the premises.*
  28. *Penalty for not keeping a lamp burning.*
  29. *Justices may suspend License.*
  30. *Justices may declare License to be null and void.*
  31. *Penalty for obstructing Constable.*
  32. *Penalty for drunkenness.*
  33. *Penalties to be recovered in a summary way.*
  34. *Title.*

Title.

**T**HIS Ordinance shall be entitled and may be cited as the "Public House Ordinance, Session VI., No. 3."

JAMES EDWARD FITZGERALD,  
Superintendent.

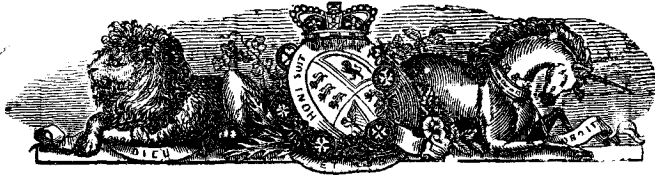
Passed the Provincial Council on the Seventeenth day of April, one thousand eight hundred and fifty-six, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Eighth day of May, in the year of our Lord one thousand eight hundred and fifty-six.

CHARLES BOWEN,  
Speaker.

GEORGE E. A. ROSS,  
Clerk to the Council.

*This Ordinance was amended by the "Public House Amendment Ordinance, Session VIII., No. 12," and repealed by the "Public House Ordinance, Session XIX., 1862."*





PROVINCE OF CANTERBURY.

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ANNO NONO DECIMO

VICTORIÆ REGINÆ.

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SESSION VI., No. 4.

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Appropriation Ordinance.

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Published by Authority.

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ANALYSIS.

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|---|--|
| 1. <i>Appropriation of Provincial Revenues for the Year ending 31st March, 1857.</i>                  | 3. <i>Provincial Treasurer, &amp;c., shall be allowed credit for certain sums expended up to 31st March, 1856.</i> |
| 2. <i>Provincial Treasurer, &amp;c., shall issue and be allowed credit for the sums appropriated.</i> | 4. <i>Title.</i>   |
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**T**HIS Ordinance shall be entitled and may be cited as "The Preamble. Appropriation Ordinance, 1856-57, Session VI., No. 4."

JAMES EDWARD FITZGERALD,  
Superintendent.

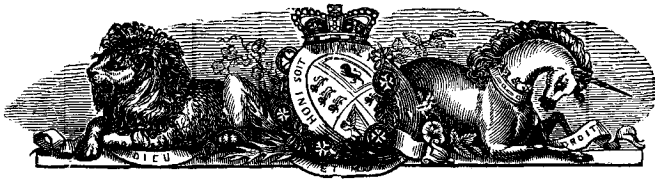
Passed the Provincial Council on the Seventeenth day of April, one thousand eight hundred and fifty-six, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Eighth day of May, in the year of our Lord one thousand eight hundred and fifty-six.

CHARLES BOWEN,  
Speaker.

GEORGE A. E. ROSS,  
Clerk to the Council.

*Sum voted for Year commencing 1st April, 1856, and ending 31st March, 1857, £18,311 15s.*

*Sums paid in excess of "Appropriation Ordinance" for the Year ending First March, 1856, £4647 7s. 5d.*



PROVINCE OF CANTERBURY.

ANNO VICESIMO

VICTORIÆ REGINÆ.

SESSION VII., No. 1.

Canterbury Association's Debentures  
Ordinance.

Published by Authority.

ANALYSIS.

1. *Debentures to be payable for Waste Lands.* | 2. *Title.*

**W**HEREAS by an Ordinance of the Superintendent and Provincial Council of the Province of Canterbury, entitled, "The Canterbury Association's Ordinance, Session IV. No. 6," the Superintendent was authorised to issue Debentures charging the public revenues of the said Province with the sum of Twenty-eight Thousand Nine Hundred Pounds, and such Debentures have been issued accordingly: And Whereas it was by the said Ordinance further enacted, that if by any Law or Regulation at any time in force within the said Province such Debentures should be made payable and receivable as cash for the purchase of the Waste Lands of the Crown in the said Province, the payment and receipt thereof accordingly should be an effectual discharge of the principal of such Debentures so paid and received: And Whereas it is expedient that such Debentures should be so made payable and receivable accordingly:

Be it therefore enacted by the Superintendent of the said Province, with the advice and consent of the Provincial Council thereof as follows:—

1. Every Debenture issued under the authority of the said recited Ordinance shall, until it be otherwise enacted by competent authority, be payable and receivable for the amount of principal and interest Debentures to be payable for Waste Lands.

which shall then be due thereon, in the purchase of waste lands of the Crown within the said Province.

Title.

1. This Ordinance shall be entitled and may be cited as "The Canterbury Association's Debentures Ordinance, Session VII., No. 1, 1856."

JAMES EDWARD FITZGERALD,  
Superintendent.

Passed the Provincial Council this  
Twentieth day of November,  
in the year of our Lord one  
thousand eight hundred and  
fifty-six, and reserved for the  
assent of His Excellency the  
Governor.

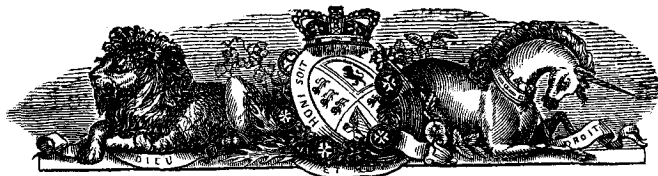
CHARLES BOWEN,  
Speaker.

GEORGE A. E. ROSS,  
Clerk to the Council.

I hereby declare that I assent to  
this Ordinance.

Given under my hand, at Auckland,  
this Sixth day of January, in  
the year of our Lord one  
thousand eight hundred and  
fifty-seven.

THOMAS GORE BROWNE,  
Governor.



PROVINCE OF CANTERBURY.

ANNO VICESIMO

VICTORIÆ REGINÆ.

SESSION VII., No. 2.

Waste Lands Regulations Amendment  
Ordinance.

Published by Authority.

ANALYSIS.

*Preamble.*

1. *Regulations 35 and 43 repealed.*

2. *Title.*

**W**HEREAS certain Regulations for the Disposal, Sale, Letting and Occupation of the Waste Lands of the Crown, in the Province of Canterbury, were issued by the Governor of New Zealand, in a Proclamation, bearing date at Auckland, the Twelfth day of February, one thousand eight hundred and fifty-six, and the said Regulations were amended by certain other Regulations issued by the Governor in a Proclamation bearing date at Auckland, the Fourteenth day of August, one thousand eight hundred and fifty-six : And Whereas, by virtue of an Act of the Imperial Parliament, passed in the Session holden in the Fifteenth and Sixteenth years of the reign of her present Majesty, entitled "An Act to Grant a Representative Constitution to the Colony of New Zealand," and of certain Acts of the General Assembly of New Zealand, entitled "The Provincial Waste Lands Act, 1854," and "The Waste Lands Act, 1856," respectively, it is lawful for the Superintendent and Provincial Council further to amend the said Regulations, and it is expedient that the said Regulations should be further amended accordingly :—

Be it therefore enacted by the Superintendent of the Province of Canterbury, with the advice and consent of the Provincial Council thereof as follows :—

Regulations 35 and 43  
repealed.

1. The Regulations standing as the 35th and 43rd in the said Regulations shall be, and the same are hereby repealed; and the Regulations in the Schedule to this Ordinance annexed shall stand in the place thereof, and shall have the force of Law as a part of the said Regulations.

Title.

2. This Ordinance shall be entitled, and may be cited as the "Waste Lands' Regulations Amendment Ordinance, Session VII, No. 2."

JAMES EDWARD FITZGERALD,  
Superintendent.

Passed the Provincial Council this  
26th day of November, in the  
year of our Lord one thousand  
eight hundred and Fifty-six,  
and reserved for the assent of  
his Excellency the Governor.

CHARLES BOWEN,  
Speaker.

GEORGE A. E. ROSS,  
Clerk to the Council.

I hereby declare that I assent to  
this Ordinance.

Given under my hand, at Auck-  
land, this Sixth day of January,  
in the year of our Lord one  
thousand eight hundred and  
fifty-seven.

THOMAS GORE BROWNE,  
Governor.

## SCHEDULE.

35. Save as hereinafter provided, no section of rural land shall be sold containing less than twenty acres; but any section so limited by frontage lines or private lands as to contain less than twenty acres may be sold by auction at the upset price of Forty Shillings per acre, the time and place of sale, and the mode of sale, and payment of purchase money to be as nearly as may be in accordance with the Regulations herein contained applicable to the sale of town land: Provided nevertheless, that if any section so limited shall be included in a Pasturage License with pre-emptive right, the Holder of such License shall be entitled to exercise such pre-emptive right under these Regulations upon payment of the sum of Forty Pounds for such section.

43. If any person shall contract with the Superintendent to make and complete within a given time, any public road, bridge, or drain, or any part of any such road, bridge, or drain, furnishing such security as the Superintendent may require for the due completion of such contract, and shall select such portion of rural land as he shall be willing to accept by way of payment or compensation, or by way of part payment or compensation for such work, it shall be lawful for the Superintendent to reserve such portion of land from public sale for such given time but no longer; and such person shall, on the completion of such contract, be entitled to a free grant of such land, or so much thereof as the Board shall adjudge, not exceeding one acre for every Two Pounds sterling, which the Superintendent shall certify to the Waste Lands Board to be the *bonâ fide* value of the work so done by such person according to the prices for work and materials at the time of performing such contract current in the district.

Every such reservation of land from public sale shall be published in the *Government Gazette* of the Province as directed in Clause 19 of these Regulations.

No such reservation shall continue in force for a longer period than twelve calendar months from the date on which it shall have been made.

No land included in a Pasturage License with pre-emptive right shall, as against the Holder of such pre-emptive right, be so reserved or granted until he shall have been allowed the option of purchasing such land in the manner prescribed in Clauses 64 and 66 of these Regulations.

No greater amount of land than two hundred and fifty acres shall, under the provisions of this Clause, be reserved or granted to any one person under any such contract, unless in payment of work for which a Vote has been passed by the Provincial Council.

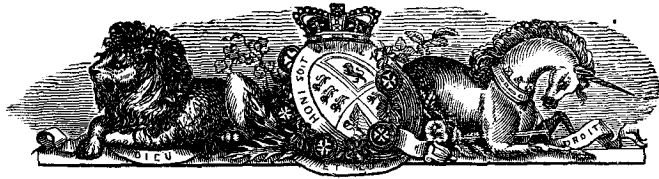
No greater amount of land than one thousand acres in the aggregate shall, in any one year, be reserved or granted under the provisions of this Clause, without the special sanction of the Provincial Council.

Provided always that every parcel of land so granted shall be subjected to the same conditions as to form and frontage as any rural land sold under these Regulations: Provided also that

no application for less than twenty acres shall be received under this Clause but that where any amount of compensation awarded by the Board shall be of a less extent than twenty acres of land, the person entitled may pay the balance in cash upon the same terms as other Applicants for the purchase of rural lands under these Regulations.

*Waste Lands Regulations further amended by the "Waste Lands Regulations Amendment Ordinance, Session IX., No. 1, 1858," which was disallowed by his Excellency the Governor. See "Waste Lands Regulations Amendment Ordinance, Session IX., No. 1."*





PROVINCE OF CANTERBURY.

ANNO VICESIMO

VICTORIÆ REGINÆ.

SESSION VII., No. 3.

The Loan Ordinance.

Published by Authority.

ANALYSIS.

- |   |   |
|---|---|
| 1. <i>Superintendent may raise any sum not exceeding £30,000, and issue Debentures.</i>       | 4. <i>Principal payable at Treasury after fifteen years.</i>                  |
| 2. <i>Debentures to be in the form set forth in the Schedule.</i>                             | 5. <i>Principal and interest charged on general revenues of the Province.</i> |
| 3. <i>To bear interest not exceeding eight per centum per annum. Interest, where payable.</i> | 6. <i>Provision for a sinking fund.</i>                                       |
|   | 7. <i>Money to be expended in immigration and public works.</i>               |
|   | 8. <i>Title.</i>  |

**B**E it enacted, by the Superintendent of the Province of Canterbury, with the advice and consent of the Provincial Council thereof, as follows :—

1. It shall be lawful for the Superintendent to raise, by way of Loan, a sum not exceeding Thirty Thousand Pounds sterling, and to issue Debentures to that amount, and such Debentures, when issued, shall be and are hereby charged and made chargeable upon the Public Revenues of the Province of Canterbury.

Superintendent may raise any sum not exceeding £30,000 and issue Debentures.

2. Every such Debenture shall be issued for a sum of not less than One Hundred Pounds, and shall be in the form set forth in the Schedule A to this Ordinance, and shall be numbered consecutively, and shall be

Debentures to be in the form set forth in the Schedule.

dated on the day on which the same shall be issued, and shall be signed by the Superintendent and sealed with the public seal of the Province.

To bear interest not exceeding Eight per centum per annum. Interest where payable.

3. Every such Debenture shall bear interest at a rate not exceeding Eight Pounds sterling per centum per annum, and such interest shall be payable at the Provincial Treasury of the said Province, or at such other place or places as the Superintendent may direct, on the Thirtieth day of June, and the Thirty-first day of December, in each year.

Principal payable at Treasury after fifteen years.

4. The principal of every such Debenture shall be made payable and shall be repaid at the said Provincial Treasury upon the expiration of fifteen years from the day of the issue thereof.

Principal and interest charged on General Revenues of the Province.

5. The Superintendent is hereby authorised and required to cause such principal and interest to be paid out of the General Revenues of the said Province.

Provision for a sinking fund.

6. For the purpose of providing a sinking fund for the liquidation of the principal of the debt which may be incurred under the authority of this Ordinance, the Superintendent shall cause, during the first three years which shall elapse from the issue of such Debentures, to be set apart, annually, out of the general revenues of the Province of Canterbury a sum equal to two per centum of the amount of such Debentures, and during the next twelve years a sum equal to four per centum of such amount, as a sinking fund, to be invested in such securities as the Provincial Council shall, by any Resolution to be passed in that behalf direct.

Money to be expended on immigration and public works.

7. No portion of the sum of Thirty Thousand Pounds to be borrowed under the authority of this Ordinance shall be expended in any other way than in the immigration of persons to the Province from Great Britain and Ireland, under any Regulations for the time being legally in force for the conduct of such immigration, or on the public works within the said Province, in accordance with Resolutions to be passed in that behalf by the Provincial Council thereof.

Title.

8. This Ordinance shall be entitled, and may be cited as the "Loan Ordinance, Session VII., No. 3."

JAMES EDWARD FITZGERALD,

Superintendent.

Passed the Provincial Council, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, this Twentieth day of November, in the year of Our Lord one thousand eight hundred and fifty-six.

CHARLES BOWEN,  
Speaker.

GEORGE A. E. ROSS,  
Clerk to the Council.

Assented to 6th February, 1857.

## SCHEDULE A.

No. \_\_\_\_\_ FORM OF DEBENTURE. No. \_\_\_\_\_

PROVINCE OF CANTERBURY, NEW ZEALAND.

£100

£100

DEBENTURE FOR ONE HUNDRED POUNDS STERLING.

*To the Provincial Treasurer of the Province of Canterbury.*

IN pursuance of the "Loan Ordinance, 1856, Session VII., No. 3," you are hereby authorised and required, fifteen years from the date hereof, to pay to the Bearer hereof, out of the general revenues of the Province of Canterbury, the sum of One Hundred Pounds sterling, together with interest thereon in the meantime, at the rate of pounds sterling per centum per annum, commencing from the date hereof, by equal half-yearly payments, on the Thirtieth day of June, and the Thirty-first day of December, in each year; such payments to be made at the Provincial Treasury, in the said Province, or such other place as the Superintendent shall appoint.

Dated at Christchurch, this                      day of                      185

Superintendent.

Sealed by me with the Public Seal of the Province,

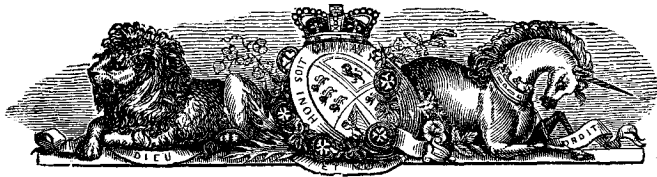
Keeper of Public Records.

In my presence—

Member of Executive Council.

L. S.

*Debentures made payable at the Union Bank of Australia in London, by the "Loan Ordinance Amendment Ordinance, Session XI., No. 1."*



PROVINCE OF CANTERBURY.

ANNO VICESIMO PRIMO

VICTORIÆ REGINÆ.

SESSION VIII., No. 1.

The Fuller Remission of Purchase Money  
Ordinance.

Published by Authority.

ANALYSIS.

- |   |                            |
|---|----------------------------|
| <i>Preamble.</i>                                | <i>Grant of 150 Acres.</i> |
| 1. <i>Francis Fuller to be entitled to Free</i> | 2. <i>Title.</i>           |

**W**HEREAS by an Act of the General Assembly of New Zealand, Preamble. entitled "The Waste Lands Act, 1856," made in pursuance of the provisions of a certain Act of the Imperial Parliament therein recited, entitled "An Act to Grant a Representative Constitution to the Colony of New Zealand," and of a certain other Act of the said General Assembly, therein also recited, entitled "The Provincial Waste Lands Act, 1854," it was enacted that, subject to the provisions in the said Act of the Imperial Parliament contained, it should be lawful for the Superintendent of each of the Provinces of New Zealand, with the advice and consent of the Provincial Council thereof, at any time and from time to time to make Laws for regulating the sale, letting, disposal and occupation of the waste lands of the Crown within such Province, and also to amend, alter, or repeal any Laws, Ordinances, or Regulations then in force for any such purposes within the same. And Whereas Francis Fuller, of Beaconsfield, in the Province of Canterbury, late a Captain in her Majesty's 59th Regiment of Foot, being a Settler in New Zealand, entitled to the privileges accorded to military Officers by the Regulations in force under the authority of her Majesty's

Government respecting the acquisition of waste lands of the Crown by military and naval Officers, and by the New Zealand Land Regulations, proclaimed on the Fourth day of March, one thousand eight hundred and fifty-three, became entitled to a remission of Three Hundred Pounds in the purchase money of demesne lands of the Crown in New Zealand, except such lands as were reserved to the Canterbury or Otago Associations respectively: And Whereas, according to the said last mentioned Regulations and the true intent and meaning thereof, Three Hundred Pounds represent three hundred acres of land: And Whereas the claim of the said Francis Fuller to the remission of the said purchase money was allowed by his Excellency Sir George Grey, the late Governor of New Zealand, but the land was not selected, nor the Title of the said Francis Fuller perfected previously to the coming into operation of the Land Regulations now in force for the sale, letting, disposal, and occupation of the waste lands of the Crown within the said Province: And Whereas the said last mentioned Regulations repeal all Regulations then in force within the said Province for the sale, letting, disposal, and occupation of the waste lands of the Crown, and do not contain any provision applicable to the case of the said Francis Fuller: And Whereas the said Francis Fuller hath claimed, notwithstanding the said last mentioned Regulations, to be allowed a remission of the Purchase money of one hundred and fifty acres of the demesne lands of the Crown, within any part of the said Province, in lieu of a remission of the purchase money of three hundred acres of the said land as aforesaid, and it is just and expedient that such claim should be allowed.

Be it therefore enacted by the Superintendent of the said Province, with the advice and consent of the Provincial Council thereof as follows:—

Francis Fuller to be  
entitled to free Grant of  
150 acres.

1. The said Francis Fuller shall be, and he is hereby declared to be entitled to a free Grant of one hundred and fifty acres of the demesne lands of the Crown in any part of the said Province; and it shall be lawful for the Waste Lands Board of the said Province, accordingly, at any time after the coming into operation of this Ordinance, to grant to him, the said Francis Fuller, a License to occupy such last mentioned portion of the demesne lands of the Crown; and from and after the granting of such License, the said Francis Fuller shall be entitled, as to the lands comprised therein, to all the rights and privileges of a purchaser of land within the meaning of the said last mentioned Land Regulations, anything therein contained to the contrary notwithstanding.

2. This Ordinance shall be entitled and may be cited as "The <sup>Title.</sup>  
Fuller Remission of Purchase Money Ordinance, Session VIII, No. 1."

JAMES EDWARD FITZGERALD,  
Superintendent.

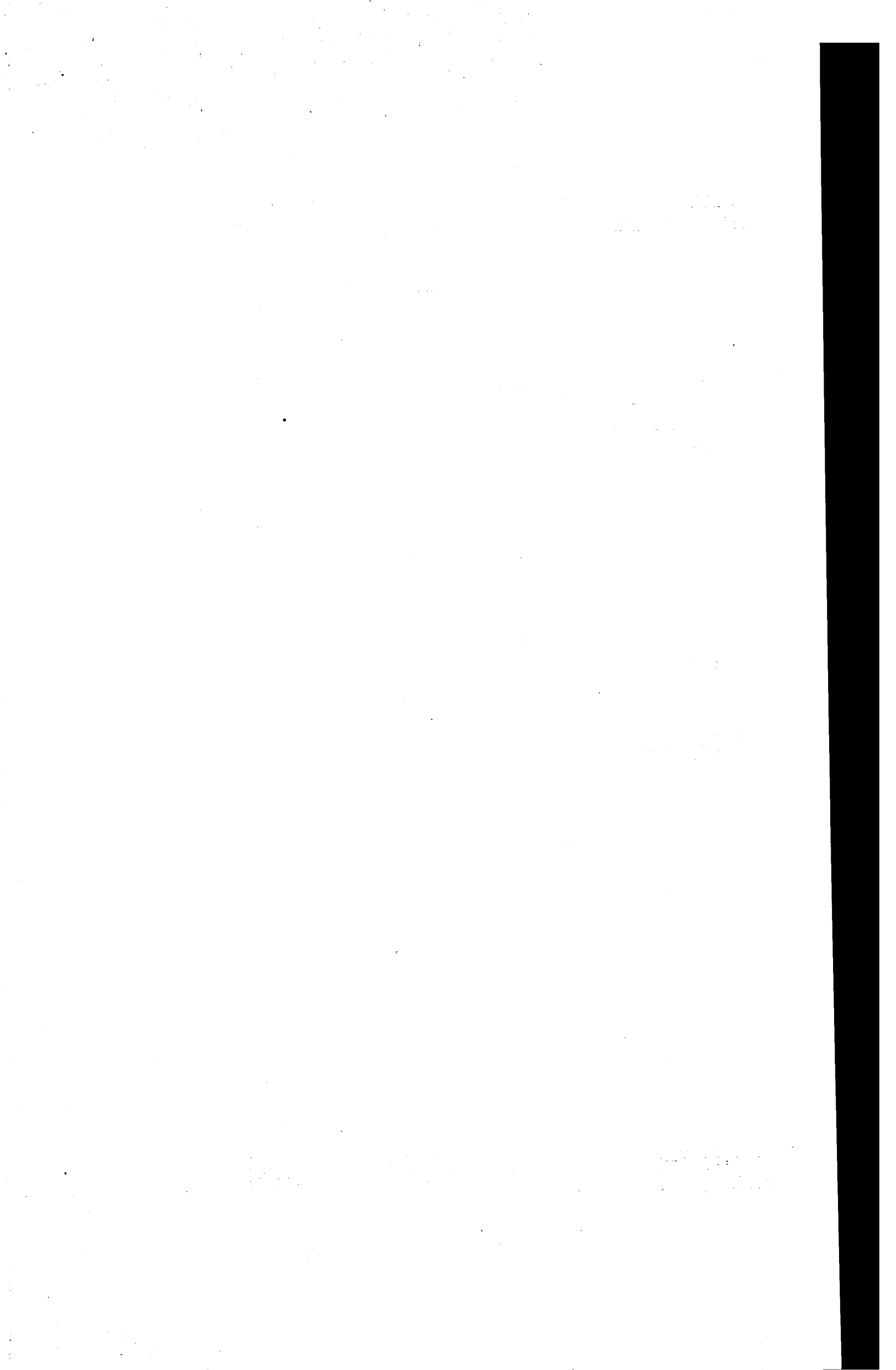
Passed the Provincial Council this  
Twelfth day of May, in the  
Year of our Lord one thousand  
eight hundred and fifty-seven,  
and reserved for the assent  
of his Excellency the Governor.

CHARLES BOWEN,  
Speaker.

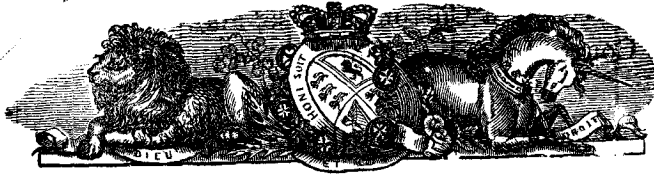
LEONARD HARPER,  
Clerk to the Council.

I hereby declare that I assent to  
this Ordinance. Given under  
my hand, at Auckland, this  
Twenty-third day of July, in  
the year of our Lord one  
thousand eight hundred and  
fifty-seven.

THOMAS GORE BROWNE,  
Governor.







**PROVINCE OF CANTERBURY.**

ANNO VICESIMO PRIMO

VICTORIÆ REGINÆ.

SESSION VIII., No. 2.

**The French Magazine Reserve Ordinance.**

*Published by Authority.*

ANALYSIS.

- |  |   |
|--|---|
| <p><i>Preamble.</i></p> <p>1. <i>Superintendent to sell the Magazine Reserve by Auction.</i></p> | <p>2. <i>Proceeds to be expended on erecting Custom House and Court House and Gaol.</i></p> <p>3. <i>Title.</i></p> |
|--|---|

**W**HEREAS by a certain Grant, bearing date the Fourth day of Preamble. March, one thousand eight hundred and fifty-seven, issued by his Excellency the Governor of New Zealand, under the authority of an Act of the General Assembly, entitled "The Public Reserves Act, 1854," a certain piece of land in the town of Akaroa, commonly known and described in the said Grant as "The Old French Magazine Reserve," is conveyed to the Superintendent of the Province of Canterbury and his Successors, to be held by them, in trust, as a site for buildings for general purposes of the Provincial Government: And Whereas it is expedient that the said land should be sold, and that the proceeds should be applied to the erection of certain public buildings in the said town:

Be it therefore enacted by the Superintendent of the said Province, with the advice and consent of the Provincial Council thereof as follows:—

1. It shall be lawful for the Superintendent of the said Province to sell the said land, with all the buildings thereon, for the highest sum Superintendent to sell the Magazine Reserve by Auction. which may be obtained for the same by public auction, of which two months' notice shall be given.

Proceeds to be expended in erecting Custom House and Court House and Gaol.

2. The proceeds arising from such sale shall be expended one-half in the cost of erecting a Custom House, and the other half in the cost of erecting a Court House and Gaol within the said town.

Title.

3. This Ordinance shall be entitled and may be cited as the "French Magazine Reserve Ordinance, Session VIII., No. 2."

JAMES EDWARD FITZGERALD,

Superintendent.

Passed the Provincial Council on the Twenty-eighth day of May, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Eleventh day of June, in the year of our Lord one thousand eight hundred and fifty-seven.

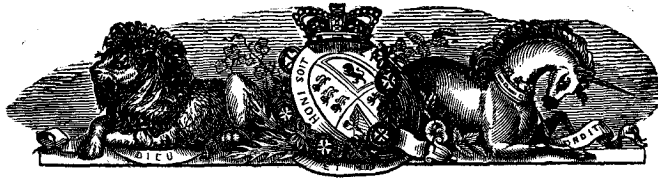
CHARLES BOWEN,

Speaker.

LEONARD HARPER,

Clerk to the Council.

*Left to its operation by his Excellency Governor Thomas Gore Browne, on the 23rd July, 1857.*



**PROVINCE OF CANTERBURY.**

ANNO VICESIMO PRIMO

VICTORIÆ REGINÆ

SESSION VIII., No. 3.

**The Akaroa Jetty Ordinance.**

*Published by Authority.*

ANALYSIS.

*Preamble.*

- 1. *Superintendent to build Jetty in Akaroa.*
- 2. *Jetty to be constructed according to Clause 43 of Waste Lands Regulations.*

- 3. *Superintendent to make Regulations and fix tolls.*
- 4. *Rights of way to cease.*
- 5. *Superintendent to lease said Jetty.*
- 6. *Title.*

**WHEREAS** it is expedient that a Public Jetty should be built in Preamble.  
the Town of Akaroa :

Be it therefore enacted by the Superintendent of the Province of Canterbury, with the advice and consent of the Provincial Council thereof as follows :—

1. It shall be lawful for the Superintendent to cause a Jetty to be built in the town of Akaroa, on any part of the land fronting on the sea which may have been reserved for a public highway, or for the uses of the Provincial Government, or upon any part of such land below high-water mark, and to extend the same into the sea so far as he shall think fit. Superintendent to build Jetty in Akaroa.

2. Such Jetty may be constructed upon the same conditions in respect of payment for the same, as any public road, bridge, or drain constructed under the 43rd Clause of the Waste Lands Regulations now in force within the said Province. Jetty to be constructed according to Clause 43 of Waste Lands Regulations.

3. The Superintendent may, with the advice of the Executive Council, make Rules and Regulations, and may fix a scale of tolls, for the use of such Jetty : Provided that such tolls shall not be higher than Superintendent to make Regulations and fix tolls.

the present tolls now payable on any other Jetty within the said Province.

**Rights of way to cease.** 4. All rights of way across any land occupied by the said Jetty, except such as may be consistent with the Rules and Regulations aforesaid, shall cease and determine from and after the passing of this Ordinance.

**Superintendent to lease said Jetty.** 5. The Superintendent may, with the advice of the Executive Council, lease the said Jetty, together with the tolls to be levied thereon, for any term not exceeding seven years, for the best rent which may be obtained for the same.

**Title.** 6. This Ordinance shall be entitled and may be cited as "The Akaroa Jetty Ordinance, Session VIII., No. 3."

JAMES EDWARD FITZGERALD,  
Superintendent.

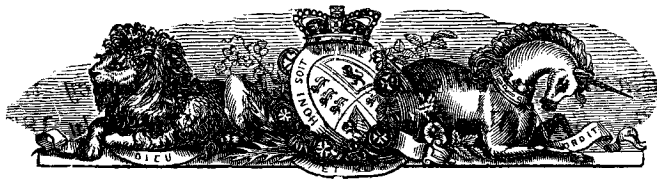
Passed the Provincial Council this  
Twenty-eighth day of May, in  
the year of our Lord one  
thousand eight hundred and  
fifty-seven, and reserved for the  
assent of his Excellency the  
Governor.

CHARLES BOWEN,  
Speaker.

LEONARD HARPER,  
Clerk to the Council.

I hereby declare that I assent to  
this Ordinance. Given under  
my hand, at Auckland, this  
Twenty-third day of July, in  
year of our Lord one thousand  
eight hundred and fifty-seven.

THOMAS GORE BROWNE,  
Governor.



PROVINCE OF CANTERBURY.

ANNO VICESIMO PRIMO

VICTORIÆ REGINÆ.

SESSION VIII., No. 4.

The Inwood Mill Ordinance.

Published by Authority.

ANALYSIS:

- Preamble.*
- |  |  |
|--|--|
| <p>1. <i>Daniel Inwood to be allowed to put a mill on the river Avon.</i></p> <p>2. <i>Flow of water not to be raised more than three feet above the present level.</i></p> <p>3. <i>Mill-race, dam, and cart-bridge to be made within two years, and kept in repair. This Ordinance not to protect Daniel Inwood against damages on account of injury done to private property or public roads.</i></p> | <p>4. <i>The same to be removed if the river be required for navigation.</i></p> <p>5. <i>Superintendent and Provincial Council to authorise the diversion of the water of the river above the mill-dam if so required for public purposes.</i></p> <p>6. <i>If conditions contained in this Ordinance not enforced by the Millowner, this Ordinance to become void.</i></p> <p>7. <i>Title.</i></p> |
|--|--|

THIS Ordinance shall be entitled and may be cited as "The <sup>Title.</sup>  
Inwood Mill Ordinance, Session VIII., No. 4."

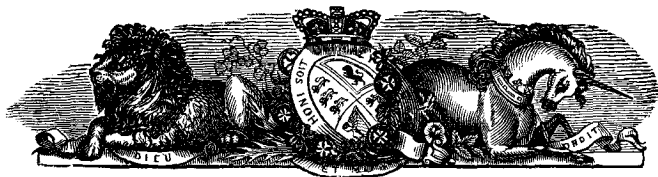
JAMES EDWARD FITZGERALD,  
Superintendent.

Passed the Provincial Council this Second day of June, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, this Eleventh day of June, in the year of our Lord one thousand eight hundred and fifty-seven.

CHARLES BOWEN,  
Speaker.

LEONARD HARPER,  
Clerk to the Council.

*This Ordinance was disallowed by his Excellency the Governor, 24th July, 1857. See 'New Zealand Gazette,' 27th July, 1857, page 111.*



PROVINCE OF CANTERBURY.

ANNO VICESIMO PRIMO

VICTORIÆ REGINÆ.

SESSION VIII, No. 5.

The Scab and Catarrh Amendment  
Ordinance.

Published by Authority.

ANALYSIS.

*Preamble.*

1. *Part of Section 13 to be repealed.*

2. *Power given to Justices to require persons convicted to enter into bonds.*

*Power to cancel such bonds, or to enforce them.*

3. *Or to extend the period named in bond.*

4. *Title.*

**T**HIS Ordinance shall be entitled, and may be cited as the "Scab <sup>Title.</sup> and Catarrh Amendment Ordinance, Session VIII., No. 5."

JAMES EDWARD FITZGERALD,

Superintendent.

Passed the Provincial Council this Second day of June, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, this Eleventh day of June, in the year of our Lord one thousand eight hundred and fifty-seven.

CHARLES BOWEN,

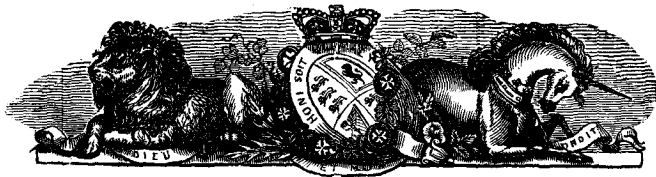
Speaker.

LEONARD HARPER,

Clerk to the Council.

*This Ordinance was repealed by "The Sheep Ordinance, Session X., No. 9."*





PROVINCE OF CANTERBURY.

ANNO VICESIMO PRIMO

VICTORIÆ REGINÆ.

SESSION VIII, No. 6.

White's Kaiapoi Bridge Ordinance.

Published by Authority.

ANALYSIS.

- |   |   |
|---|---|
| <i>Preamble.</i>  |   |
| 1. <i>William White to erect a bridge over north branch of Waimakariri.</i>     | 4. <i>To be a drawbridge through which vessels to have a right of way.</i>    |
| 2. <i>And may collect tolls according to Schedule.</i>                          | 5. <i>Superintendent may take possession of bridge on certain conditions.</i> |
| 3. <i>Superintendent may take possession if certain conditions be not kept.</i> | 6. <i>Interpretation of words William White.</i>                              |
|   | 7. <i>Title.</i>  |

**W**HEREAS it is expedient for the purposes of public traffic that a Preamble. bridge shall be erected over the River Waimakariri, in the Province of Canterbury; And Whereas William White, of Kaiapoi, Publican, in consideration of certain powers and privileges hereinafter expressed, has proposed, at his own cost to construct a bridge over the said river, at the western end of the town of Kaiapoi, subject to certain Plans and Specifications to be approved of by the Provincial Engineer of the Province of Canterbury, and it is desirable that the said William White should be permitted to erect such bridge :

Be it therefore enacted by the Superintendent of the Province of Canterbury, with the advice and consent of the Provincial Council thereof, as follows :

1. It shall be lawful for the said William White, at any time after the passing of this Ordinance, to erect and maintain a bridge over the North branch of the River Waimakariri, at the western end of the town of Kaiapoi, and for such purpose to occupy such portion of land in the bed of the said river and on either bank thereof, as shall be set William White to erect a bridge over the North branch of Waimakariri

out and determined by the Provincial Engineer of the said Province as the site of such bridge : Provided that such bridge shall be constructed in accordance with such plans and specifications as the said Provincial Engineer shall approve, and shall be sufficient for the general purposes of traffic of foot passengers, animals, and carriages of all descriptions.

And may collect tolls according to Schedule.

2. In consideration of the erection of such bridge as aforesaid by the said William White, and on the completion thereof, certified in writing, by the Provincial Engineer, and approved of by the Superintendent, it shall be lawful for the said William White, during a term of seven years from the date of such Certificate to collect and recover to his own use and benefit, from all persons passing over the said bridge, tolls according to the table set forth in the Schedule to this Ordinance.

Superintendent may take possession if certain conditions be not kept.

3. If the said William White shall fail to obtain such Certificate of completion within one year after the passing of this Ordinance, or shall at any time during the said term of seven years, neglect to keep the said bridge and the approaches thereto in such good and sufficient repair, or shall neglect or refuse to execute such repairs as the Provincial Engineer shall direct within one calendar month after being required so to do, in writing, by the Superintendent, or shall neglect or refuse to keep the bridge open for traffic at all times during the said term of seven years, or shall neglect or refuse to open the said drawbridge at all reasonable times when required during the said term of seven years, it shall be lawful for the Superintendent to take possession of the said bridge, and to deal with the same as though it had been erected at the cost and expense of the said Province, and the said William White shall thereupon absolutely forfeit all rights and privileges whatsoever which he may have acquired by virtue of this Ordinance in respect of the said bridge.

To be a drawbridge, through which vessels to have a right of way.

4. The said bridge shall be a drawbridge, having an opening of not less than twenty-one feet, through which vessels of all descriptions shall have a right of way at all reasonable times : And the said William White shall, within a reasonable time after being required so to do, cause the said Bridge to be opened for the passage of any such vessel, and, except as above mentioned, all rights of way which shall interfere with or obstruct the use and enjoyment of the said bridge shall, from and after the passing of this Ordinance, absolutely cease and determine.

Superintendent may take possession of bridge on certain conditions.

5. It shall be lawful for the Superintendent, with the advice of the Executive Council, at any time during the said term of seven years, to

take possession of the said bridge and to open the same for the use of the public free of all tolls, upon giving to the said William White three calendar months' previous notice, in writing, of his intention so to do, and upon payment to the said William White of the full value of his then interest in the said bridge; such value to be ascertained by award of two Arbitrators, one to be named by the Superintendent, and the other by the said William White, or of an Umpire to be appointed under the hands of such Arbitrators, previously to their entering on the said arbitration; or in the event of the said William White refusing or neglecting, for the space of one week after he shall have been required by notice in writing so to do, to appoint such Arbitrator, then by the award of the Arbitrator appointed by the Superintendent.

6. The words "William White" in this Ordinance shall be taken to include the Executors, Administrators, and Assigns of the said William White. Interpretation of words "William White."

7. This Ordinance shall be entitled and may be cited as "White's <sup>title.</sup> Kaiapoi Bridge Ordinance, Session VIII., No. 6."

JAMES EDWARD FITZGERALD,  
Superintendent.

Passed the Provincial Council this  
Twenty-fifth day of June, and  
assented to by his Honor the  
Superintendent, on behalf of  
his Excellency the Governor,  
on the Twenty-fifth day of  
June, in the year of our Lord  
one thousand eight hundred  
and fifty-seven.

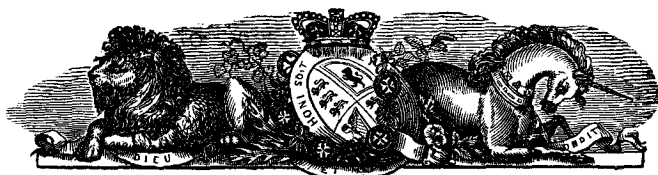
CHARLES BOWEN,  
Speaker.

LEONARD HARPER,  
Clerk to the Council.

## SCHEDULE OF TOLLS ABOVE REFERRED TO.

For every Passenger ... ..	<i>Threepence</i>
For every horse, ass, or mule ... ..	<i>Threepence</i>
For every horse, ass, mule, or other beast, with pack.	<i>Threepence</i>
For all horned cattle, driven without packs, per head.	<i>Twopence</i>
For every wheeled vehicle, drawn by one horse or other beast... ..	<i>Ninepence</i>
For every additional horse or other beast drawing such vehicle ... ..	<i>Threepence</i>
For every sheep, lamb, goat, or pig in one drove, not exceeding 100 ... ..	<i>One halfpenny</i>
For every additional sheep, lamb, goat, or pig ...	<i>One farthing</i>

Double the above tolls before the hours of 6 a.m. and after 9 p.m.



PROVINCE OF CANTERBURY.

ANNO VICESIMO PRIMO

VICTORIÆ REGINÆ.

SESSION VIII, No. 7.

Kaiapoi Town Ordinance.

Published by Authority.

ANALYSIS:

*Preamble.*

1. Land described in Schedule declared to be town of Kaiapoi.
2. Streets to be public highways.
3. Conveyance to Superintendent of lands in Schedule.
4. Cattle Trespass Ordinance applied to town of Kaiapoi.

5. Town of Kaiapoi constituted a separate road district.
6. Constabulary Force Ordinance and Dog Nuisance Ordinance extended to town of Kaiapoi.
7. Title.

**W**HEREAS certain parts of the Rural Sections, numbered 320 and 321 respectively on the Map of the Chief Surveyor, in the Province of Canterbury, have been laid out as a town, with reserves for public streets within the said town, and with a reserve for the purposes of the Provincial Government: And Whereas it is expedient that the land so laid out as a town should be declared to be a town, and that certain other parts of the said sections, and also certain other lands, being the rural section 364, and parts of the rural sections numbered 297 and 468 respectively on the said Map should be included in the said town for the purposes of this Ordinance; and that the land so reserved for public streets within the said town should be declared to be public highways: And Whereas the land so reserved for the purposes of the Provincial Government is now legally vested in the Right Honorable George Baron Lyttelton, the Rev. Charles Martin Torlesse, and the Rev. Nugent Wade: And it is expedient that the same should be conveyed for the purposes and in manner hereinafter specified:

Preamble.

Be it therefore enacted by the Superintendent of the Province of Canterbury, with the advice and consent of the Provincial Council thereof as follows :—

Land described in Schedule declared to be town of Kaiapoi.

1. Those portions of the said sections of land, numbered respectively 320, 321, 364, 297, and 468, on the Chief Surveyor's Map, particularly described in the Schedule to this Ordinance annexed, and included within the boundary line, coloured *red* on the map attached hereto, shall, from and after the coming into operation of this Ordinance, be, and be deemed to be the Town of Kaiapoi.

Streets to be public highways.

2. The several streets as delineated and set forth upon the map attached to this Ordinance, and thereon coloured *yellow*, shall be public highways to all intents and purposes whatsoever.

Conveyance to Superintendent of lands in Schedule.

3. It shall be lawful for the said George Baron Lyttelton, Charles Martin Torlesse, and Nugent Wade, their Heirs, or Assigns, to convey to the Superintendent of the said Province, for the time being, and his Successors for ever, all that parcel of land described in the Schedule to this Ordinance as the Provincial Government Reserve, and more particularly delineated by the said Map attached hereto and thereon, coloured *red*: And the said Superintendent is hereby enabled to accept and take such conveyance, and to receive and hold the said last mentioned land to him and his Successors for ever, as a Body Corporate, as effectually as if the same were vested in him under the provisions of an Act of the General Assembly of New Zealand, entitled "The Public Reserves Act, 1854."

Cattle Trespass Ordinance applied to Town of Kaiapoi.

4. The town of Kaiapoi, as herein defined, is hereby declared to be a town, within the meaning of the provisions of an Ordinance of the Superintendent and Provincial Council of the said Province entitled "The Trespass of Cattle Ordinance, Session II, No. 7," and shall be deemed to be included in the Schedule A to such Ordinance.

Town of Kaiapoi constituted a separate road district.

5. The town of Kaiapoi, as herein defined, shall constitute a separate district, to be called "The Town of Kaiapoi District," within the meaning of the provisions of an Ordinance of the Superintendent and Provincial Council of the said Province, entitled "The Road Ordinance, Session VI, No. 2," and shall be excluded from the district described in the Schedule A to such Ordinance, as "The Kaiapoi District."

Constabulary Force Ordinance, and Dog Nuisance Ordinance, extended to Town of Kaiapoi.

6. An Ordinance of the Lieutenant-Governor and Legislative Council of the Province of New Munster, entitled "An Ordinance to Increase the Efficiency of the Constabulary Force, Session II, No. 9,"

and a like Ordinance entitled "An Ordinance to abate the Dog Nuisance, Session II, No. 11, shall, upon the coming into operation of this Ordinance, be in force within the town of Kaiapoi as herein defined.

7. This Ordinance shall be entitled and may be cited as the <sup>Title.</sup>  
"Kaiapoi Town Ordinance, Session VIII., No. 7."

JAMES EDWARD FITZGERALD,  
Superintendent.

Passed the Provincial Council this  
Thirtieth day of June, in the  
year of our Lord One Thousand  
Eight Hundred and Fifty-  
seven, and reserved for the  
assent of his Excellency the  
Governor.

CHARLES BOWEN,  
Speaker.

LEONARD HARPER,  
Clerk to the Council.

I hereby declare that I assent to  
this Ordinance.

Given under my hand, at Auckland,  
this Twenty-third day of July,  
in the year of our Lord one  
thousand eight hundred and  
fifty-seven.

THOMAS GORE BROWNE,  
Governor.

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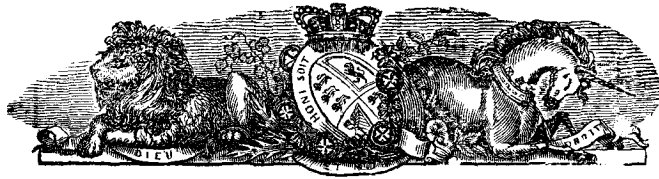
## SCHEDULE.

### DESCRIPTION OF THE TOWN OF KAIAPOI.

Commencing at the south-western corner of rural section No. 338 E, on the north road, thence south-westerly across the branch of the Courtenay (Waimakariri), and along the southern bank of the said branch (said to be the old course of the river), to a point in line with the eastern boundary of rural section 365; thence in and along the line of the said eastern boundary of rural section 365, a distance of about forty-five chains eighty links, thence easterly at a right angle about sixty-six chains fifty links along the southern side of a public street or road crossing rural sections 321, 468, and 297, to the northern bank of the main stream of the river Courtenay, following the said northern bank of the said main stream and the western bank of the branch

stream, a distance altogether of about sixty-four chains; thence to the northward, crossing the branch stream, and meeting the line of the eastern side of Hall-street, continuing along the said eastern side of Hall-street till it meets the northern side of Cass-street, following along the northern side of Cass-street to a point on the southern boundary of rural section 338 E, about thirteen chains from the south-western corner of the said section, and returning along the southern boundary line of the said section to the commencing point, and numbered and marked M. D. 14, on the Maps setting out and describing the Mandeville District of the Province of Canterbury, in the Land Office, Christchurch.





PROVINCE OF CANTERBURY.

ANNO VICESIMO PRIMO

VICTORIÆ REGINÆ.

SESSION VIII., No. 8.

Provincial Council Extension Ordinance.

Published by Authority.

ANALYSIS.

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|---|---|
| <i>Preamble.</i>  | 6. <i>Superintendent to fix times and places for the reception of claims to vote.</i> |
| 1. <i>The Ordinance, Session III., No. 1, to be repealed.</i>               | 7. <i>Superintendent to appoint Revising Officers.</i>                                |
| 2. <i>Certain provisions of Proclamation of March, 1853, null and void.</i> | 8. <i>Service of notices of objections.</i>   |
| 3. <i>Province to be divided into ten districts.</i>                        | 9. <i>Time of Ordinance coming into effect.</i>                                       |
| 4. <i>Numbers of Members to be elected for each district.</i>               | 10. <i>Title.</i>   |
| 5. <i>Superintendent to appoint Returning Officers.</i>                     | 11. <i>Schedule.</i>  |

**W**HEREAS, by an Act of the Imperial Parliament passed in the Preamble. Fifteenth and Sixteenth years of the reign of her Majesty Queen Victoria, entitled "An Act to Grant a Representative Constitution to the Colony of New Zealand," it was enacted that it should be lawful for the Governor, by Proclamation, to constitute within each of the Provinces by the said Act established, convenient Electoral Districts for the election of Members for the Provincial Council and of the Superintendent, and to appoint and declare the number of Members to be elected for each such district for the Provincial Council, and to make provisions for the registration and revision of Lists of all persons qualified to vote at the elections to be holden within such districts: And Whereas the then Governor of New Zealand did accordingly, by a Proclamation, bearing date the Fifth day of March, one thousand eight hundred and fifty-three, constitute certain districts for the election of the Superintendent and Members of the Provincial Council of the Province of Canterbury, and did appoint and declare the number of

Members to be elected to serve in the Provincial Council for each of the said several districts, and did further make certain provisions for the registration and revision of the Lists of persons qualified to vote as aforesaid: And Whereas by an Ordinance of the Superintendent and Provincial Council of the said Province, entitled "The Provincial Council Extension Ordinance, Session III., No. 1," certain provisions of the said Proclamation were repealed, and certain other provisions were enacted in lieu thereof: And Whereas it is expedient that the said Ordinance should be repealed and that the provisions of the said Proclamation should be further amended:

Be it therefore enacted by the Superintendent of the Province of Canterbury, with the advice and consent of the Provincial Council thereof, as follows:—

Ordinance, Ses. III.,  
No. 1, to be repealed.

1. The said recited Ordinance of the Superintendent and Provincial Council is hereby repealed.

Certain provisions of  
Proclamation of March,  
1853, null and void.

2. The provisions made in the said Proclamation by the Governor of New Zealand, under the authority of the said recited Act of the Imperial Parliament, in respect to the number and extent of the said districts, the number of Members of the Provincial Council to be elected for each district, and the registration and revision of the Lists of persons qualified to Vote at such elections, so far as the said provisions are repugnant to, or would interfere with the operation of this Ordinance, shall be, and they are hereby declared to be void and of no effect.

Province to be di-  
vided into ten dis-  
tricts.

3. The Province of Canterbury for the election of the Superintendent and the Members of the Provincial Council thereof, shall be divided into ten districts, to be named as follows:—

1. The town of Christchurch.
2. The town of Lyttelton.
3. The Kaiapoi district.
4. The Avon district.
5. The Heathcote district.
6. The Port Victoria district.
7. The Akaroa district.
8. The Ashley district.
9. The Rakaia district.
10. The Timaru district.

And the boundaries of the said districts shall be those particularly set forth and described in the Schedule hereunto annexed.

4. The Provincial Council shall consist of twenty-six Members, and the number of Members to be elected for each of the said several districts shall be as follows:—

1. For the town of Christchurch, four Members.
2. For the town of Lyttelton, four Members.
3. For the Kaiapoi District, two Members.
4. For the Avon District, four Members.
5. For the Heathcote District, four Members.
6. For the Port Victoria District, two Members.
7. For the Akaroa District, three Members.
8. For the Ashley District, one Member.
9. For the Rakaia District, one Member.
10. For the Timaru District, one Member.

5. The Superintendent shall, immediately upon the coming into operation of this Ordinance, and from time to time thereafter as occasion may require, appoint some fit person to be the Returning Officer within each of the districts hereby constituted.

6. The Superintendent shall, immediately upon the coming into operation of this Ordinance, publicly notify in the *Government Gazette* of the Province, the place or places at which all persons claiming a right to vote for the election of the Superintendent or of the Members of the Provincial Council shall deliver their claims, or cause the same to be delivered, and may, from time to time, as occasion may require, by a similar notification, alter such place or places and appoint other or additional places for the same purpose. And shall in such notice, appoint some day, being not later than thirty days after the date thereof, upon or before which all claims to vote shall be delivered as aforesaid: And the List of claims shall be made up and published as provided by the said recited Proclamation, within thirty days after such day so notified: Provided that the Superintendent may, if he shall think fit, appoint some person to act instead of the Resident Magistrate, in making up and publishing such Lists: And in every succeeding year after the Electoral Rolls shall have been so prepared, applications of persons claiming to vote shall be sent in and published, and such Electoral Rolls shall be made up at the times severally appointed in the said recited Proclamation.

7. There shall be a Revising Officer for each district, who shall be appointed by the Superintendent, and shall perform all the duties and exercise all the powers relating to the revision of the Lists of Claims and Electoral Rolls, and to the hearing and determining of objections, and appointing the time and place for such hearing, and to the preparation

of the Electoral Rolls, which, by the said recited Proclamation, are directed to be performed or exercised by the Resident Magistrate, or by the Justices of the Peace residing within such district in a special meeting assembled, anything in the said recited Proclamation to the contrary notwithstanding: And the said Revising Officer is hereby empowered to take evidence upon oath.

Service of notices of objection.

8. And Whereas it is directed in the said Proclamation that any person objecting to any other person, as not entitled to have his name on the Electoral Roll, shall, ten days at least before the day appointed for the formation of the Electoral Roll, cause notice, in writing, of such objection and of the ground thereof, to be given to the Resident Magistrate, or other the person acting for the district, and also to the person objected to: Be it enacted that such notice may be given by delivering the same to the wife, or servant, or to some adult inmate of the family of such person, at his usual place of abode, and explaining the purport thereof to such wife, servant, or inmate; or by leaving the same at the last known place of abode of such person within the Province; or in case any person other than the Elector claiming to be registered shall have put in the claim, then such notice may be served on such person in the manner above described.

Time of Ordinance coming into operation.

9. This Ordinance shall come into operation on the day on which it shall receive the Governor's assent.

Title.

10. This Ordinance shall be entitled, and may be cited as the "Provincial Council Extension Ordinance, Session VIII., No. 8."

JAMES EDWARD FITZGERALD,

Superintendent.

Passed the Provincial Council this  
Twelfth day of June, in the  
year of our Lord, one thousand  
eight hundred and fifty-seven,  
and reserved for the assent of  
his Excellency the Governor.

CHARLES BOWEN,

Speaker.

LEONARD HARPER,

Clerk to the Council.

I hereby declare that I assent to this Ordinance.

Given under my hand, at Auckland,  
 this Fourteenth day of July,  
 in the year of our Lord, one  
 thousand eight hundred and  
 fifty-seven.

THOMAS GORE BROWNE,  
 Governor.

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### SCHEDULE.

#### BOUNDARIES OF ELECTORAL DISTRICTS.

1. The town of Christchurch District comprises the site of the town of Christchurch, together with all the adjacent reserves lying between the said town and the rural sections fronting upon such reserves.

2. The town of Lyttelton District comprises the site of the town of Lyttelton including the town reserves.

3. The Kaiapoi District comprises all that portion of the Province of Canterbury, bounded on the north by the south bank of the River Ashley, on the south by the south bank of the River Courtenay or Waimakariri, and a line drawn from trig. pole c 19 on the south bank of that river to trig. pole c 27, on the sea coast; on the east by the sea coast, and on the west by a line drawn due north and south through trig. pole c 29, on the south bank of the said River Courtenay.

4. The Avon District comprises all that portion of the Province bounded on the north by the south boundary of the Kaiapoi District, on the east by the sea coast, on the west by a line drawn due north and south through trig. pole c 29 on the south bank of the River Courtenay, and on the south by the north bank of the River Avon from its mouth to the point where it meets the boundary of the town of Christchurch District, the boundary of that district as far as the south-east corner of rural section No. 10; by the south boundary of section No. 10, the south-east boundary of section No. 145, till it is crossed by a creek running easterly into the River Heathcote, thence along that creek till it meets a line in continuation of the south-eastern boundary line of section 180, following along that line to the south-east corner of section No. 180, the south boundaries of sections Nos. 180, 211, 240, 337, and 234, and the north side of the road on the south boundaries of those sections, continued to the point where that road first meets a branch of the River Heathcote, and a straight line drawn from that point due west, until it meets the west boundary of the district.

5. The Heathcote District comprises all that portion of the Province bounded on the north by the Avon District, and the town of Christchurch District, on the west by a line drawn due north and south through trig. pole c 29 before mentioned; on the south by the ridge of hills from the flag-staff on Mount Pleasant to the highest of the

peaks called Cooper's Knobs, and by a straight line drawn from the last mentioned peak to the point where the River Halswell meets Lake Ellesmere, and by the north shore of that lake till it is met by the west boundary of the district; and on the east by a straight line from the flag staff on Mount Pleasant to the point where the Ferry Road crosses the River Heathcote at the old ferry, and the shore and the estuary to its mouth.

6. The Akaroa District comprises all that portion of the Province included within the sea coast and a line drawn from a point on the sea coast half-way between the westernmost head of Pigeon Bay and the easternmost head of Port Albert (or Levy) southerly to the head of the Little River, and thence along that river and Lake Forsythe to the sea coast.

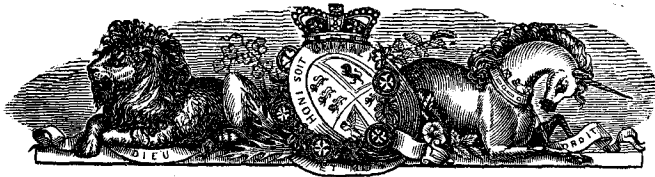
7. The Port Victoria District comprises all that portion of the Province included between the coasts of the sea, Lake Forsythe, and Lake Ellesmere, the Akaroa District, and the western boundary of the Kaituna Run No. 30, passing through trig. pole 7 L, and the Heathcote District, exclusive of the town of Lyttelton District.

8. The Ashley District comprises all that portion of the Province lying north of the south bank of the River Waimakariri, and of a line drawn due west from the source of the river to the West Coast, not including the Kaiapoi District.

9. The Rakaia District comprises all that portion of the Province bounded on the north by the Ashley District, on the east by the Avon, Heathcote, and Port Victoria Districts, and the sea coast, on the west by the sea coast, and on the south by the north bank of the southernmost branch of the River Ashburton, and a line drawn due west from the source of that branch to the sea coast.

10. The Timaru District comprises all that part of the Province lying south, and south-west to the Rakaia District.

*This Ordinance was repealed by the "Provincial Council Extension Ordinance, Session XVII., No. 4., 1861."*



PROVINCE OF CANTERBURY.

ANNO VICESIMO PRIMO

VICTORIÆ REGINÆ.

SESSION VIII., No. 9.

The Peacock Wharf Ordinance.

Published by Authority.

ANALYSIS.

*Preamble.*

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| <p>1. <i>Superintendent may lease land described in Schedule A. to J. J. Peacock, on certain conditions.</i></p> <p>2. <i>Moorings may be laid down by J. J. Peacock.</i></p> <p>3. <i>Tolls for use of wharves and jetties.</i></p> | <p>4. <i>Rights of way reserved over land to be leased.</i></p> <p>5. <i>Superintendent may authorise excavation of base of the cliffs.</i></p> <p>6. <i>Power to resume the possession of land so leased on certain conditions.</i></p> <p>7. <i>Title.</i></p> |
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WHEREAS by an Act of the General Assembly of New Zealand, <sup>Preamble</sup> entitled "The Waste Lands Act, 1856," made in pursuance of the provisions of a certain Act of the Imperial Parliament therein recited, entitled "An Act to Grant a Representative Constitution to the Colony of New Zealand," and of a certain other Act of the said General Assembly, therein also recited, entitled "The Provincial Waste Lands Act, 1854," it was enacted that, subject to the provisions in the said Act of the Imperial Parliament contained, it should be lawful for the Superintendent of each of the Provinces of New Zealand, with the advice and consent of the Provincial Council thereof, at any time, and from time to time, to make Laws for regulating the sale, letting, disposal, and occupation of the waste lands of the Crown within such Province, and also to amend, alter, or repeal any Laws, Ordinances, or Regulations then in force for any such purposes within the same : And Whereas John Jenkins Peacock, of Sydney, in New South Wales, Merchant, being desirous of constructing wharves and jetties upon the piece or parcel of land in the Schedule A to this Ordinance

particularly described, being demesne lands of the Crown within the Province of Canterbury, whereof part has been marked out in the Maps of the Chief Surveyor of the said Province as reserved for a public highway, hath applied for a lease of the said piece or parcel of land for the term of fifty years, at a nominal rent, and hath proposed, in consideration of obtaining such lease, to expend upon the said piece or parcel of land, within five years from the coming into operation of this Ordinance, in the construction of wharves and jetties, a sum of Two Thousand Pounds at the least; and hath also applied, in consideration of such proposed expenditure as aforesaid, to be permitted to put down moorings within convenient distances from such jetties: And Whereas it is expedient that a lease of the said piece or parcel of land should be made to the said John Jenkins Peacock for the term and subject to the several conditions hereinafter set forth, and that he should also be permitted to put down moorings subject to the restrictions hereinafter specified: Be it therefore enacted by the Superintendent of the said Province, with the advice and consent of the Provincial Council thereof as follows:

Superintendent may lease land described in Schedule A to J. J. Peacock, on certain conditions.

1. It shall be lawful for the Superintendent of the said Province, with the advice and consent of the Executive Council, at any time from and after the coming into operation of this Ordinance, to demise to the said John Jenkins Peacock, his Executors, Administrators, or Assigns, by way of lease, to be made by and in the name of such Superintendent, and executed under the public seal of the Province, the said piece or parcel of land in the said Schedule particularly described, for any term of years not exceeding fifty years in possession, at a nominal rent, subject to the conditions following, that is to say: That the said John Jenkins Peacock, his Executors, Administrators, or Assigns, do and shall, within five years from the commencement of such Lease, expend upon the land therein comprised the sum of Two Thousand Pounds in the construction of a wharf or wharves, jetty or jetties, for the use and benefit of the public, one of which said jetties shall be run out into a depth of not less than ten feet of water at low water spring tides, and which said wharves and jetties, at all times during the continuance of such Lease as aforesaid, shall be maintained in good order and repair at the sole cost of the said John Jenkins Peacock, his Executors, Administrators, or Assigns.

Moorings may be laid down by J. J. Peacock.

2. It shall be lawful for the said John Jenkins Peacock, his Executors, Administrators and Assigns, at any time within three years from and after the execution of the said Lease, to lay down moorings in the harbour of Port Victoria, not exceeding three in number, and at a distance not exceeding six hundred feet from any part of such wharves or jetties as aforesaid, and in positions to be approved of by the Harbour



Master or other Officer for the time being acting in that capacity, and to maintain such moorings in good repair, and to have the exclusive use thereof. Provided, nevertheless, that it shall be lawful for the Harbour Master of the said port, at any time during the continuance of the said Lease, in case the safety of vessels or the shifting of berths shall so require, and also for the Collector of Customs at the said port, in the execution of any duty which may devolve upon him as such Collector, or as holding any office in connection with the collection of customs' duties or with the Laws relating to trade and navigation, to make use of such moorings, and to make fast thereto any boat, vessel, or rope, free of charge; but, save as aforesaid, it shall be lawful for the said John Jenkins Peacock, his Executors, Administrators, or Assigns, to charge for the use of such moorings any sum not exceeding Ten Shillings per diem. The said moorings shall be raised and inspected by and at the cost of the said John Jenkins Peacock, his Executors, Administrators, or Assigns, once at least in every three years during the continuance of the said Lease, in the presence of the Harbour Master, and shall at all times during the said Lease be kept in serviceable condition. The position of the anchors of such moorings shall be at all times indicated by a buoy floating immediately above them, such buoy to be plainly visible, of sufficient size, and painted half white and half red above its line of flotation: It shall be lawful for the Superintendent, with the advice of the Executive Council, upon the recommendation of the Harbour Master or other Officer acting in that capacity from time to time during the said Lease, so often as the navigation of the said port shall so require, to call upon the said John Jenkins Peacock, his Executors, Administrators, or Assigns, by notice in writing, to remove all or any one or more of the said moorings, and the said John Jenkins Peacock, his Executors, Administrators and Assigns, shall, immediately upon the receipt of such notice, remove such moorings in the manner required by such notice.

3. It shall be lawful for the said John Jenkins Peacock, his Executors, Administrators, or Assigns, during the said term, to charge and to recover any tolls or rates, for the use of such wharves, jetties, and moorings, not exceeding those set forth in the Schedule B to this Ordinance. And every person shall at all reasonable hours be entitled to the use of such wharves and jetties, upon payment of the tolls hereby authorised to be levied in that behalf.

4. There shall be at all times reserved through and over the said land during the continuance of the said Lease, a right-of-way not less than fifteen feet in width, in continuance of the highway reserved over the said land heretofore, for all persons, as well on foot as with horses, cattle, carts, waggons and other carriages; but save as aforesaid, from

Tolls for use of wharves and jetties.

Rights-of-way reserved over the land to be leased.

and after the execution of such Lease as aforesaid, and during the continuance thereof, all rights-of-way in and over the said land, or any part thereof, shall cease and determine, excepting as regards public Officers requiring such rights-of-way in the execution of their respective public duties.

Superintendent may  
authorise excavation of  
base of the cliffs.

5. It shall be lawful for the Superintendent, at any time after the execution of the said Lease, by writing, under his hand, to authorise the said John Jenkins Peacock, his Executors, Administrators and Assigns to excavate and remove so much of the base of the cliffs fronting upon the said land as shall be set forth in such writing: Provided nevertheless that such writing shall have annexed thereto a certificate by the Provincial Engineer that such excavation and removal will not damage the adjacent roads or other public rights, and the words "base of cliffs" in the Schedule A to this Ordinance, shall be taken to mean the base of the cliffs after any such excavation and removal as aforesaid.

Power to resume the  
possession of land so  
leased on certain con-  
ditions.

6. In case at any time during the said term the said piece or parcel of land shall be required for the purpose of making part of or completing a line of public wharves along that part of the town of Lyttelton fronting upon the sea, in accordance with a general design to be approved of by the Provincial Council of the Province of Canterbury, it shall be lawful for the Superintendent for the time being, with the advice of the Executive Council, to resume the possession of the said piece or parcel of land, with all buildings and improvements then being thereon, upon giving to the said John Jenkins Peacock, his Executors, Administrators, or Assigns, or leaving at his or their last or usual place or places of abode in New Zealand, six calendar months' previous notice in writing, of the intention to resume such possession, and also upon full payment to the said John Jenkins Peacock, his Executors, Administrators, or Assigns, of the value of his or their term and interest under the said Lease, such value to be ascertained by the award of two Arbitrators, one to be named by the said John Jenkins Peacock, his Executors, Administrators, or Assigns, and the other by the Superintendent of the said Province for the time being, or of an Umpire to be named by the said Arbitrators, in case of their differing: Provided that in the event of the said piece or parcel of land or any part thereof being resumed as aforesaid, and the same or any part thereof being again demised, the said John Jenkins Peacock, his Executors, Administrators and Assigns, shall have the option of taking the land proposed to be so demised on terms not less favourable than shall be offered to any other person: And provided also, that no such resumption of possession for the purpose aforesaid shall be made without the authority of an Ordinance of the Provincial Council to be duly passed in that behalf.

7. This Ordinance shall be entitled and may be cited as "The <sup>Title.</sup> Peacock Wharf Ordinance, Session VIII., No. 9."

JAMES EDWARD FITZGERALD,  
Superintendent.

Passed the Provincial Council this  
Eighteenth day of June, in the  
year of our Lord one thousand  
eight hundred and fifty-seven,  
and reserved for the assent of  
his Excellency the Governor.

CHARLES BOWEN,  
Speaker.

LEONARD HARPER,  
Clerk to the Council.

I hereby declare that I assent to  
this Ordinance. Given under  
my hand, at Auckland, this  
Twenty-first day of August, in  
the year of our Lord one thou-  
sand eight hundred and fifty-  
seven.

THOMAS GORE BROWNE,  
Governor.

## SCHEDULE A.

All that piece or parcel of land situate in and fronting upon Erskine Bay, in the Harbour of Port Victoria, bounded on the north by the sections Nos. 313 and 314, in the town of Lyttelton; on the east by a line in continuation with the west side of Dublin-street, in Lyttelton aforesaid; on the west by a line drawn from the south-west corner of section No. 313, to the nearest point of the base of the cliffs, and by the base of the said cliffs; and on the south by a line about 100 feet from low-water mark; and which said piece or parcel of land is more particularly delineated and described by the Map or Plan thereof annexed to this Ordinance.

## SCHEDULE B.

## TABLE OF WHARFAGE TOLLS.

Almonds .....bag	Two pence.	Do .....bolt	{ One half-penny.
Do .....barrel	Threepence.	Carts .....each	Two shillings
Anchors .....cwt.	Two pence.	Casks, empty each	Two pence.
Arrowroot..package	Two pence.	Do., water .....each	Threepence.
Apparel luggage do.	Four pence.	Carpets .....bale	Six pence.
Bacon .....side	One penny.	Do. ....case	Six pence.
Bags .....bale	Four pence.	Castor oil.....do.	Two pence.
Do .....bundle	Two pence.	Chairs.....each	One penny.
Bark.....ton	{ One Shilling and six pence.	Do .....case	Six pence.
Barley, Wheat {	One penny.	Cement .....barrel	Threepence.
Oats, Maize, } bag		Cheese .....case	Four pence.
or Seed		Do. loose .....each	One penny.
Beef or Pork...hhd.	Five pence.	Cigars.....case	Six pence.
Do. do.....tierce	Threepence.	Coals .....ton	One shilling.
Do. do.....barrel	Two pence.	Coffee .....bag	{ Three half-pence.
Beer or Cider hhd.	Four pence.	Cordage .....coil	{ Three half-pence.
Do. do....qr-cask or barrel	Threepence.	Cork.....bag	Two pence.
Do. do.....3 doz.	Two pence.	Curiosities package	Six pence.
Do. do .....4 doz.	Threepence.	Currants...carroteel	Six pence.
Biscuit.....barrel	Two pence.	Do. ....barrel	Two pence.
Do .....bag	Two pence.	Dates .....bag	One penny.
Blankets.....bale	Nine pence.	Drapery .....bale	Nine pence.
Blacking.....case	Threepence.	Do.....case	Nine pence.
Bran .....bag	One penny.	Drays.....each	{ Two shillings and six pence.
Bricks or Slates } thousand	{ Two shillings and six pence.	Earthenware } hhd. {	One shilling.
Butter.....cask	Two pence.	or } or {	
Boots or Shoes pkg.	Six pence.	Glass. } crate	
Books .....case	Six pence.	Do .....barrel	Six pence.
Castings.....cwt.	Two pence.	Figs.....package	Two pence.
Cables .....cwt.	Two pence.	Fish.....barrel	Two pence.
Calico.....bale	Nine pence.	Flax .....cwt.	Two pence.
Candles .....box	One penny.	Floor cloth .....roll	Four pence.
Cannons.....each	{ Three shillings.	Flour .....200 lbs	{ Three half-pence.
Canvas .....bale	Six pence.		

Flour.....100 lbs.	<i>One penny.</i>	Pitch or tar...barrel	<i>Twopence.</i>
Furniture package	<i>One shilling.</i>	Pipes .....	<i>Twopence to threepence.</i>
Fruit ..... case	<i>Twopence.</i>	Potatoes or Vegetables ..... ton	<i>One shilling and sixpence.</i>
Ginger .....package	<i>Twopence.</i>	Raisins ..... cask	<i>Threepence.</i>
Glass (window) case	<i>Twopence.</i>	Do..... case	<i>Twopence.</i>
Grindstones ... each	<i>One penny.</i>	Rice.....bag	<i>One penny.</i>
Gunpowder...barrel	<i>Threepence.</i>	Salt ..... ton	<i>One shilling.</i>
Hams ..... dozen	<i>Sixpence.</i>	Salt .....bag	<i>One penny.</i>
Hardware { cask or hhd.	<i>Sixpence.</i>	Sago.....package	<i>Twopence.</i>
Do. } bag, keg, or bundle	<i>One penny</i>	Shingles...thousand	<i>Threepence.</i>
Hats ..... case	<i>Ninepence.</i>	Shooks ..... bale	<i>One penny.</i>
Hay ..... truss	<i>Threepence.</i>	Starch .....box	<i>Twopence.</i>
Hides ..... dozen	<i>Sixpence.</i>	Soap..... do.	<i>One penny.</i>
Hops ..... package	<i>Sixpence.</i>	Skins ..... dozen	<i>Twopence.</i>
Iron.....ton	<i>One shilling and sixpence.</i>	Sugar.....hhd.	<i>One shilling.</i>
Lard.....package	<i>Twopence.</i>	Do. .... bag	<i>One penny.</i>
Lead or Shot ...cwt.	<i>Twopence.</i>	Tea ..... chest	<i>Twopence.</i>
Leather ..... bale	<i>Threepence.</i>	Do. .... half-chest	<i>One penny.</i>
Maize.....bushel	<i>One penny.</i>	Do. .... box	<i>One half-penny.</i>
Manufactures { bale or blankets or calico. } case	<i>Ninepence.</i>	Timber.....100 feet	<i>Twopence.</i>
Matting ..... roll	<i>Twopence.</i>	Tobacco ..... tierce	<i>Sixpence.</i>
Molasses ..... cask	<i>Fourpence.</i>	Do ..... half-tierce	<i>Fourpence.</i>
Nuts ..... bag	<i>Twopence.</i>	Do ..... keg or case	<i>Threepence.</i>
Do..... barrel	<i>Threepence.</i>	Do ... basket or roll	<i>One penny.</i>
Oatmeal { bag or barrel. }	<i>Twopence.</i>	Truss or roll.....	<i>Twopence.</i>
Oars.....dozen	<i>Fourpence.</i>	Vinegar .....hhd.	<i>Fourpence.</i>
Oil ..... tun	<i>Two shillings and sixpence.</i>	Do. ... {qr-cask or barrel. }	<i>Threepence.</i>
Oilmen's Stores case	<i>Threepence.</i>	Whalebone . bundle	<i>Twopence.</i>
Paints .....cask	<i>Ninepence.</i>	Wheelbarrows.each	<i>Twopence.</i>
Do.....kegs	<i>One penny to twopence.</i>	Wines or { pipe or Spirits { punchn. }	<i>Eightpence.</i>
Paper...bale or case	<i>Fourpence.</i>	Do. .... hhd.	<i>Fourpence.</i>
Peas ..... cask	<i>Twopence.</i>	Do. .... qr-cask	<i>Threepence.</i>
Pepper ..... bag	<i>Twopence.</i>	Do. ...case, 4 gals.	<i>Twopence.</i>
		Do. ... do., 2 gals.	<i>One penny.</i>
		Wine ..... 3 doz.	<i>Threepence.</i>
		Wool..... bale	<i>Threepence.</i>
		Wool lashing ... coil	<i>One penny.</i>

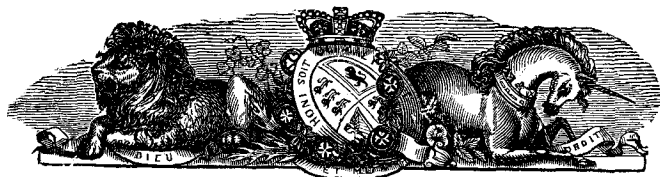
## UNENUMERATED GOODS.

Heavy ..... per ton	<i>Two shillings and sixpence.</i>	Hogshead .....	<i>Sixpence.</i>
Package, tun or butt .....	<i>One shilling &amp; threepence.</i>	Barrel .....	<i>Threepence.</i>
Puncheon .....	<i>Eightpence.</i>	Keg .....	<i>Twopence.</i>
		Bundle or case.....	<i>Fourpence.</i>
		Jar or can.....	<i>One penny.</i>

## LIVE STOCK.

Horned cattle { per hd. }	<i>One shilling.</i>	Sheep .....do. do.	<i>Twopence.</i>
Horses .....do. do.	<i>One shilling and sixpence.</i>	Pigs .....do. do.	<i>Twopence.</i>
		Passengers { hand luggage } parcels.	<i>Free.</i>

*This Ordinance was extended by the "Peacock Jetty Amendment Ordinance, Session XI., No. 9, 1859," to which his Excellency the Governor withheld his assent. See notification in New Zealand "Government Gazette," No. 11, page 69, 5th April 1860. See the "Peacock Jetty Extension Ordinance, 1863."*



PROVINCE OF CANTERBURY.

ANNO VICESIMO PRIMO

VICTORIÆ REGINÆ.

SESSION VIII., No. 10.

Education Ordinance.

Published by Authority.

ANALYSIS.

Preamble.

- 1. Sums voted to the several Denominations.
- 2. To be paid by the Provincial Treasurer under the direction of the Superintendent.
- 3. How to be expended.
- 4. Schools so maintained to be under the management of one of the Heads of the said Christian Bodies.
- 5. Religious instruction not to be enforced if Parents object.

- 6. School fees.
- 7. The appointment and removal of the Inspector.
- 8. Powers of the Inspector.
- 9. Grants may be withheld by Superintendent.
- 10. Accounts and Reports.
- 11. Title.

WHEREAS it is expedient to make better provision for the Preamble. establishment and maintenance of schools within the Province of Canterbury: Be it therefore enacted by the Superintendent of the said Province, with the advice and consent of the Provincial Council thereof as follows:—

1. Out of the public revenues of the said Province there shall be paid every year during the five years ending on the Thirty-first day of March, one thousand eight hundred and sixty-two, the sum of Two Thousand Five Hundred Pounds sterling to the several persons, and in the several portions undermentioned respectively; that is to say,—

Sums voted to the several Denominations.

To the Bishop of Christchurch, or other the acting Head of the Church of England within the said Province	} £1700
To the principal Minister, or other the acting Head of the Wesleyan Body within the said Province ...	} 250
To the principal minister, or other the acting head of the Presbyterian Body within the said Province	} 250

To be paid by the Provincial Treasurers under the direction of the Superintendent.

2. The Provincial Treasurer shall pay such sums to the persons hereinbefore named, in such portions and at such times as the Superintendent shall, by any Warrants under his hand, from time to time direct; and shall be allowed credit in his Accounts for all sums so paid; and the receipt of the persons above named, or of any persons lawfully authorized to receive such moneys in their behalf respectively, shall be a full discharge to the Provincial Treasurer for the sum or sums for which such receipts shall be given.

How to be expended.

3. The sums hereby granted shall be expended by the Heads of the religious Bodies above named in the establishment, maintenance, and support of schools within the Province of Canterbury.

Schools so maintained to be under the management of one of the Heads of the said Christian Bodies.

4. Every school which shall be wholly or in part maintained out of the sums hereby granted shall be placed under the entire management of one of the Heads of the Christian Bodies hereinbefore named; and such Head shall have the appointment and removal of the Teachers and the entire control over all the instruction, both religious and secular, in any school so placed under his management.

Religious instruction not to be enforced if Parents object.

5. If the Parents of any Child attending any such school shall wish it, such a Child shall not be required to attend at such times as are peculiarly set apart for instruction in the doctrines of religion.

School Fees.

6. The school fees shall be the same in all schools of a similar class receiving aid out of the sums hereby granted, and such fees shall be on a scale to be fixed by the Superintendent and Executive Council, in consultation with the Heads of the several religious Bodies above mentioned.

The appointment and removal of the Inspector.

7. There shall be an Inspector of Schools, who shall be appointed and be removable by the Superintendent, with the advice of the Executive Council: Provided that such appointment shall be made with the assent of the Bishop of Christchurch, and of not less than half the other acting Heads of the different religious denominations receiving aid in support of schools out of the grant hereby made, or out of any grant which may be made hereafter.

Powers of the Inspector.

8. Such Inspector shall have power to inspect and examine all schools wholly or in part maintained out of the grants hereby made, and to require the Managers and Teachers of any such school to furnish full information as to the course of secular instruction carried on therein, and as to the attendance of the Children, and as to the school fees received, and the expenditure of any portion of the sums hereby granted in the support of such school, and shall report thereon to the Government: Provided that the Inspector shall not examine into or report upon the religious instruction carried on in any such school.



9. If the Superintendent and Executive Council shall be satisfied, <sup>Grants may be withheld by Superintendent.</sup> upon the report of the Inspector, that the secular instruction carried on in any such school is not satisfactory, or that the Manager or Teachers of any such school have refused or neglected to afford such information as the Inspector is hereby authorized to require, or to afford proper facilities for the examination and inspection of such school, it shall be lawful for the Superintendent, with the advice of the Executive Council, to prohibit the application of any portion of the sums hereby granted to such school for so long as he shall think fit.

10. Detailed Accounts shall be furnished annually to the Superintendent by the Head of each religious denomination of the expenditure of the grant received by it. <sup>Accounts and Reports.</sup> Such Accounts, together with the reports furnished by the Inspector, shall be laid before the Provincial Council.

11. This Ordinance shall be entitled and may be cited as the <sup>Title.</sup> "Education Ordinance, Session VIII., No. 10."

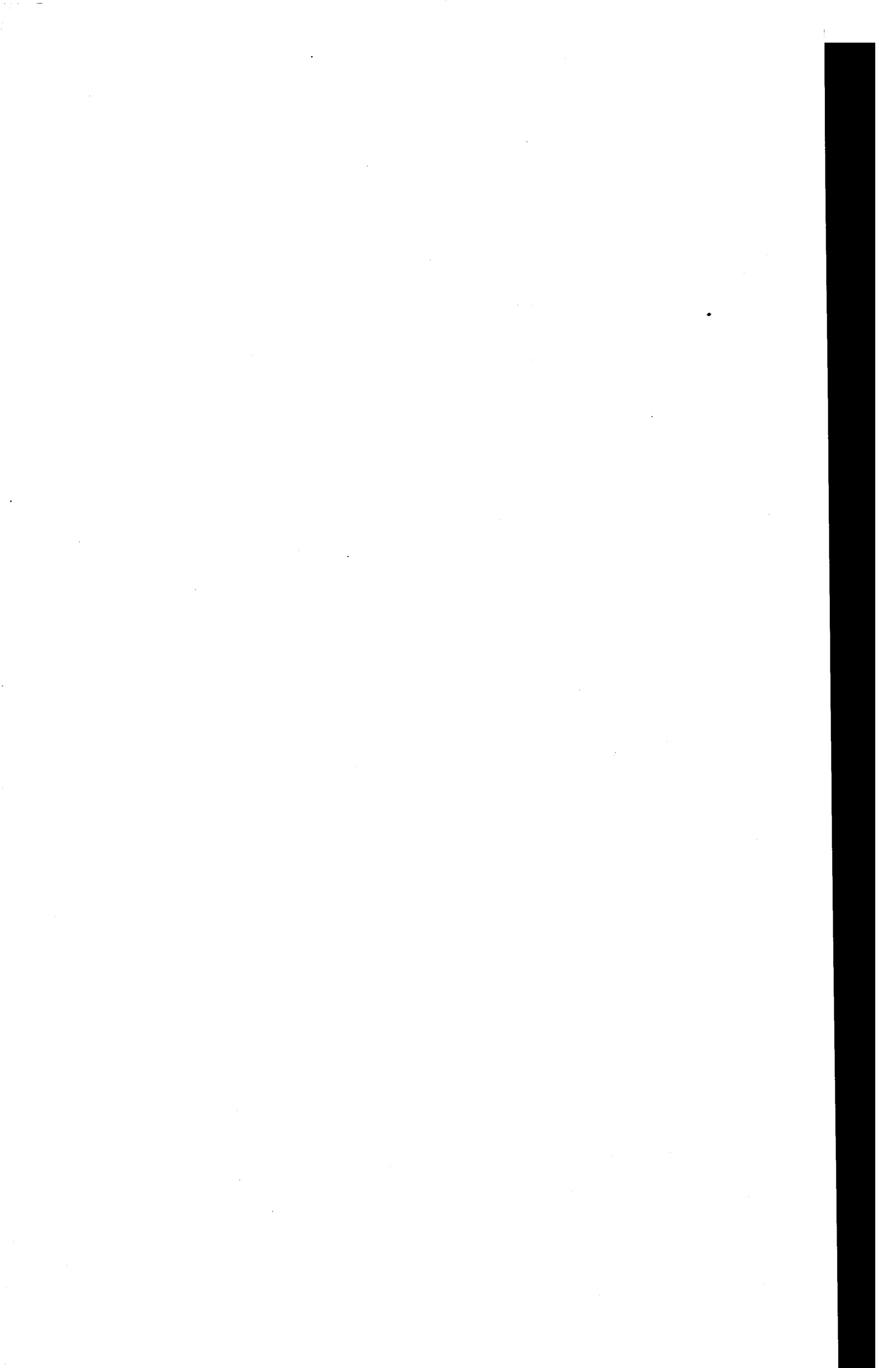
JAMES EDWARD FITZGERALD,  
Superintendent.

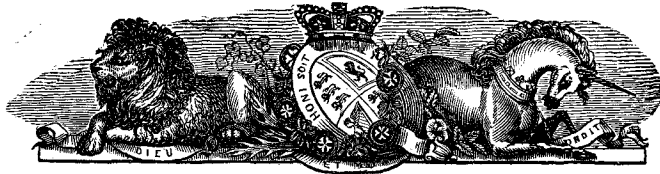
Passed the Provincial Council this  
Nineteenth day of June, and  
assented to by his Honor the  
Superintendent, on behalf of  
his Excellency the Governor,  
on the Thirtieth day of June,  
in the year of our Lord one  
thousand eight hundred and  
fifty-seven.

CHARLES BOWEN,  
Speaker.

LEONARD HARPER,  
Clerk to the Council.

*See the "Board of Education Ordinance, Session XX., 1863."*





PROVINCE OF CANTERBURY.

ANNO VICESIMO PRIMO

VICTORIÆ REGINÆ.

SESSION VIII, No. 11.

Canterbury Association's Reserves  
Amendment Ordinance.

Published by Authority.

ANALYSIS:

- Preamble.*
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| 1. <i>Lands in Schedule to be deemed part of Lands in Schedule to the Canterbury Association's Reserves Ordinance.</i> | 2. <i>Compensation to be granted for losses incurred by removal of buildings.</i> |
|  | 3. <i>A portion of the town reserves to be granted to the Roman Catholics.</i>    |
|  | 4. <i>Title.</i>  |

**W**HEREAS by an Ordinance of the Superintendent and Provincial Council of the Province of Canterbury, entitled "The Canterbury Association's Reserves Ordinance, Session V., No. 2," it is enacted that such of the buildings, lands, tenements and hereditaments as are described in the Schedule thereto should be disposed of in manner therein mentioned: And Whereas it is expedient that such Ordinance should be amended in manner hereinafter mentioned: Be it therefore enacted by the Superintendent of the said Province, with the advice and consent of the Provincial Council thereof as follows:—

1. The lands, tenements and hereditaments specified in the Schedule to this Ordinance shall be deemed to be part of the lands, tenements and hereditaments comprised in the Schedule to the said recited Ordinance: Provided always, that out of the moneys arising from the sale or other disposal of the lands described in the said Schedule as a cattle market, there shall be appropriated a sufficient sum for the purchase of a cattle market in a convenient locality contiguous to the town of Christchurch, of not less than five and not more than ten acres in extent, nor being at a greater distance than two miles from the outer boundary of the town of Christchurch.

Lands in Schedule to be deemed part of lands in Schedule to the Canterbury Association's Reserves Ordinances.

Compensation to be granted for losses incurred by removal of buildings.

2. And Whereas certain stockyards and other necessary improvements for the slaughtering of cattle have been erected by private persons upon the land specified in the Schedule hereunto annexed, and entitled "The Abattoir," and such persons, or the present Occupants of such improvements are entitled to compensation for the loss which they will incur by reason of being compelled to remove such buildings: Be it enacted, it shall be lawful for the Superintendent, with the advice of the Executive Council, to cause to be paid to the persons entitled to compensation, such sum or sums of money out of the general revenues of the said Province as may be determined by two Arbitrators, one of whom shall be appointed by the Superintendent, and one by the parties claiming such compensation, or by an Umpire to be appointed by such Arbitrators.

A portion of the town reserves to be granted to the Roman Catholics.

3. It shall be lawful for the Superintendent to convey, by way of free Grant, a portion of the land known as the town reserves of Christchurch, not exceeding three acres in extent, to be held in trust as a site for a Roman Catholic chapel and schools, and for the residence of a Clergyman and Schoolmasters attached thereto: Provided that it shall be a condition of the said Grant, that if the said lands be not occupied for the purpose aforesaid within three years from the passing of this Ordinance, or shall at any time thereafter cease to be so occupied, the said lands shall revert to the Superintendent as though the said Grant had never been issued.

Title.

4. This Ordinance shall be entitled and may be cited as the "Canterbury Association's Reserves Amendment Ordinance, Session VIII., No. 11."

JAMES EDWARD FITZGERALD,  
Superintendent.

Passed the Provincial Council this  
Twenty-fifth day of June,  
and assented to by his Honor  
the Superintendent, on behalf  
of his Excellency the Go-  
vernor, on the Thirtieth day  
of June, in the year of our  
Lord one thousand eight hun-  
dred and fifty-seven.

CHARLES BOWEN,  
Speaker.

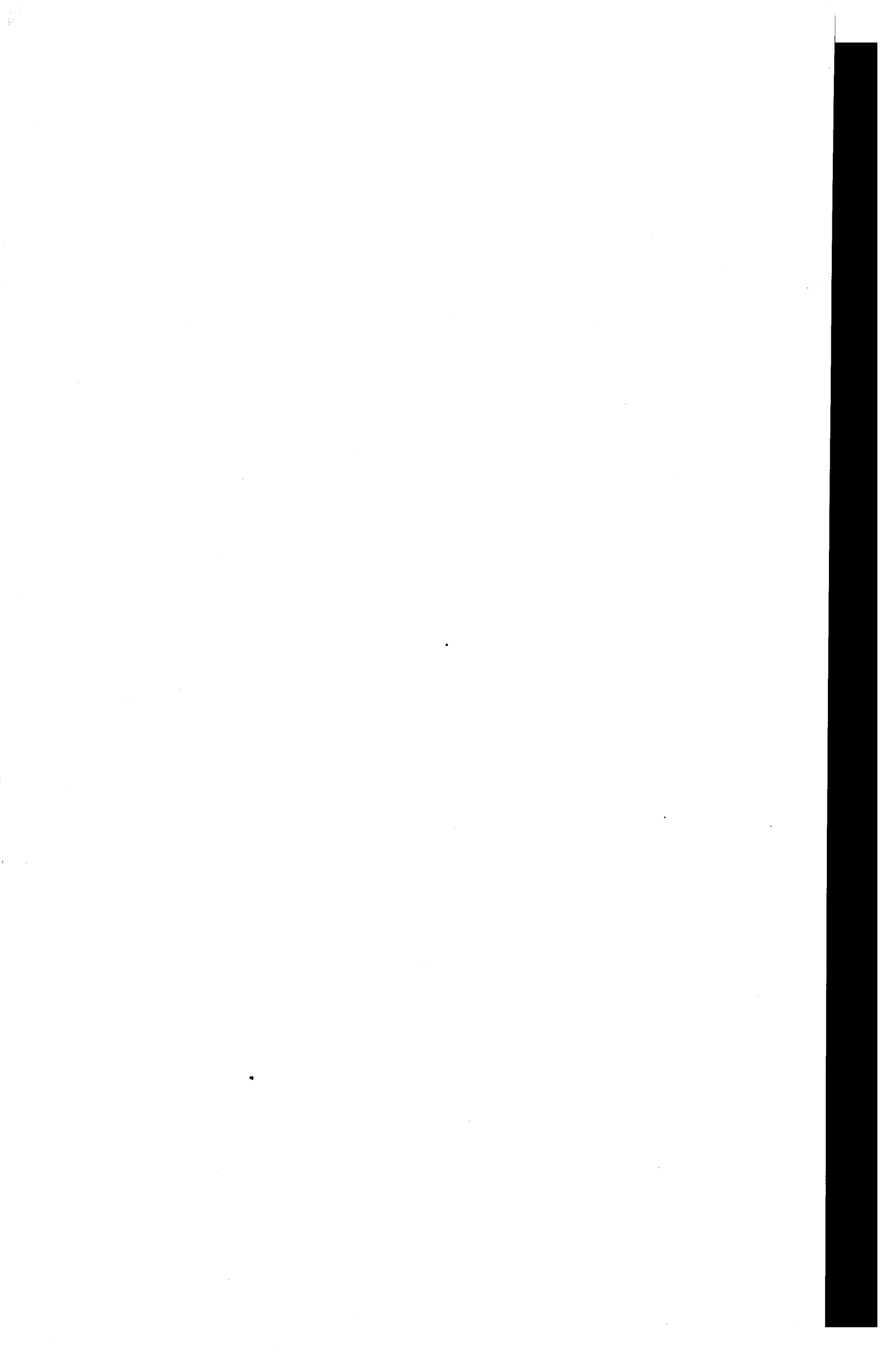
LEONARD HARPER,  
Clerk to the Council.

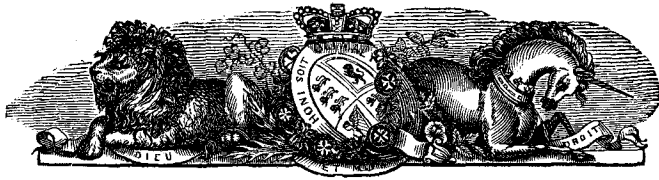
SCHEDULE.

No. 22.—Cattle Market.

No. 23.—Abattoir.

*This Ordinance was amended by "The Canterbury Reserves Amendment Ordinance, Session IX., No. 3," 1858.*





PROVINCE OF CANTERBURY.

ANNO VICESIMO PRIMO

VICTORIÆ REGINÆ.

SESSION VIII, No. 12.

Public House Amendment Ordinance.

Published by Authority.

A N A L Y S I S .

*Preamble.*

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|--|------------------|
| 1. <i>Superintendent may refund certain sums to the Publicans.</i> | 2. <i>Title.</i> |
|--|------------------|

**W**HEREAS an Ordinance was passed by the Superintendent and Preamble. Provincial Council of the Province of Canterbury, entitled "The Public House Ordinance, Session VI., No. 3," whereby it was amongst other things enacted that the said Ordinance should come into operation on the First day of July, one thousand eight hundred and fifty-six, and that, from and after the said First day of July, an Ordinance of the Governor and Legislative Council of New Zealand, entitled "The Licensing Ordinance, Session II., No. 12," and a like Ordinance passed by the Governor-in-Chief and Legislative Council of New Zealand, entitled "The Licensing Amendment Ordinance, No. 2, Session XI., No. 16," should be declared to be repealed within the Province of Canterbury: Provided always that all Licenses issued under the authority of any of the said Ordinances before the said First day of July, one thousand eight hundred and fifty-six, should be taken and deemed to be Licenses issued under the authority of the said first recited Ordinance: And Whereas it was further intended and understood at the time of passing the said first recited Ordinance that the License fees to be paid upon all Licenses issued, to be in force during the year commencing on the said First day of July, one thousand eight hundred and fifty-six, should be the same as the fees severally payable, and for such License under the provisions of the said first recited Ordinance.

Be it therefore enacted by the Superintendent of the said Province, with the advice and consent of the Provincial Council thereof as follows :—

Superintendent may  
refund certain sums to  
the Publicans.

1. The fees payable upon all Licenses for the sale of spirituous or fermented liquors during the year commencing on the First day of July, one thousand eight hundred and fifty-six, shall be the same as the fees payable for any such Licenses under the authority of the said first recited Ordinance of the Superintendent and Provincial Council : And it shall be lawful for the Superintendent to refund to the Holders of any such License any sums which they may have paid in respect thereof unto the Provincial Treasurer in excess of the sums which they would have so paid in respect of such License, under the authority of the said first recited Ordinance of the Superintendent and Provincial Council : And the Treasurer shall be allowed credit in his Accounts for all sums paid in pursuance of Warrants under the hand of the Superintendent, under the authority of this Ordinance, and the receipts of the person or persons respectively receiving the same shall be a sufficient discharge for all moneys so paid.

Title.

2. This Ordinance shall be entituled and may be cited as the "Public House Amendment Ordinance, Session VIII., No. 12."

JAMES EDWARD FITZGERALD,  
Superintendent.

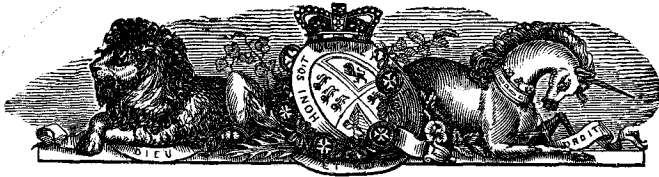
Passed the Provincial Council this  
Twenty-fifth day of June, and  
assented to by his Honor  
the Superintendent, on behalf  
of his Excellency the Govern-  
or, on the Thirtieth day of  
June, in the year of our Lord  
one thousand eight hundred  
and fifty-seven.

CHARLES BOWEN,  
Speaker.

LEONARD HARPER.  
Clerk to the Council.

*This Ordinance has become obsolete.*





PROVINCE OF CANTERBURY.

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ANNO VICESIMO PRIMO

VICTORIÆ REGINÆ.

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SESSION VIII., No. 13.

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**The Superintendent's Payment Ordinance.**

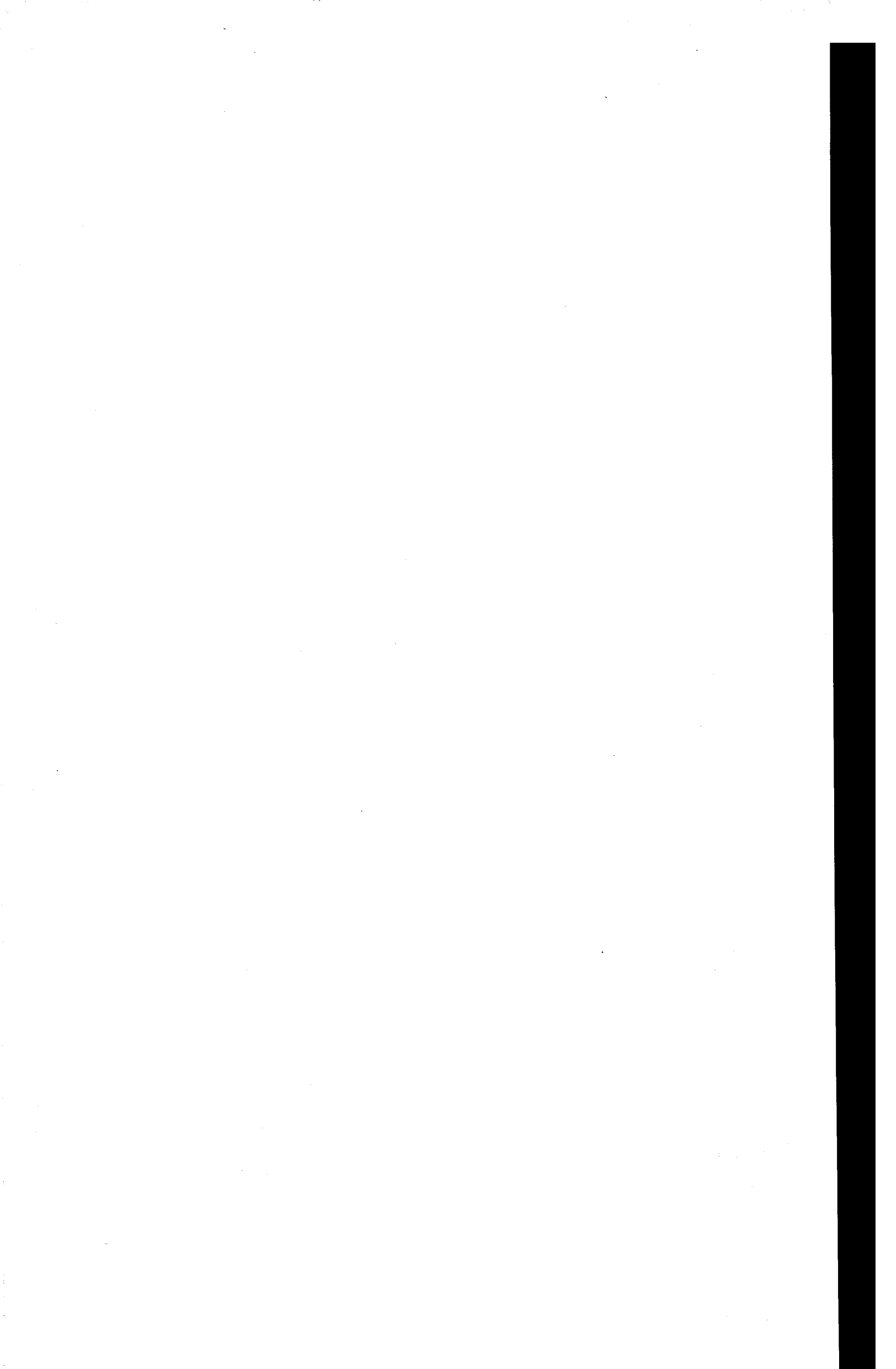
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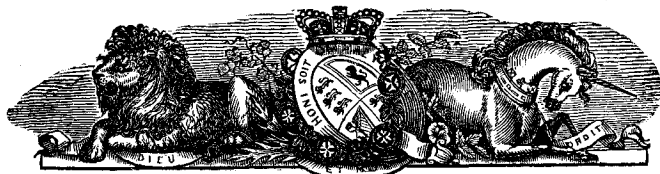
*Published by Authority.*

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**T**HIS Ordinance was disallowed by his Honor the Superintendent on the Thirtieth June, one thousand eight hundred and fifty-seven.

*See Address on proroguing Council, "Provincial Government Gazette," Vol. IV., No. 13, 1st July, 1857.*





PROVINCE OF CANTERBURY.

ANNO VICESIMO PRIMO

VICTORIÆ REGINÆ.

SESSION VIII., No. 14.

The Diversion of Roads Ordinance.

Published by Authority.

ANALYSIS:

- |   |   |
|---|---|
| <p><i>Preamble.</i></p> <p>1. <i>Diversion to be by Special Ordinance.</i></p> <p>2. <i>All such Bills to be published in the "Government Gazette," and to be served upon all persons interested in the lands over which the road is proposed to be carried.</i></p> <p>3. <i>Service of copies of "Gazette."</i></p> <p>4. <i>Superintendent may cause highways to be constructed over private lands on certain conditions.</i></p> <p>5. <i>And thenceforth such lands to vest in her Majesty.</i></p> <p>6. <i>In case public roads passing through private property be closed up, such roads to become part of such property.</i></p> <p>7. <i>Compensation allowed for damage sustained.</i></p> | <p>8. <i>Notices of claims for compensation.</i></p> <p>9. <i>Justices to determine such claims.</i></p> <p>10. <i>Claims of above £50 submitted to valuation.</i></p> <p>11. <i>Surveyor's declaration.</i></p> <p>12. <i>Consideration in determining the amount of compensation.</i></p> <p>13. <i>Costs of enquiry.</i></p> <p>14. <i>Compensation to be paid as the Justices direct.</i></p> <p>15. <i>To be paid out of the Public Revenues.</i></p> <p>16. <i>Compensation subject to trusts and charges.</i></p> <p>17. <i>Compensation may be paid in waste lands.</i></p> <p>18. <i>Interpretation clause.</i></p> <p>19. <i>Title.</i></p> |
|---|---|

**W**HEREAS certain roads or parts of roads which have been or may Preamble hereafter be laid out in various parts of the Province of Canterbury, are not or may not be required as public highways: And Whereas it is necessary that new roads should from time to time be laid out and constructed, parts whereof may pass through land being the property of private individuals, and it is expedient that some general rule should be established for the closing up of such highways as may no longer be required for public use, and for the disposal of the land occupied thereby, and also for fixing the amount of compensation to which any person may become entitled in respect of any damage done to his property by the construction of any road passing through the same:

Be it therefore enacted by the Superintendent of the said Province, with the advice and consent of the Provincial Council thereof as follows :

Diversion to be by special Ordinance.

1. Except as hereinafter provided, no public road shall be closed up or diverted, and no new line of road shall be laid out or constructed, passing over any private lands, except under the authority of a special Ordinance of the Superintendent and Provincial Council in that behalf.

All such Bills to be published in the "Government Gazette," and to be served upon all persons interested in the lands over which the road is proposed to be carried.

2. Every Bill for closing up or diverting any public road, or for carrying any public road through any private lands, shall be published in the "Government Gazette" of the Province; and a copy of such "Gazette" shall, not less than thirty days previously to the introduction of any such Bill into the Provincial Council, be served upon every person resident in the Province having any estate or interest in any lands fronting upon or crossed by any such road proposed to be diverted or closed, or in any lands over which any such new road is proposed to be carried.

Service of copies of "Gazette."

3. Such copy of the "Government Gazette" shall be served upon such person, either personally or by leaving the same at his or her last usual place of abode, if any such can by diligent enquiry be found; and in case such person shall be absent from the Province, or cannot upon diligent enquiry be found, the Superintendent shall cause a notice to be published in all the Newspapers of the Province, stating that such copy of the "Gazette" is left at the office of the Provincial Secretary, and will be given to such person, or to any Agent or Attorney lawfully acting in his or her behalf, upon application for the same.

Superintendent may cause highways to be constructed over private lands on certain conditions.

4. It shall be lawful for the Superintendent at any time to cause a public highway to be laid out and constructed through any private lands upon receiving from every person, having any estate or interest therein, or from his or her Attorney or Agent lawfully authorised in that behalf, a Deed, duly executed, in the form or to the effect set forth in the Schedule hereunto annexed: And every such Deed shall be published in the "Government Gazette" of the Province.

And thenceforth such lands to vest in her Majesty.

5. From and after the execution of any such Deed, or on a day to be named in any special Ordinance as aforesaid, the land described in such Deed or Ordinance shall thenceforth vest in her Majesty, her Heirs, and Successors, as demesne lands of the Crown, and there shall be a public highway through and over such land.

In case public roads passing through private property be closed up, such roads to become part of such property.

6. If any public road shall be closed up passing through any private property, the land occupied by such road shall become a part of such property, and shall become vested in the Owner or Owners thereof in

the same manner and subject to the same trusts as the remaining part of such property. And if any public road shall be closed up, not passing through any private property, the land occupied by such road shall be deemed to be waste lands of the Crown, and shall be dealt with accordingly.

7. Every person who shall suffer any damage in respect of any public road which shall be closed up or diverted, or in respect of any new road which shall, by virtue of any such special Ordinance as aforesaid be carried through any private lands in which such person shall have any estate or interest, shall be entitled to receive compensation for such damage to an amount to be ascertained by two or more Justices of the Peace in the manner hereinafter provided. Compensation allowed for damage sustained.

8. If any such person shall at any time within one year after his claim shall have arisen by the passing of any such special Ordinance, apply to any Justice of the Peace by a notice, in writing, signed by himself or his Agent lawfully authorised in that behalf, setting forth the nature and amount of such claim, such Justice of the Peace shall thereupon issue a public notice, stating that such claim will be heard before two or more Justices of the Peace, at a meeting to be held at a time and place to be set forth in such notice not sooner than fourteen days after the issue thereof, and the Claimant shall, seven days at least before such meeting, send a copy of such notice to the Superintendent. Notices of claims of compensation.

9. It shall be lawful for any two or more Justices assembled at such meeting, in case such claim shall not exceed Fifty Pounds, and for any three or more Justices, in case such claim shall exceed Fifty Pounds in amount, to hear and determine the said claim, and for that purpose to examine, upon oath, such person, and all his or her Witnesses, and also to hear and examine, upon oath, all such Witnesses who may appear to oppose the said claim: And the order of such Justices or a majority of them shall be final and conclusive as to the amount of such compensation. Justices to determine such claims.

10. If any such claim shall exceed Fifty Pounds in amount, the Justice to whom the said application shall be made shall, by writing, under his hand and seal, appoint a competent Land Surveyor or Surveyors to survey and value the land in question, and to estimate the damage sustained by reason of the proposed closing up, diverting, or making of any road as aforesaid; and such claim shall not be determined by the Justices assembled at any such meeting unless such Surveyor or Surveyors shall appear thereat, and be examined upon oath touching such value and damage as aforesaid. Claims above £50 to be submitted to valuation.

Surveyor's declaration.

11. Every such Surveyor shall, before making such valuation and estimate as aforesaid, make and subscribe, in the presence of such Justices of the Peace, the following declaration at the foot of the said appointment, that is to say:—

I, A.B., do solemnly and sincerely declare that I will faithfully, impartially, and honestly, according to the best of my skill and ability, execute the duty of making the valuation hereby referred to me.

(Signed) A.B.

Made and subscribed in the presence of

Consideration in determining the amount of compensation.

12. In determining the amount of such compensation, regard shall be had by such Justices, not only to the value of the land to be occupied by any such new road, and to the damage (if any) arising from the severance of land thereby, and to the damage (if any) arising from the closing up or alteration of any rights of way affording access thereto, but regard shall also be had to the increase (if any) in the value of such lands arising from the alteration or closing up of such road, or the laying out of such new road, and also to the value of the lands (if any) which shall be added to such property under the 6th Clause of this Ordinance.

Costs of enquiry.

13. The costs of every such enquiry shall be in the discretion of such Justices, and they shall settle the amount.

Compensation to be paid as the Justices direct.

14. All compensation and costs to be paid under the authority of this Ordinance shall be paid to such persons and in such manner as such Order of the Justices shall direct: Provided always that if such compensation, or any part thereof, shall be found to be payable to any party other than the absolute Owner of the land in respect of which such compensation shall have been claimed, and shall exceed Forty Pounds in amount, the said Justices shall refer a case setting forth the circumstances of such claim to a Judge of the Supreme Court, and shall make an Order for the payment of such compensation in such manner, and to such persons as such Judge shall direct.

Compensation subject to trusts and charges.

15. It shall be lawful for the Superintendent, and he is hereby required to issue and pay out of the public revenues of the Province all such sums as shall be awarded by such Justices, to the person or persons and in the manner by them directed, by way of compensation or costs in respect of land taken for a public road under the authority of any such special Ordinance as aforesaid.

To be paid out of the public revenues.

16. All compensation paid under the authority of this Ordinance shall be subject to the same trusts and charges as the lands in respect of which such compensation shall have arisen.

17. If any person entitled to compensation under this Ordinance shall accept in satisfaction thereof a Grant of waste lands of the Crown under the 42nd Clause of the Waste Lands Regulations now in force in the said Province, such Grant shall be a complete discharge of the claim for such compensation to all intents and purposes whatsoever. Compensation may be paid in Waste Lands.

18. The word "person" in this Ordinance shall be taken, in the case of a Corporation aggregate, to mean the principal Manager or Director of such Corporation; and, in the case of a Lunatic or Idiot, to mean the Committee of such Lunatic or Idiot; and in the case of an Infant, to mean the Guardian of such Infant; and in the case of any *cestui qui* trusts, to mean the Trustees of such trusts; and the word "road" shall be taken to include any public highway, bridle-path, or footpath; and any bridge, culvert, embankment, ditch, or other works necessary to the construction or maintenance of the line of such road. Interpretation Clause.

19. This Ordinance shall be entitled and may be cited as the "Diversion of Roads Ordinance, Session VIII., No. 14." Title.

JAMES EDWARD FITZGERALD,  
Superintendent.

Passed the Provincial Council this  
Twenty-fifth day of June, and  
assented to by his Honor  
the Superintendent, on behalf  
of his Excellency the Go-  
vernor, on the Thirtieth day  
of June in the year of our  
Lord one thousand eight hun-  
dred and fifty-seven.

CHARLES BOWEN,  
Speaker.

LEONARD HARPER,  
Clerk to the Council.

## SCHEDULE.

KNOW ALL MEN BY THESE PRESENTS that I (or we) [here insert the name of Owner or other person having an interest in the lands] of [insert place of abode] being [insert nature of interest, *e.g.*, seized in fee simple] of that part of the rural (or town) section of land numbered \_\_\_\_\_ on the Map of the Chief Surveyor of the Province of Canterbury [here insert description of the land to be occupied by the new road] and delineated and coloured brown in the Plan drawn on the margin hereof, for valuable consideration, do hereby dedicate the said land to the public to the intent that the same may for ever hereafter be used as and be a public highway (or drain) to all intents and purposes whatsoever.

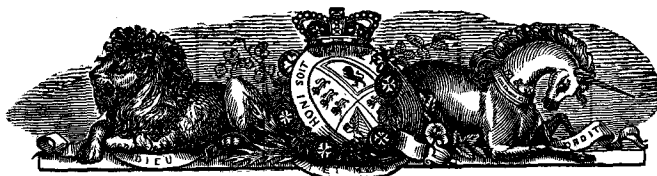
In testimony whereof I have hereunto set my hand and seal this  
day of \_\_\_\_\_, 185 .

Signed, sealed and delivered  
by the above named

In presence of us—  
(Two witnesses)

*This Ordinance was disallowed by his Excellency the Governor. See Proclamation in New Zealand "Government Gazette," No. 2, 26th January, 1858, page 3.*





PROVINCE OF CANTERBURY.

ANNO VICESIMO PRIMO.

VICTORIÆ REGINÆ.

SESSION VIII., No. 15.

Governor's Bay Road Ordinance.

Published by Authority

ANALYSIS.

*Preamble.*

- |  |   |
|--|---|
| <p>1. <i>Governor's Bay Road to be closed up.</i></p> <p>2. <i>There shall be a public highway in accordance with line marked out in Maps of Chief Surveyor.</i></p> | <p>3. <i>This Ordinance to be a Special Ordinance, in connection with the Diversion of Roads Ordinance.</i></p> <p>4. <i>Title.</i></p> |
|--|---|

**T**HIS Ordinance shall be entitled and may be cited as "The <sup>Title.</sup> Governor's Bay Road Ordinance, Session VIII., No. 15."

JAMES EDWARD FITZGERALD,

Superintendent.

Passed the Provincial Council, this Twenty-sixth day of June, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Thirtieth day of June, in the year of our Lord one thousand eight hundred and fifty-seven.

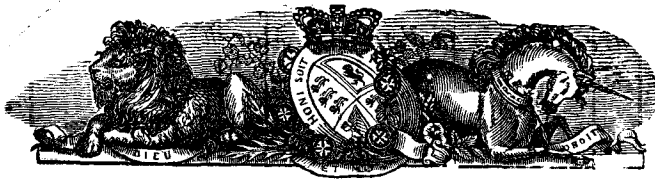
CHARLES BOWEN,

Speaker.

LEONARD HARPER,

Clerk to the Council.

*This Ordinance was disallowed by his Excellency the Governor.  
See Proclamation in "New Zealand Government Gazette," No. 2, 26th  
January, 1858, page 3.*



PROVINCE OF CANTERBURY.

ANNO VICESIMO PRIMO

VICTORIÆ REGINÆ.

SESSION VIII., No. 16.

The Appropriation Ordinance.

Published by Authority.

ANALYSIS.

- |   |  |
|---|--|
| 1. <i>Appropriation of Provincial Revenue for the year ending 31st of March, 1858.</i>                | 3. <i>Provincial Treasurer, &amp;c., shall be allowed credit for certain sums expended up to 31st March, 1858.</i> |
| 2. <i>Provincial Treasurer, &amp;c., shall issue and be allowed credit for the sums appropriated.</i> | 4. <i>Title.</i>   |

**T**HIS Ordinance shall be entitled and may be cited as the <sup>Title.</sup>  
“Appropriation Ordinance, 1857-8, Session VIII., No. 16.”

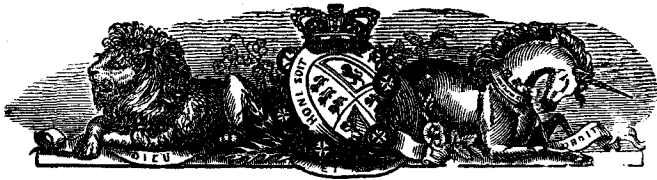
JAMES EDWARD FITZGERALD,  
Superintendent.

Passed the Provincial Council this  
Twenty-sixth day of June,  
and assented to by his Honor  
the Superintendent, on behalf  
of his Excellency the Govern-  
nor, on the Thirtieth day of  
June, in the year of our Lord  
one thousand eight hundred  
and fifty-seven.

CHARLES BOWEN,  
Speaker.

LEONARD HARPER,  
Clerk to the Council.

*Sum voted for year ending 31st March, 1858, £59,820 12s. 7d.*  
*Over Expenditure for year ending 31st March, 1857, £5,459 14s. 4d.*



PROVINCE OF CANTERBURY.

ANNO VICESIMO PRIMO

VICTORIÆ REGINÆ.

SESSION IX., No. 1.

The Waste Lands Regulations Amendment  
Ordinance.

Published by Authority.

ANALYSIS.

- Preamble.*  
1. *Regulations, 33, 51, 52, 65, 66, 71, repealed.* | 2. *Title.*

WHEREAS certain Regulations for the Disposal, Letting, and <sup>Preamble.</sup> Occupation of the Waste Lands of the Crown in the Province of Canterbury were issued by the Governor of New Zealand in a Proclamation bearing date at Auckland the Twelfth day of February, one thousand eight hundred and fifty-six, and the said Regulations were amended by certain other Regulations issued by the Governor in a Proclamation bearing date at Auckland the Fourteenth day of August, one thousand eight hundred and fifty-six : And Whereas, under and by virtue of an Act of the Imperial Parliament, passed in the Session holden in the Fifteenth and Sixteenth years of the reign of her present Majesty, entituled “An Act to Grant a Representative Constitution to the Colony of New Zealand,” and of certain Acts of the General Assembly of New Zealand, entituled “The Provincial Waste Lands Act, 1854,” and “The Waste Lands Act, 1856,” respectively, the Superintendent and Provincial Council were empowered further to amend the said Regulations, and the same were accordingly amended by an Ordinance of the Superintendent and Provincial Council of the Province of Canterbury, entituled “The Waste Lands Regulations Amendment Ordinance, Session VII., No. 2 :” And Whereas it is expedient that the said Regulations should be further amended : Be it therefore enacted by the Superintendent of the Province of Canter-

bury, with the advice and consent of the Provincial Council thereof as follows :—

Regulations 33, 51, 52,  
66, 66, 71, repealed.

1. The Regulations standing as the 33rd, 51st, 52nd, 65th and 71st in the said Regulations shall be and the same are hereby repealed; and the Regulations in the Schedule to this Ordinance shall stand in the place thereof and shall have the force of Law as a part of the said Regulations.

Title.

2. This Ordinance shall be entitled and may be cited as the "Waste Lands Regulations Amendment Ordinance, 1858," Session IX., No. 1.

WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council this  
Eleventh day of February, in  
the year of our Lord one  
thousand eight hundred and  
fifty-eight, and reserved for  
the assent of His Excellency  
the Governor.

CHARLES BOWEN,  
Speaker.

LEONARD HARPER,  
Clerk to the Council.

I hereby declare that I assent to this Ordinance.

Given under my hand, at Auckland,  
this                                     day of  
  in the year of our  
Lord one thousand eight  
hundred and fifty

THOMAS GORE BROWNE,  
Governor.

## SCHEDULE.

33. Upon payment of the Purchase Money in full, the Purchaser shall receive from the Commissioners a "License to Occupy," in the form set forth in Schedule A to the Waste Lands Regulations, and such License shall be restored to the Commissioners upon receipt of a Crown Grant of the Land purchased.

51. The Fee shall be paid to the Treasurer of the Waste Lands Board every year in advance: for the first year, on the issue of the License, and for the second and every subsequent year on any sitting day of the Board between the Twentieth day of April and the First day of May, inclusive; and every Pasturage License not renewed by Payment of the required fee on or before the First day of May shall, unless good cause to the contrary be shown to the satisfaction of the Waste Lands Board, be considered as abandoned.

52. Every Pasturage License shall be in the form set forth in the Schedule C to the Waste Lands Regulations, and shall be transferable by endorsement in the form set forth in such Schedule, and such transfer shall be deemed to be complete upon notice thereof being duly given to the Waste Lands Board, and not before. A Pasturage License shall entitle the Holder thereof to the exclusive right of pasturage over the land specified therein upon the terms above stated. Such License shall be renewed by endorsement from year to year, until the land specified therein shall be purchased, granted, or reserved under these Regulations; and the fee to be paid in respect of such License shall not be altered until the First day of May, one thousand eight hundred and seventy. Such License shall give no right to the soil or to the timber, and shall immediately determine over any land which may be purchased, granted, or reserved under these Regulations. A reasonable right-of-way shall be allowed through all pasturage runs.

65. The Applicant for any rural land included in any Pre-emptive Right shall deposit with the Treasurer of the Waste Lands Board a sum equal to Four Shillings per acre of the purchase money, and the remainder he shall pay within one week from the date of his application being granted, or forfeit such deposit. Such deposit, however, shall be immediately returned on demand, if the Holder of the Pre-emptive Right shall give notice of his intention to purchase any portion of the Land applied for, and pay the requisite deposit.

66. If the Holder of the Pre-emptive Right decide upon purchasing any portion of the land applied for, he shall forthwith pay to the Treasurer of the Waste Lands Board a deposit of Four Shillings per acre of the purchase money of such portion; and, if he shall not within six weeks thereafter have paid the remainder of the purchase money, he shall forfeit such deposit together with all right or title to the land.

If the Holders of any Pre-emptive Rights other than those created by Clause 60 of the Waste Lands Regulations shall neglect or refuse to purchase any portion of the land applied for, such portion shall, from and immediately after such neglect or refusal, be released from all right of pre-emption and open to purchase on the terms of these Regulations, as if the same had not been included in any Pre-emptive Right.

71. All payments on account of pasturage runs shall in future be made on or before the First day of May, in accordance with Clause 51, at the Land Office, at Christchurch, and the Waste Lands Board shall sit at that place for the Treasurer to receive the same.

*This Ordinance was disallowed by his Excellency the Governor (see the Hon. the Colonial Secretary's Letter attached hereto, dated Twenty-third April, 1858), but was afterwards confirmed by the "Waste Lands Act" of the General Assembly, of 1858.*

COPY.]

COLONIAL SECRETARY'S OFFICE, AUCKLAND,  
April 23, 1858.

SIR,

With reference to the Bill (forwarded in your Honor's Letter, No. 11, of the 24th ultimo) passed by the Provincial Council of Canterbury, entitled the "Waste Lands Regulations Amendment Ordinance," I have to inform your Honor that in consequence of the intimation which has been received from the Secretary of State for the Colonies (and which was notified to you in my Letter, No. 134, of the 13th inst.), to the effect that Her Majesty had been advised to disallow the "Waste Lands Act, 1856," the Ministers of the Crown in this Colony could not advise His Excellency the Governor to assent to the Bill referred to, which is founded upon that Act.

In consequence of that disallowance, Measures will be proposed by the Government during the present Session of the General Assembly for regulating the management of the public lands of the Colony.

I have the honor to be,

Sir,

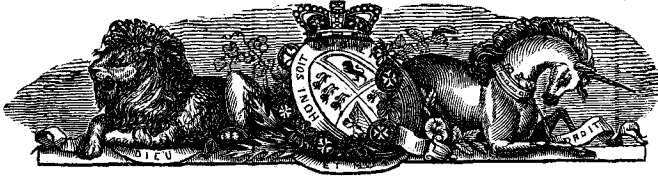
Your very obedient Servant,

(Signed) E. W. STAFFORD.

His Honor

The Superintendent  
of Canterbury.





PROVINCE OF CANTERBURY.

ANNO VICESIMO PRIMO

VICTORIÆ REGINÆ.

SESSION IX., No. 2.

The Inwood Mill Ordinance.

Published by Authority.

ANALYSIS.

*Preamble.*

- |  |   |
|--|---|
| <ol style="list-style-type: none"><li>1. Daniel Inwood to be allowed to put a mill on the River Avon.</li><li>2. Flow of water not to be raised more than three feet above the present level.</li><li>3. Mill race, dam, and cart bridge to be made within two years, and kept in repair. This Ordinance not to protect Daniel Inwood against damages on account of injury done to private property or public roads.</li></ol> | <ol style="list-style-type: none"><li>4. The same to be removed if the river be required for navigation.</li><li>5. Superintendent and Provincial Council to authorise the diversion of the water of river above the mill dam, if so required for public purposes.</li><li>6. If conditions contained in this Ordinance not performed by the Mill owner, this Ordinance to become void.</li><li>7. Title.</li></ol> |
|--|---|

**W**HEREAS Daniel Inwood is desirous of erecting a flour mill Preamble.  
upon a certain piece of land lately purchased by him from the  
Crown, situate upon an island in the River Avon, opposite to Oxford  
Terrace West, in the Town of Christchurch, and for such purpose is  
desirous of constructing a dam across the said river from the said  
island to the banks of the said river on either side, as now delineated  
and shewn on the Chief Surveyor's Map of the said Town: And  
Whereas the said Daniel Inwood is willing, in consideration of  
being permitted to construct the said dam and a mill race, and to  
enjoy the free use of the water of the said river for the purpose of  
working the said mill, to erect such mill, and to make the mill dam,  
subject to certain specifications to be approved of by the Provincial  
Engineer of the Province of Canterbury for the time being, and also at  
his the said Daniel Inwood's own cost to make a safe and commodious  
cart bridge across the said river, adjacent to the said mill: And  
Whereas it is expedient that permission should be given to the  
said Daniel Inwood, his Heirs or Assigns, to work such mill as  
aforesaid, subject to the conditions hereinafter contained: Be it

therefore enacted by the Superintendent of the Province of Canterbury, by and with the consent of the Provincial Council thereof as follows:—

Daniel Inwood to be allowed to put a mill on the River Avon.

1. It shall be lawful for the said Daniel Inwood, his Heirs or Assigns, at any time from and after the passing of this Ordinance, to make and maintain a mill race and mill dam in the said river at any part thereof situate between the said piece of land and the banks of the said river adjacent, and to put a mill wheel or wheels in the said river, and to have and exercise at all times during the period of thirty years from the date of the passing of this Ordinance the right to use the water of the said river for the purpose of such mill without let or hinderance from any person or persons whomsoever.

Flow of water not to be raised more than three feet above the present level.

2. It shall not be lawful for the said Daniel Inwood, his Heirs or Assigns, by such dam, or by any obstruction in the said river, to raise the flow of the water thereof more than three feet above its present level; such new level to be ascertained and determined by a permanent stone mark, to be fixed and maintained by the Owners and Occupiers for the time being of the said mill, upon the bank of the said river, under direction of the Provincial Engineer of the said Province, but at the sole cost of the said Daniel Inwood, his Heirs or Assigns.

Mill race, dam, and cart bridge to be made within two years, and kept in repair. This Ordinance not to protect Daniel Inwood against damages on account of injury done to private property or public roads.

3. The said mill race, mill dam, and cart bridge, respectively, shall be erected and made to the satisfaction of the said Provincial Engineer within the space of two years from the passing of this Ordinance, and the said mill race and mill dam and bridge shall be from time to time maintained and kept in repair to the satisfaction of the Provincial Engineer, at the sole cost of the said Daniel Inwood, his Heirs, or Assigns. Provided that nothing herein contained shall be deemed or construed to protect or indemnify the said Daniel Inwood, his Heirs, Executors, Administrators, or Assigns, against any costs, damages, or expenses which may be incurred by him or them for or on account of injury done or caused to the property of any private individual, or to any public road, by or by reason of the said mill dam or mill race, respectively, or either of them.

The same to be removed if the river be required for navigation.

4. If at any time it shall appear expedient to the Superintendent and Provincial Council of the Province of Canterbury, for the purpose of promoting the free navigation of the said river, to remove the said mill race or mill dam, it shall be incumbent upon the said Daniel Inwood entirely to remove such mill race and mill dam within twelve months after he shall have received notice in writing to that effect from the Superintendent.

Superintendent and Provincial Council to authorise the diversion of the water of river above the mill dam, if so required for public purposes.

5. Nothing herein contained shall prevent the Superintendent and Provincial Council from authorising the taking out or diversion at any point above the said mill dam of such portion of the water of the said

river as may be required for any public purpose, or for the use and benefit of the public.

6. If at any time from and after the passing of this Ordinance, the said Daniel Inwood, his Heirs or Assigns, or other the Owners or Occupiers for the time being of the said mill, shall neglect or decline to perform the conditions hereinbefore contained on his or their part to be performed for the space of one calendar month after having been required so to do by notice, in writing, from the Superintendent of the said Province for the time being, then, from and after the expiration of the said period of one calendar month, and such neglect or refusal as aforesaid, this Ordinance shall become void and of no effect.

If conditions contained in this Ordinance not performed by the Mill owner, this Ordinance to become void.

7. This Ordinance shall be entitled and may be cited as <sup>Title.</sup> "The Inwood Mill Ordinance, Session IX., No. 2."

WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council  
this Eleventh day of February,  
in the year of our Lord one  
thousand eight hundred and  
fifty-eight, and reserved for  
the assent of His Excellency  
the Governor.

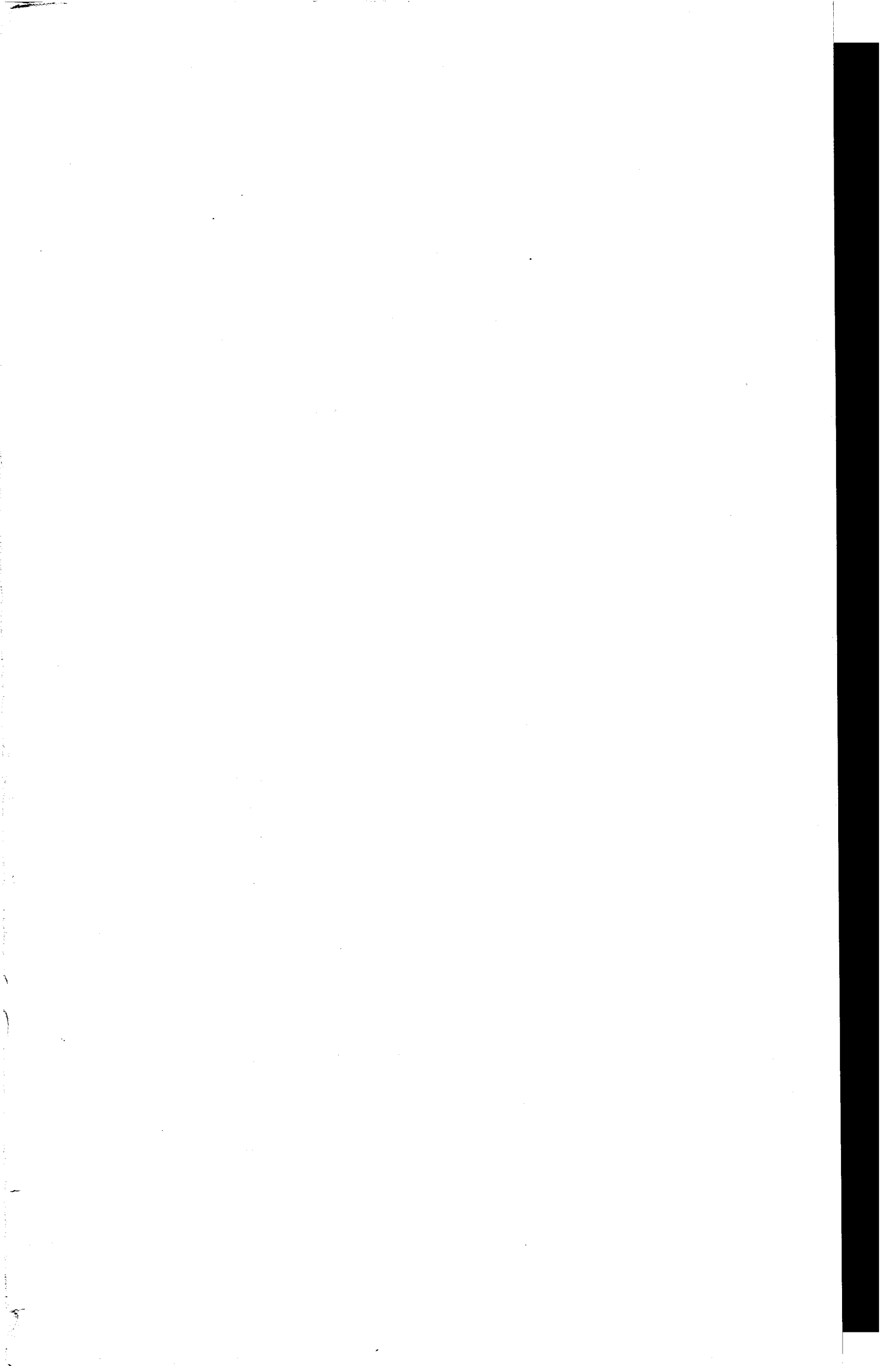
CHARLES BOWEN,  
Speaker.

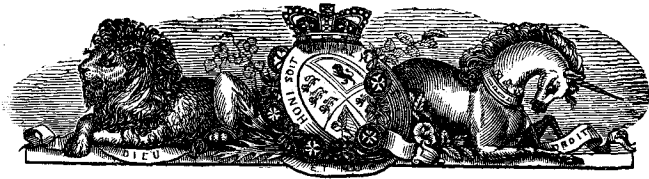
LEONARD HARPER,  
Clerk to the Council.

I hereby declare that I assent to  
this Ordinance.

Given under my hand, at Auck-  
land, this Twenty-third day of  
April, in the year of our Lord  
one thousand eight hundred  
and fifty-eight.

THOMAS GORE BROWNE,  
Governor.





PROVINCE OF CANTERBURY.

ANNO VICESIMO PRIMO

VICTORIÆ REGINÆ.

SESSION IX., No. 3.

The Canterbury Association's Reserves  
Amendment Ordinance.

Published by Authority.

ANALYSIS.

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|---|--|
| <i>Preamble.</i>  | 4. <i>Grant to the Superintending Minister of the Australasian Wesleyan Methodist Church in the Canterbury Province.</i> |
| 1. <i>Repealing Clause.</i>   |  |
| 2. <i>Grant of town reserves to Bishop of Christchurch, as sites for churches, schools, &amp;c.</i> | 5. <i>Grants, &amp;c., to be made under seal of Province.</i>  |
| 3. <i>Grant to Head resident in New Zealand of the Church of Rome.</i>                              | 6. <i>Title.</i>   |

**W**HEREAS by an Ordinance of the Superintendent and Provincial Preamble. Council of the Province of Canterbury, entitled the "Canterbury Association's Reserves Ordinance, Session V., No. 2," it is enacted that such of the buildings, lands, tenements, and hereditaments as are described in the Schedule thereto, comprising amongst others the town reserves (except a certain portion thereof, which the Superintendent was thereby empowered to convey by way of free Grant as a site for certain buildings for a Clergyman and Schoolmaster in connexion with the Free Church of Scotland,) should be disposed of by way of lease or sale in manner therein mentioned: And Whereas by an Ordinance of the Superintendent and Provincial Council of the said Province, entitled the "Canterbury Association's Reserves Amendment Ordinance, Session VIII., No. 11," the said "Canterbury Association's Reserves Ordinance" was amended: And Whereas it is expedient that the said last mentioned Ordinance should be further amended: Be it therefore enacted by the Superintendent of the said Province, with the advice and consent of the Provincial Council thereof as follows:—

Repealing Clause.

1. From and after the passing of this Ordinance, so much of the last recited Ordinance as relates to a Conveyance by free Grant of a portion of the land known as the town reserves of Christchurch, to be held in trust as a site for a Roman Catholic chapel and schools, shall be and the same is hereby repealed.

Grant of town reserves to Bishop of Christchurch as sites for churches, schools, &c.

2. It shall be lawful for the Superintendent to convey, by way of free Grant to the Bishop of Christchurch and his Successors those portions of the said town reserves described in the Schedule to this Ordinance, and therein numbered 1 and 2, to be held by the said Bishop, his Successors and Assigns, upon trust, as sites for churches, schools, and parsonages, for the use of Members of the Church in communion with the Church of England and Ireland, as by Law established: Provided that it shall be a condition of the said Grant, that if the said lands be not occupied for the purpose aforesaid within ten years from the passing of this Ordinance, or shall at any time thereafter cease to be so occupied, the said lands shall revert to the Superintendent as though the said Grant had never been issued.

Grant to Head resident in New Zealand of the Church of Rome.

3. It shall be lawful for the Superintendent to convey, by way of free Grant, to the Bishop for the time being, or other the Head resident in New Zealand of the Church in communion with the Church of Rome, and his Assigns, that portion of the town reserves described in the said Schedule and numbered 3, to be held in trust as a site for a place of worship, for the use of Members of the said Church of Rome, and also for a school and parsonage for the use of Members of the same Church, or for any of the said last mentioned purposes: Provided that it shall be a condition of the said Grant, that if the said lands be not occupied for the purpose aforesaid within ten years from the passing of this Ordinance, or shall at any time thereafter cease to be so occupied, the said lands shall revert to the Superintendent as though the said Grant had never been issued.

Grant to the Superintending Minister of the Australasian Wesleyan Methodist Church in the Canterbury Province.

4. It shall be lawful for the Superintendent to convey, by way of free Grant, to the Superintending Minister for the time being of the Australasian Wesleyan Methodist Church in the Canterbury Province and his Assigns, that portion of the said town reserves described in the last mentioned Schedule, and numbered 4, to be held in trust as a site for a place of worship for the use of Members of the said last mentioned Church, and also for a school and Minister's residence for the use of the Members of the same Church, or for any of the said last mentioned purposes: Provided that it shall be a condition of the said Grant, that if the said lands be not occupied for the purpose aforesaid within ten years from the passing of this Ordinance, or shall at any time thereafter cease to be so occupied, the said land shall revert to the Superintendent as though the said Grant had never been issued.

5. All Grants and Conveyances hereby authorised to be made shall be made by and in the name of the Superintendent, and shall be executed under the public seal of this Province. Grants, &c., to be made under seal of Province.

6. This Ordinance shall be entitled and may be cited as the "Can-  
terbury Association's Reserves Amendment Ordinance, 1858, Session  
XI., No. 3." Title.

WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council this  
Sixteenth day of February,  
and assented to by his Honor  
the Superintendent, on behalf  
of his Excellency the Gover-  
nor, on the Twenty-fifth day  
of February, in the year of  
our Lord one thousand eight  
hundred and fifty-eight.

CHARLES BOWEN,  
Speaker.

LEONARD HARPER,  
Clerk to the Council.

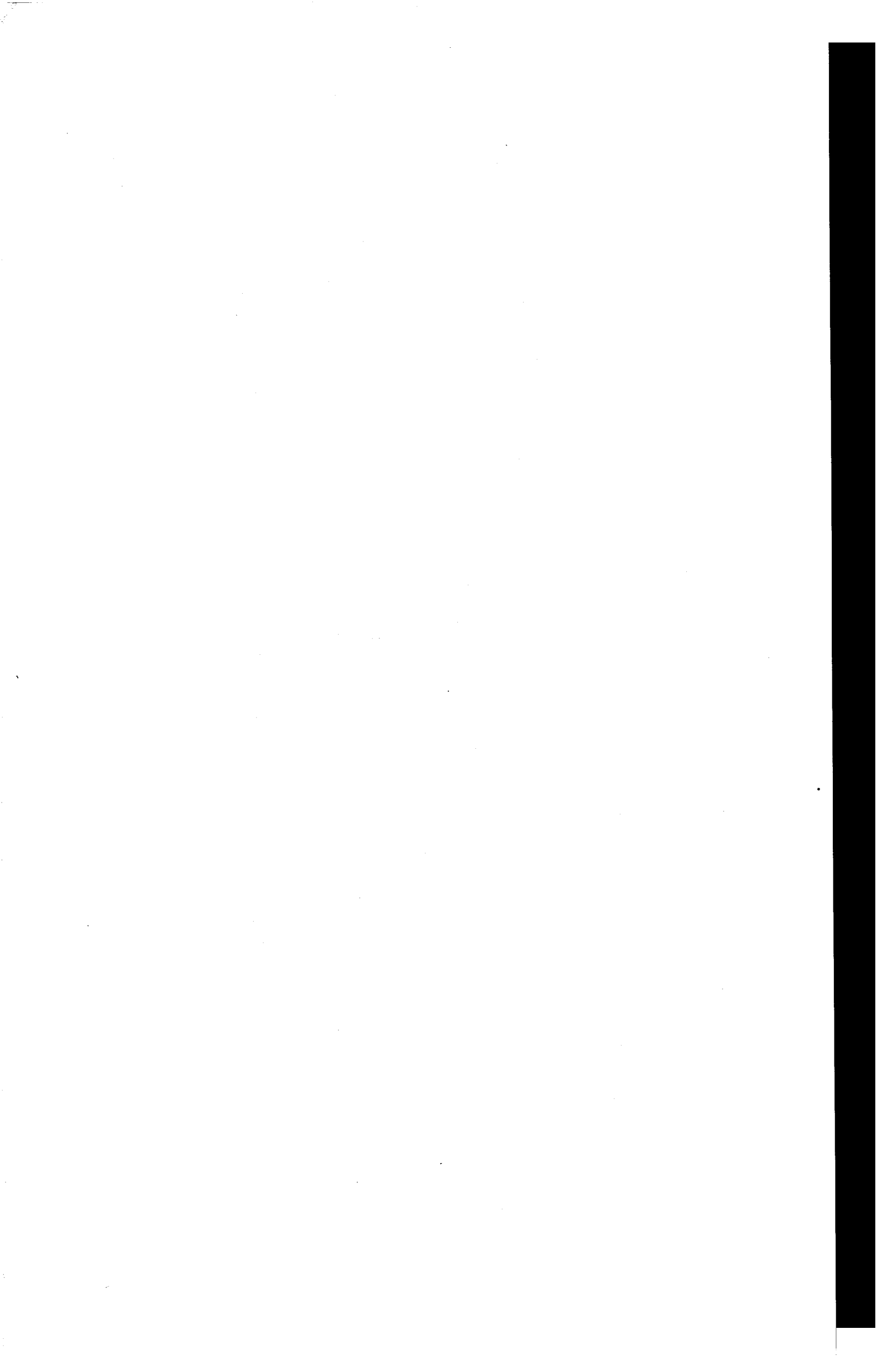
#### SCHEDULE.

No. 1. Three Acres, bounded on the north by the Town Belt, on the south by Lot 152, on the east by unsold portions of the town reserves, and on the west by Manchester street north.

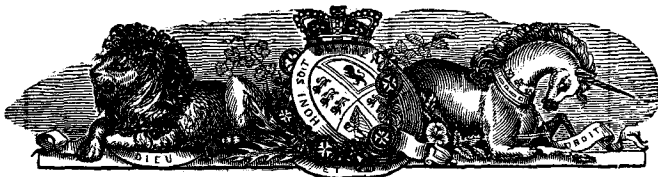
No. 2. Three Acres, bounded on the north by Lot 13, on the east by Lot 18, on the south by the Town Belt, and on the west by a road leading from the Lincoln road to the Town Belt.

No. 3. Three Acres, bounded on the north by Lot 10, on the south by the Town Belt, on the east by Lot 147, and on the west by Barbadoes street south.

No. 4. Three Acres, bounded on the north by Lot 11, on the south and east by the Town Belt, and on the west by unsold portions of the town reserves.







PROVINCE OF CANTERBURY.

ANNO VICESIMO PRIMO

VICTORIÆ REGINÆ.

SESSION IX., No. 4.

The Slaughter House Amendment  
Ordinance.

Published by Authority.

ANALYSIS.

*Preamble.*

1. *Repealing Clause*
2. *Particulars concerning Licenses.*
3. *Form of License.*

4. *Inspection of Slaughter Houses by Justices of the Peace.*
5. *Fines.*
6. *Interpreting Clause.*
7. *Title.*

**W**HEREAS by an Ordinance made by the Lieutenant-Governor of Preamble.  
New Zealand, with the advice and consent of the Legislative  
Council thereof, entitled the "Slaughter House Ordinance, Session  
VIII., No. 5," it is enacted [Section 7]: "Every such License shall  
be in force for one year from the date thereof; and the person to  
whom the same shall be granted shall pay to the Clerk of the Bench  
the sum of Two Shillings and Sixpence for every such License:"  
And Whereas it is desirable that the said recited Section should be  
repealed, and that other provision should be made in lieu thereof,  
and that the provisions of the said Ordinance should be extended:  
Be it therefore enacted by the Superintendent of the Province of  
Canterbury, by and with the advice and consent of the Provincial  
Council thereof, as follows:—

1. So much of the said Ordinance as is hereinbefore recited shall be Repealing Clause.  
and the same is hereby repealed.

## Conditions of License.

2. Every License granted under Section 6 of the said recited Ordinance shall authorize either the slaughtering of horned or neat cattle only, or of both horned or neat cattle and sheep, goats, or swine, and shall be in force for such period, not exceeding one year, and be subject to such conditions as to the Justices granting the same shall seem fit. The person to whom any such License shall be granted shall pay to the Clerk of the Bench the sum of Two Shillings and Sixpence for the same.

## Form of License.

3. Every such License shall be as nearly in the form contained in Schedule A to the said recited Ordinance as the provisions of Section 2 of this Ordinance will admit.

## Inspection of Slaughter Houses.

4. It shall be lawful for any Justice of the Peace, and for any Constable authorized by writing, under his hand, from time to time, as any such Justice shall see occasion, to visit and inspect any Slaughter House or place which may be situated within the boundaries of any district to be constituted under Section 1 of the said recited Ordinance, and to give such directions concerning the cleansing of any such Slaughter House or place, both within and without, as to him shall seem needful.

## Fines.

5. If any Butcher, or the Owner or Occupier of any such Slaughter House or place, shall obstruct or molest such Justice or Constable in the inspection thereof, or shall refuse to comply with such directions within a reasonable time, every such person shall, on conviction, upon the information of any such Justice or Constable, forfeit and pay for every such offence or neglect any sum not exceeding Ten Pounds nor less than Two Pounds.

## Interpreting clause.

6. This Ordinance shall be interpreted as, and be considered a part of the "Slaughter House Ordinance, Session VIII., No. 5."

## Title.

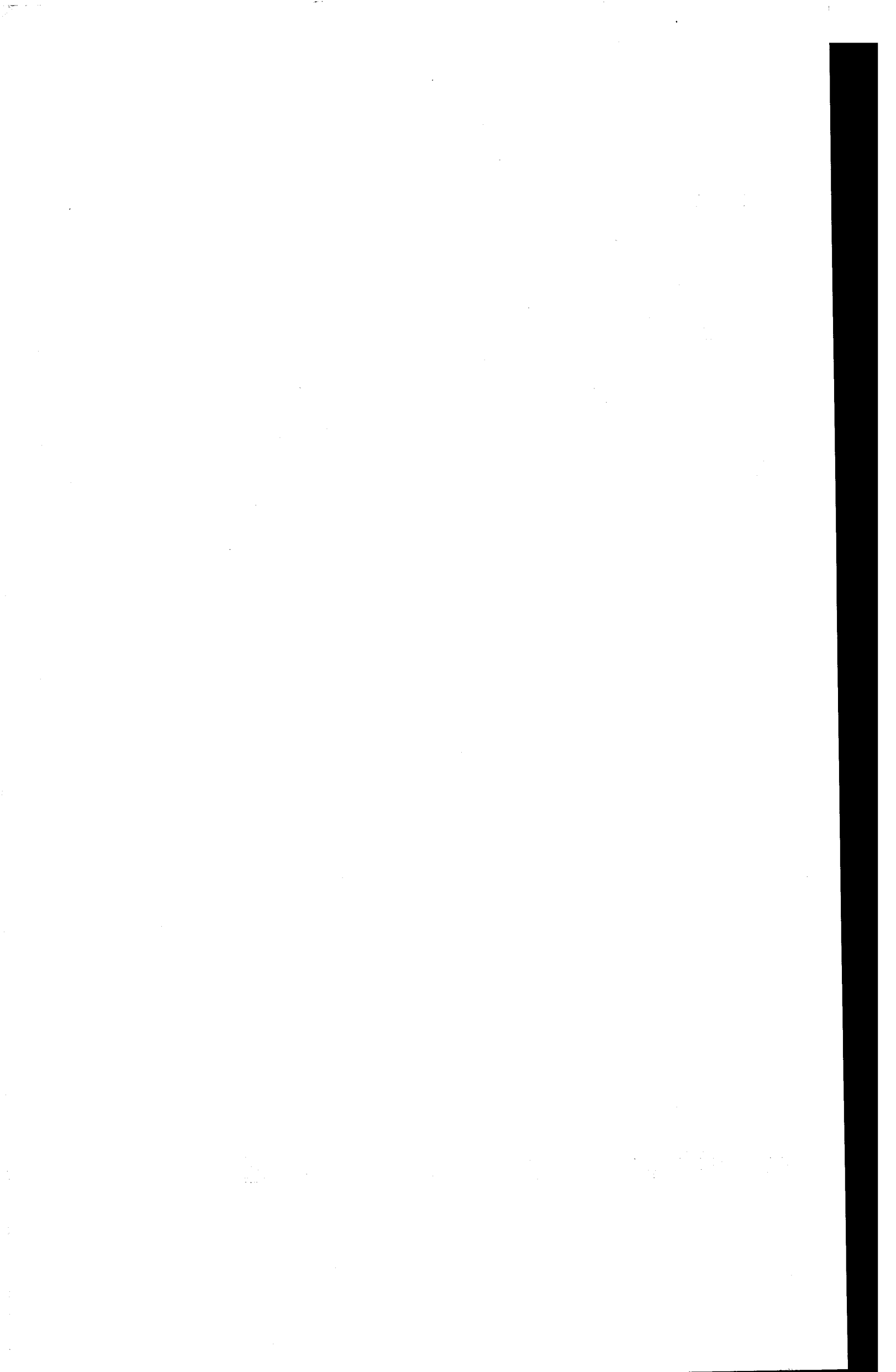
7. This Ordinance shall be entitled and may be cited as the "Slaughter House Amendment Ordinance, Session IX., No. 4."

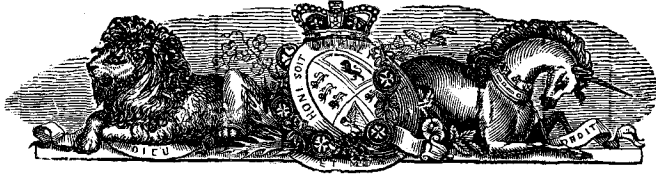
WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council this  
Seventeenth day of February,  
and assented to by his Honor  
the Superintendent, on behalf  
of his Excellency the Governor,  
on the Twenty-fourth day of  
February, in the year of our  
Lord one thousand eight hund-  
red and fifty-eight.

CHARLES BOWEN,  
Speaker.

LEONARD HARPER,  
Clerk to the Council.





PROVINCE OF CANTERBURY.

ANNO VICESIMO PRIMO

VICTORIÆ REGINÆ.

SESSION IX., No. 5.

Lyttelton Custom House Reserve  
Ordinance.

Published by Authority.

ANALYSIS.

*Preamble.*

1. *The piece of land known as Custom-House Reserve to be vested in the Governor of New Zealand and Successors, on trust, as site for Custom House, Post Office, &c.*
2. *Land to be used only for certain purposes.*
3. *Governor may set apart so much as may be required for road-way, &c.*
4. *If the said piece of land be not occupied as aforesaid, it shall revert to the Superintendent.*
5. *Title.*

**W**HEREAS by an Ordinance of the Superintendent and Provincial <sup>Preamble.</sup> Council of Canterbury, entitled the "Canterbury Association's Reserves Ordinance, Session IV., No. 6," and by virtue of a certain Deed in the Schedule C thereunto annexed, a certain piece or parcel of land mentioned and described in the Schedule B thereunto annexed as the "Custom House Reserve," and more particularly delineated and shown in the Chief Surveyor's Map of the town of Lyttelton, is vested in the Superintendent of the said Province, to be held by him, in trust, for the public uses thereof, in accordance with the provisions of a certain Act of the General Assembly of New Zealand, entitled the "Public Reserves Act, one thousand eight hundred and fifty-four." And Whereas it is expedient that the said Custom House Reserve should be vested in his Excellency the Governor of New Zealand and his Successors, to be used as a site for a Custom House, Post Office, and such other public buildings, and to be used for such other public

purposes as may from time to time be found necessary for the service of the General Government within the said Province: Be it therefore enacted by the Superintendent of the said Province, by and with the advice and consent of the Provincial Council thereof, as follows:—

The piece of land known as Custom House Reserve to be vested in the Governor of New Zealand and Successors, on trust, as site for Custom House, Post Office, &c.

1. The piece or parcel of land commonly known as the Custom House Reserve, Lyttelton, and described in the Schedule B aforesaid, shall be and hereby is vested in the Governor of New Zealand and his Successors for ever, upon trust; that the said piece or parcel of land shall be used as a site for the erection of a Custom House, Post Office, and such other public buildings, and for such further purposes as may be found necessary to the service of the General Government within the Province of Canterbury.

Land to be used only for certain purposes.

2. The said land shall be used for no other purposes whatsoever but those herein expressed, excepting only by agreement between the General and Provincial Governments, approved by Resolution of the Provincial Council of the said Province.

3. Provided always that so much of the said land as may at any time hereafter be required for the construction of a wharf or quay, or of roadways leading to the beach, may be defined and set apart by the Governor; due notice thereof being published in the *Government Gazette* as soon as may be.

Governor may set apart so much as may be required for roadway, &c.

4. Provided also, that if the said piece of land be not occupied for the purposes aforesaid, and a sufficient and commodious Custom House and Post Office erected thereon within three years from the passing of this Ordinance, or shall at any time cease to be so occupied (except in the event provided for in Section 2 of this Ordinance), the said piece of land shall revert to the Superintendent, as though this Ordinance had not been passed.

Title.

5. This Ordinance shall be entitled and may be cited as the "Lyttelton Custom House Reserve Ordinance, Session IX., No. 5, 1858."

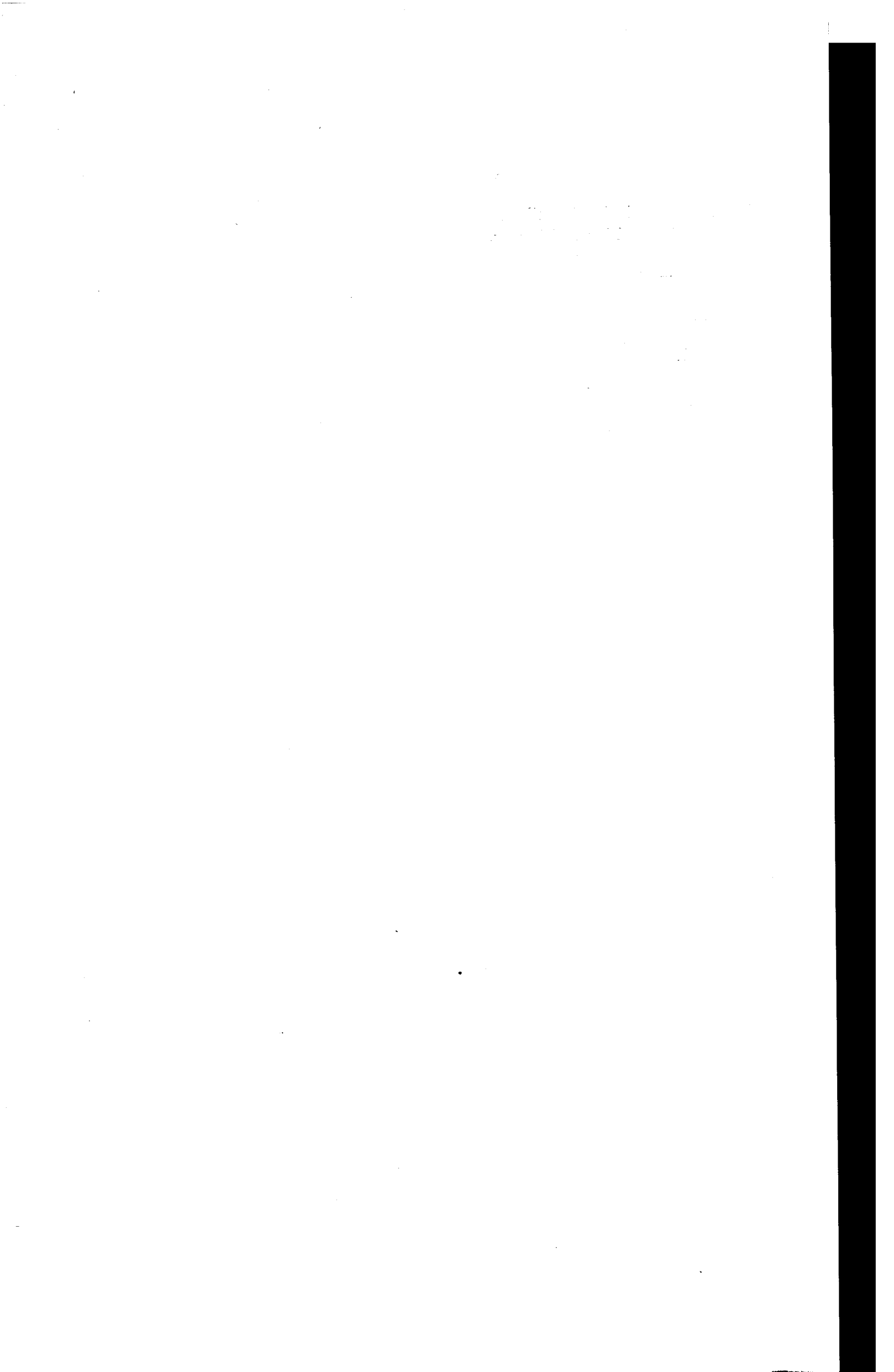
WILLIAM SEFTON MOORHOUSE,

Superintendent.

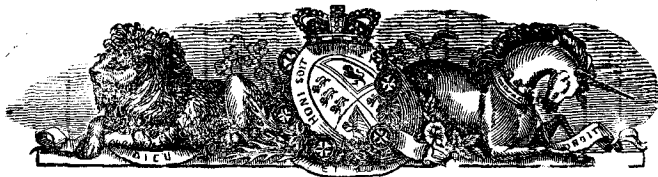
Passed the Provincial Council, this  
Twenty-third day of February,  
and assented to by his Honor  
the Superintendent, on behalf  
of his Excellency the Govern-  
nor, on the Twenty-fourth day  
of February, in the year of  
our Lord one thousand eight  
hundred and fifty-eight.

CHARLES BOWEN,  
Speaker.

LEONARD HARPER,  
Clerk to the Council.







PROVINCE OF CANTERBURY.

ANNO VICESIMO PRIMO

VICTORIÆ REGINÆ.

SESSION IX., No. 6.

The Appropriation Ordinance.

Published by Authority.

ANALYSIS.

- |  |  |
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| 1. <i>Appropriation of Provincial Revenue for Half-year ending 30th September, 1858.</i> | 2. <i>Provincial Treasurer, etc., shall issue and be allowed credit for the sums appropriated.</i> |
|  | 3. <i>Title.</i>   |

THIS Ordinance shall be entitled and may be cited as the "Appropriation Ordinance, one thousand eight hundred and fifty-eight, Session IX., No. 6."

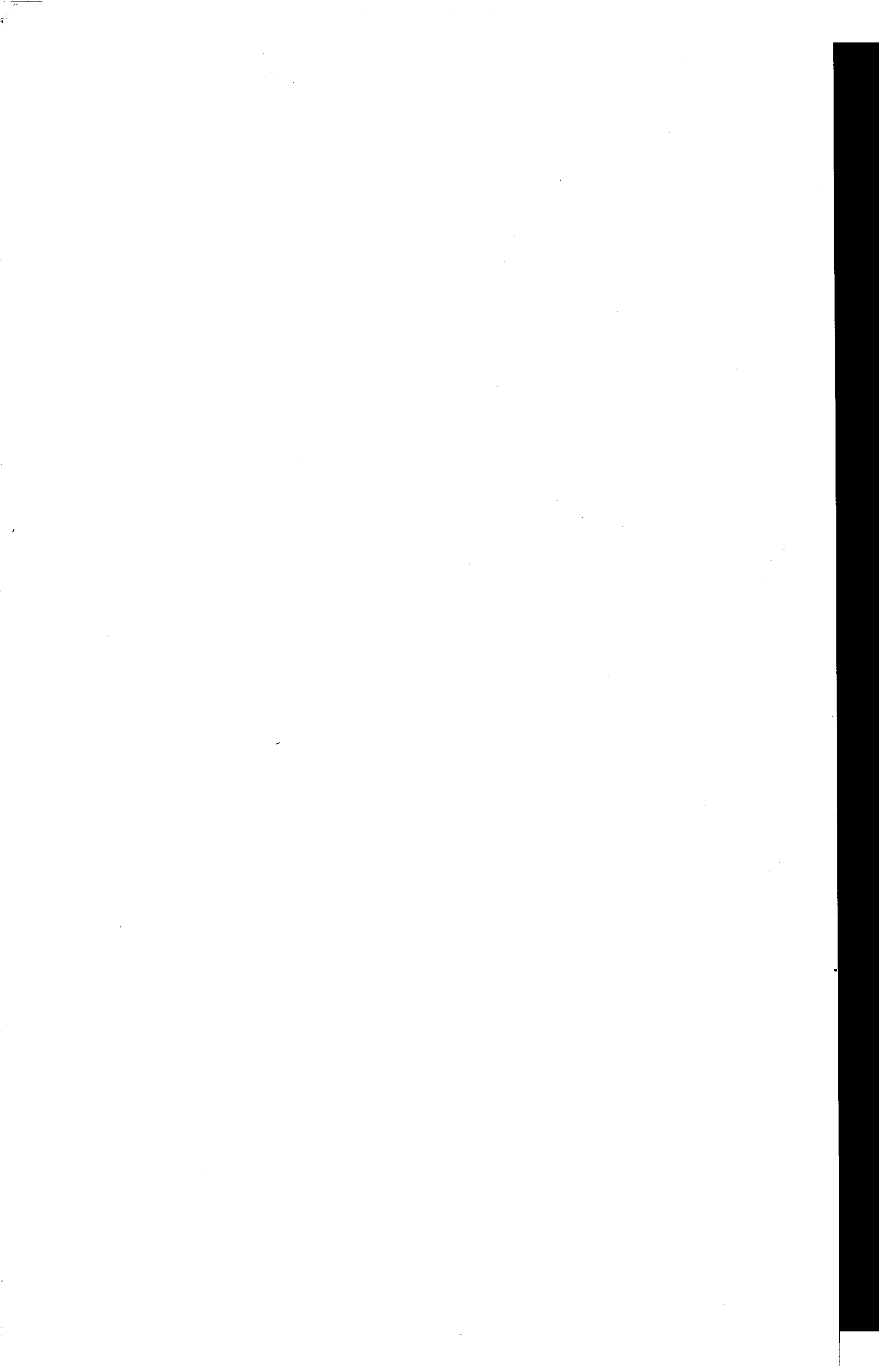
WILLIAM SEFTON MOORHOUSE,  
Superintendent.

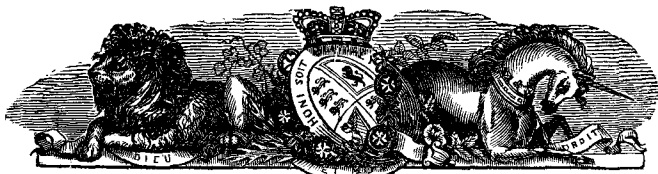
Passed the Provincial Council this Twenty-third day of February, and assented to by his Honor the Superintendent on behalf of his Excellency, the Governor, on the Twenty-fourth day of February, in the year of our Lord one thousand eight hundred and fifty-eight.

CHARLES BOWEN,  
Speaker.

LEONARD HARPER,  
Clerk to the Council.

*Sum Voted for Half-year commencing 1st April, and ending 30th September, 1858, £54,518 5s. 11d.*





PROVINCE OF CANTERBURY.

ANNO VICESIMO SECUNDO

VICTORIÆ REGINÆ.

SESSION X., No. 1.

Canterbury Police Ordinance.

Published by Authority.

A N A L Y S I S .

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|---|--|
| <p>I. <i>Repeal of Constabulary Force Ordinance.</i></p> <p>II. <i>Persons having certain implements, or otherwise acting with felonious intent.</i></p> <p>III. <i>Persons having stolen property to be arrested.</i></p> <p>IV. <i>Penalty on commission of following offences.</i></p> <ol style="list-style-type: none"><li>1. <i>Playing in streets on Lord's Day.</i></li><li>2. <i>Making disturbance on Lord's Day.</i></li><li>3. <i>Firing litter so as to endanger property.</i></li><li>4. <i>Furious riding or driving.</i></li><li>5. <i>Ferocious dogs at large.</i></li><li>6. <i>Misconduct in driving cattle.</i></li><li>7. <i>Cruelty to cattle.</i></li><li>8. <i>Leaving open doors of cellars.</i></li><li>9. <i>Conveying night soil within certain hours.</i></li><li>10. <i>Selling unwholesome meat, &amp;c.</i></li><li>11. <i>Throwing glass, rubbish, &amp;c., into roads.</i></li><li>12. <i>Leaving carts, &amp;c., on thoroughfare.</i></li><li>13. <i>Leaving timber, bricks, &amp;c., on thoroughfare.</i></li><li>14. <i>Hanging meat, &amp;c., over thoroughfare.</i></li><li>15. <i>Throwing dead animals in streams or thoroughfare.</i></li><li>16. <i>Refusing to remove obstruction in thoroughfare.</i></li><li>17. <i>Breaking horses in thoroughfares.</i></li><li>18. <i>Negligent driving.</i></li><li>19. <i>Unenumerated obstructions to thoroughfares.</i></li><li>20. <i>Hauling timber sledges on thoroughfares.</i></li><li>21. <i>Permitting entire animals to cover in public.</i></li><li>22. <i>Indecent or obscene language or conduct.</i></li></ol> | <p>23. <i>Bathing in public.</i></p> <p>24. <i>Removing knockers, or disturbing Inhabitants.</i></p> <p>25. <i>Wilful damage to property.</i></p> <p>26. <i>Breach of the peace; threatening or abusive language.</i></p> <p>V. <i>Offences within towns.</i></p> <ol style="list-style-type: none"><li>1. <i>Discharging firearms.</i></li><li>2. <i>Firing grass, &amp;c.</i></li><li>3. <i>Neglecting to keep chimney clean.</i></li><li>4. <i>Placing goods on thoroughfare.</i></li></ol> <p>VI. <i>Power of Justices to order abatement of nuisance and repair of chimneys.</i></p> <p>VII. <i>Penalty on commission of following offences.</i></p> <ol style="list-style-type: none"><li>1. <i>Wilfully damaging public works.</i></li><li>2. <i>Removing material of roads.</i></li><li>3. <i>Making excavation in roadway.</i></li><li>4. <i>Encroachments on roadway.</i></li><li>5. <i>Damaging Government buoys or beacons.</i></li><li>6. <i>Firing grass, scrub, &amp;c., on another person's land.</i></li></ol> <p>VIII. <i>Indecent exposure of person.</i></p> <p>IX. <i>Former penalties saved.</i></p> <p>X. <i>Power to Officers of Police to board vessels, &amp;c.</i></p> <p>XI. <i>Power to Constables to enter all houses where refreshment is sold.</i></p> <p>XII. <i>Compounding information.</i></p> <p>XIII. <i>Written permission from Superintendent to be produced to Constable.</i></p> <p>XIV. <i>Resisting or refusing to aid Constable.</i></p> <p>XV. <i>Penalties recoverable summarily.</i></p> <p>XVI. <i>Interpretation.</i></p> <p>XVII. <i>Title.</i></p> |
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Preamble.

**W**HEREAS an Ordinance was passed on the Twenty-second day of June, one thousand eight hundred and forty-nine, by the Lieutenant-Governor and Legislative Council of New Munster, entitled an "Ordinance to Increase the Efficiency of the Constabulary Force:" And Whereas it is expedient that the said recited Ordinance should, so far as the same relates to the Province of Canterbury, be repealed, and provision made in lieu thereof: Be it therefore enacted by the Superintendent of the Province of Canterbury, with the advice and consent of the Provincial Council thereof, as follows:—

Repeal of Constabulary Force Ordinance.

I. From and after the passing of this Ordinance, the above recited Ordinance shall be and the same is hereby repealed within the said Province.

Persons having certain implements, or otherwise acting with felonious intent.

II. Every person armed with any gun, pistol, sword, bludgeon, or having in his possession any pick-lock, crow-bar, jack, bit, or other implement with intent feloniously to break into, or having broken into any building for an unlawful purpose, or frequenting any highway, street, quay, wharf, or other thoroughfare or place of public resort, with intent to commit felony, may be imprisoned by any two Justices of the Peace for any term not exceeding three calendar months.

Persons having stolen property to be arrested.

III. Any Constable finding any person with property in his possession which may reasonably be suspected of having been stolen, or unlawfully obtained, may take such person before a Justice of the Peace to be dealt with according to Law.

Penalty on commission of following offences.

IV. Every person who shall, within the Province of Canterbury, commit any of the offences next hereinafter specified, shall, for every such offence forfeit and pay a sum not less than Ten Shillings nor exceeding Five Pounds (that is to say):

Playing in streets on Lord's Day.

1. Every person playing at any game in any street, bye-way, or public thoroughfare on the Lord's Day.

Making disturbance on Lord's Day.

2. All persons assembling in any street, or other public place, on the Lord's Day, to the disturbance of any congregation of Worshipers.

Firing litter, so as to endanger property.

3. Every person who shall wilfully fire any litter, shavings, or other combustible matter, so as to endanger any house or other building.

Furious riding or driving.

4. Every person who shall ride or drive in a public thoroughfare so as to endanger the lives or limbs of Passengers or others.

5. Every person who shall, in a public thoroughfare, suffer any ferocious dog to be at large and unmuzzled, or shall wantonly set on any dog to attack, worry, or put in fear any person or animal. Ferocious dogs at large.
6. Every person driving cattle in a public thoroughfare who shall wilfully or negligently cause any injury or damage to be done by such cattle to any person or property, or shall in anywise misbehave in the driving of such cattle. Misconduct in driving cattle.
7. Every person who shall wantonly hurt or harass any cattle passing along or being in a public thoroughfare. Cruelty to cattle.
8. Every Occupier (and where there is no Occupier every Owner) of a house or other building accommodated by an opening in the public footway or roadway, giving access or light to any cellar or sunk casement, who shall neglect to keep such opening securely covered and constantly closed by a substantial trap-door, or by substantial rails or bars, or in some other sufficient manner, save only in the day time, when articles or things stored, or to be stored in such cellar or casement are in the process of being lowered therein or brought up therefrom. Leaving open doors of cellars.
9. Every person who shall convey night soil along a public thoroughfare after the hour of six o'clock in the morning, and before the hour of eleven o'clock at night. Conveying night-soil within certain hours.
10. Every person who shall sell or expose for sale, or have in his possession with intent to sell, any unwholesome meat, fish, game, poultry, or fruit, or who shall have in his possession, for the purpose of slaughtering, any diseased animal unfit for human food. Selling unwholesome meat, &c.
11. Every person who (without permission in writing from the Superintendent or some Officer for that purpose appointed by him,) shall throw or leave earth, stones, glass, bottles, or rubbish upon a public thoroughfare. Throwing glass, rubbish, &c., into roads.
12. Every person who shall leave standing or lying upon any part of a public thoroughfare any carriage, cart, waggon, dray, truck, wheelbarrow, or other vehicle, or any packing case, crate, basket, cask, barrel, or package. Leaving carts, &c., on thoroughfare.
13. Every person who shall place upon any part of a public thoroughfare (without an authority, in writing, from the Superintendent or the Officer for that purpose appointed by him,) any timber, stones, bricks, lime, or other materials for building. Leaving timber, bricks, &c., on thoroughfare.

14. Every person who shall suspend or place any carcass, meat, or offal, so as to overhang any part of a public thoroughfare.

15. Every person who shall throw, or cause to be thrown, any dead animal, or part thereof, into any street, lane, road, or other public place, or into any river, creek, stream, or other water, or leave or cause the same to be left on the bank thereof.

16. Every person being the Owner or having the custody of any article unlawfully placed upon or over any part of a public thoroughfare, who shall refuse to remove the same within a reasonable time after being thereunto required by a Constable, shall be liable to a separate penalty for every such refusal.

17. Every person who shall train or break horses in a public thoroughfare, within any town or village.

18. Every Driver of a vehicle not driven by means of reins who shall ride thereupon, there being no person on foot to guide the same, or who shall wilfully remain at such a distance from his vehicle whilst in motion as not to have command of the horses or cattle drawing the same; or, meeting any other carriage, shall not keep his own carriage on the left or near side of the road—or, in passing, shall not keep on the right or off side of the road; or shall in any manner wilfully prevent any other person from passing him; or, by negligence or misbehaviour, interrupting the free passage of any person or carriage along the said road.

19. Every person who shall wilfully encumber or obstruct a public thoroughfare in any way not before specially described.

20. Every person who shall haul or draw any timber, stone, or other load along any part of a public thoroughfare, otherwise than upon a wheeled carriage or rollers, or shall suffer any load, conveyed upon a wheeled carriage or rollers, to drag or trail or hang over such carriage to the obstruction of the thoroughfare.

21. Every person having the charge of, permitting any stallion, bull, or other entire animal to cover in any paddock, close, or land, within the limits of any town, being within public view.

22. Every person who shall use, in a public thoroughfare or place, any profane or obscene language, or sing any profane, indecent, or obscene song, or write or draw any indecent or obscene

word, figure, or representation, or who shall exhibit, distribute, or offer for sale any profane, indecent, or obscene book, paper, print, painting, drawing, or representation, to the annoyance of Inhabitants or Passengers.

23. Every person bathing near to or within view of any public wharf, Bathing in public. quay, bridge, street, or other place of public resort, so as to offend against decency, between the hours of eight o'clock in the morning and eight o'clock in the evening.
24. Every person who shall maliciously deface, injure, or remove any door-plate, bell, knocker, lamp, or sign-board, or who shall wilfully disturb any Inhabitant by ringing any bell, or knocking at any door. Removing knockers or disturbing Inhabitants.
25. Every person who shall wilfully damage any building, wall, fence, paling, fixture, or appendage thereunto, or any other real or personal property, or who shall steal or wilfully damage any tree, shrub, or other plant, or any seat in any walk, park, plantation, or garden. Wilful damage to property.
26. Every person who shall commit any breach of the peace, or behave himself so as to provoke a breach of the peace, or whereby the passage along the street may be obstructed by causing a crowd to collect or otherwise; or who shall use any threatening language, or any abusive or insulting language in the presence or hearing of a Constable or of a Justice of the Peace. Breach of the peace; threatening or abusive language.

V. Every person who shall commit any or either of the offences next hereinafter specified, shall, for every such offence, forfeit and pay any sum not exceeding Five Pounds (that is to say) : Offences within towns.

1. Every person who shall discharge any firearms without lawful cause, or discharge any firework in any public thoroughfare, within the boundaries of any town within the Province. Discharging firearms.
2. Every person who shall wilfully fire the bush, scrub, grass, fern, flax, or other vegetation on land within the boundaries of any town. Firing grass, &c.
3. Every person who shall neglect to keep clean the chimney of any house or other building occupied by him, and situated within the boundaries of any town. Neglecting to keep chimney clean.
4. Every person who shall expose or place upon any part of a public thoroughfare, within any town, any goods, wares, or merchandise, Placing goods on thoroughfare.

dise, or who shall make use of any show-board projecting over any part of such thoroughfare.

Power of Justices to order abatement of nuisance, and repair of chimnies.

VI. Upon complaint made to any Resident Magistrate, or to any two Justices of the Peace, of the existence of any common nuisance within the boundaries of any proclaimed town within the Province, whether by the exercise of any noisome or unwholesome trade, or by the keeping of hogs, or of any privy, sty, or receptacle for filth of any kind or otherwise (however such nuisance shall arise); and also upon like complaint that any chimney within the said limits is dangerous to Passengers or neighbouring buildings (whether by reason of its insufficient construction or elevation, or want of repair), it shall be lawful for such Resident Magistrate or Justices to issue a Notice requiring the Occupier, or if there shall be no Occupier, then requiring the Owner of the land or property in which such nuisance or defective chimney shall exist, to remove or abate such nuisance, or to alter, raise, or repair such chimney, as the case may require, within a reasonable time to be specified in such Notice; and the the said Resident Magistrate or Justices shall cause every such Notice to be forthwith served on such Occupier or Owner, or to be affixed in some conspicuous situation on such property; and in case and so often as such Occupier or Owner shall disobey any such Notice, he shall, for every such offence, forfeit and pay a penalty not exceeding Ten Pounds. For the purpose of ascertaining the existence of any such nuisance, or the state of any such chimney, it shall be lawful for any such Resident Magistrate or Justices, or either of them, to inspect the property wherein the same shall be alleged to exist, or to cause such inspection to be made by an Officer or Constable of the Armed Police Force.

Penalty on commission of following offences.

VII. Every person who shall commit any of the offences next hereinafter specified shall, for every such offence, forfeit and pay a sum not exceeding Twenty Pounds (that is to say):

Wilfully damaging public works.

1. Every person who shall wilfully destroy or damage any public building, erection, bridge, sewer, culvert, water-course, road, footway, or other public work or property.

Removing material of roads.

2. Every person who shall remove without permission, in writing, from the Superintendent or an Officer for that purpose appointed by him, any soil, stone, or other material used in the formation of any road, footway, or other public road.

Making excavation in roadway.

3. Every person who shall dig or excavate without permission, in writing, from the Superintendent or some Officer for that purpose appointed by him, upon or beneath the surface of any road or footway.



4. Every person who shall, without permission, in writing, from the Superintendent or some Officer for that purpose appointed by him, encroach upon the limits of any road, street, or public thoroughfare. Encroachments on roadway.
5. Every person who shall wilfully and wantonly remove, damage, or otherwise interfere with any buoy, beacon, or other survey-mark set up by any Government Surveyor or other Public Authority, either on shore or afloat. Damaging Government buoys or beacons.
6. Every person who shall set on fire or cause to be set on fire any bush, scrub, grass, fern, flax, or other vegetation on land not in his own occupation. Firing grass, scrub, &c., on another person's land.

VIII. Every person who shall indecently expose his person in or within view of a public thoroughfare or place, shall be liable to a fine not exceeding Twenty Pounds, or may, at the discretion of any two Justices of the Peace, be imprisoned for any period not exceeding three months. Indecent exposure of person.

IX. Nothing in this Ordinance shall be construed to take away or repeal any liability or penalty which at common Law, or by virtue of any Statute, Act, or Ordinance in force within the Province, shall attach to or be incurred in respect of any such offence as aforesaid. Fines, penalties, &c., not repealed.

X. Every Inspector, Sub-inspector, or any Officer of the Constabulary Force above the rank of a Private Constable, may, with such Constables as he may think proper, enter into any ship, boat, or other vessel (not being then actually employed in her Majesty's service), for the purpose of inspecting and directing the conduct of any Constable who may be stationed on board of any such vessel, and the conduct of all other parties who shall be employed on board of any such vessel, and for preventing fire, preserving peace and good order, and for the prevention or detection of any felonies or misdemeanours on board of such vessel. Powers to Officers of Police to board vessels, &c.

XI. Every Constable may demand admittance, for the purpose of preventing or repressing disorderly conduct, into any house, shop, or place of public resort, wherever provisions, liquors, or refreshments of any kind shall be sold or consumed (whether the same shall be kept or retained therein or procured elsewhere), and any unnecessary delay in giving admission to the said Constable shall subject the party to a penalty not exceeding Five Pounds. Power to Constables to enter all houses where refreshment is sold.

XII. If any person shall lodge any information before any Justice of the Peace for any offence by which he was not personally aggrieved, Compounding information.

and shall afterwards directly or indirectly receive any sum of money or other reward for compounding, delaying, or withdrawing the information, he shall be liable to a penalty of not more than Ten Pounds.

Written permission  
from Superintendent to  
be produced to Con-  
stable.

XIII. Every person who shall have permission, in writing, from the Superintendent or Officer appointed by him for that purpose to do any of the things for which such Officer or Superintendent is empowered to give such permission, shall produce such permission when called upon to do so by any Police Constable, and if such person shall refuse or neglect to produce such permission when so called upon, he shall be considered as acting without such permission.

Resisting or refusing  
to aid Constable.

XIV. Every person assaulting or resisting any Constable in the execution of his duty, or being called upon by a Constable in the Queen's name and refusing to assist such Constable acting as aforesaid, shall be liable to a fine of not more than Ten Pounds, or to be imprisoned for a period not exceeding one month.

Penalties recoverable  
summarily.

XV. All penalties imposed by this Ordinance shall be recoverable in a summary way.

Interpretation.

XVI. In the Interpretation of this Ordinance, the word "cattle" shall mean every head of horses, asses, mules, horned or neat cattle, swine, sheep, or goats. The word "town" shall mean the towns specified in the Schedule to this Ordinance, and any other town or towns within which the Superintendent, upon the requisition to that effect from a majority of the Justices of the Peace of the district in which such town is situated, shall, by Proclamation, declare this Ordinance to be in operation. The term "Constable" shall include all Officers of the Armed Police.

Title.

XVII. This Ordinance shall be entitled, and may be cited as the "Canterbury Police Ordinance, 1858, Session X., No. 1."

WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council this First day of December, in the year of our Lord one thousand eight hundred and fifty-eight, and assented to by his Honor the Superintendent, in the name of his Excellency the Governor, on the Third day of December, in the year of our Lord one thousand eight hundred and fifty-eight.

CHARLES BOWEN,  
Speaker.

LEONARD HARPER,  
Clerk to the Council.

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SCHEDULE.

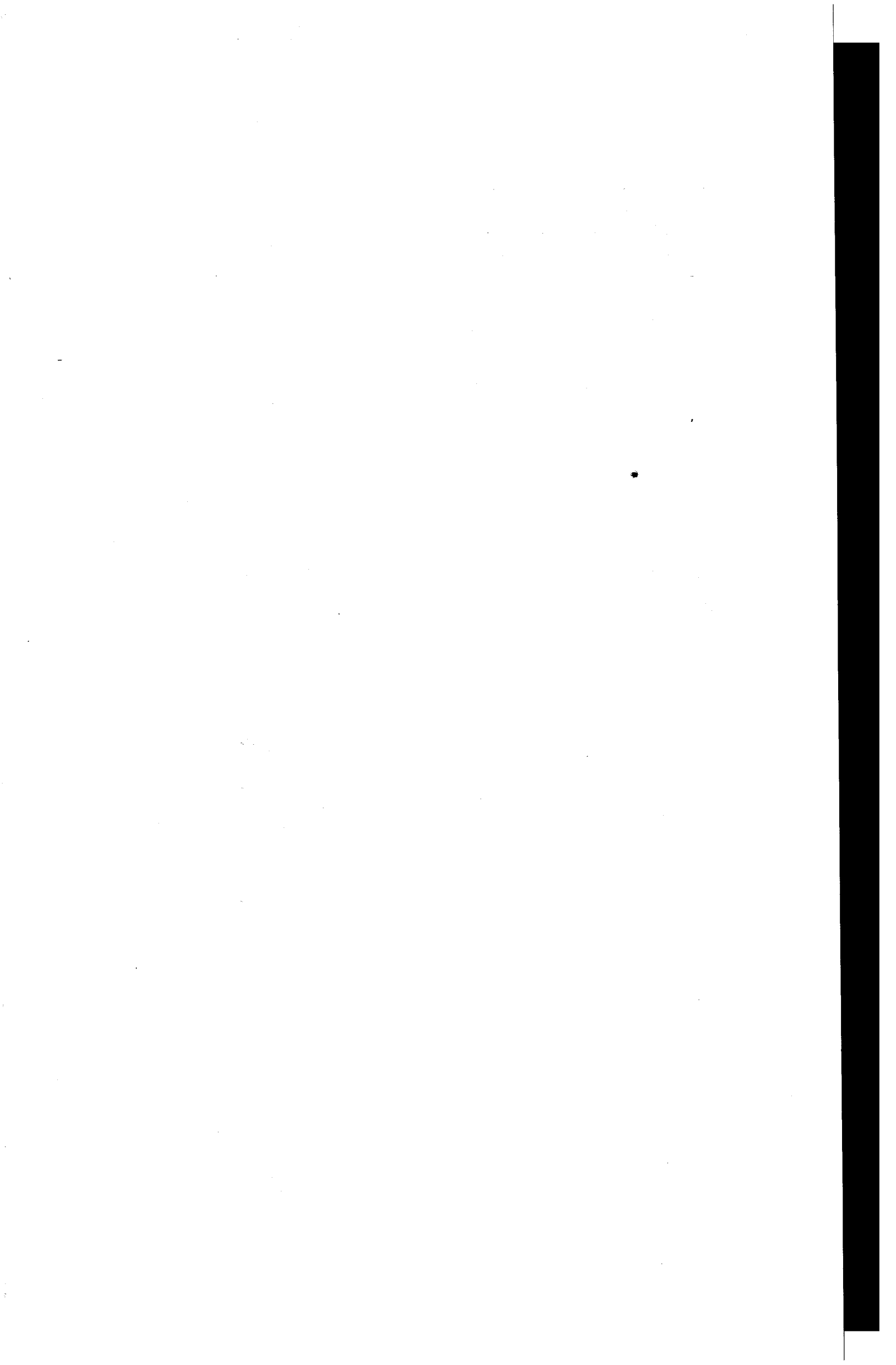
The town of Christchurch as set forth in the Maps of the Chief Surveyor of the Province of Canterbury, including the town reserves.

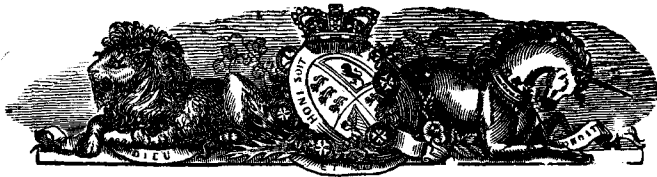
The town of Lyttelton as set forth in the Maps of the Chief Surveyor of the said Province.

The town of Akaroa as set forth in the Proclamation of the Superintendent of the said Province, bearing date the 1st May, 1856.

The town of Kaiapoi as set forth in the Schedule to the "Kaiapoi Town Ordinance, Session VIII., No. 7."

*This Ordinance was amended by the "Canterbury Police Amendment Ordinance, 1862, Session XVII., No. 12."*





PROVINCE OF CANTERBURY.

ANNO VICESIMO SECUNDO

VICTORIÆ REGINÆ.

SESSION X., No. 2.

Immigrants' Barracks Ordinance.

Published by Authority.

ANALYSIS.

*Preamble.*

1. Superintendent to appoint Immigration Officer.
2. Superintendent to issue Rules and Orders for management of Barracks.
3. Immigration Officer to remove any person infringing such rules.
4. Persons found on premises during night hours, or refusing to conform to the

*Rules, to be deemed guilty of misdemeanour.*

5. Persons refusing to quit the premises upon notice from Officer, to be removed and given into custody.
6. Rules and Regulations issued by Superintendent to be published in "Government Gazette."
7. Title.

THIS Ordinance shall be entitled and may be cited as the Title.  
"Immigrants' Barracks Ordinance, Session X., No. 2."

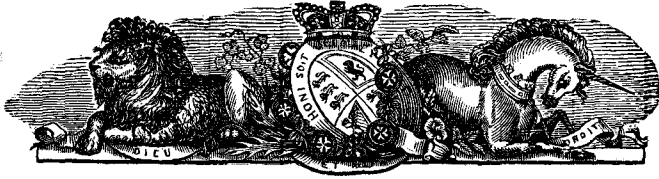
WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council this Twenty-eighth day of October, in the year of our Lord one thousand eight hundred and Fifty-eight, and assented to by his Honor the Superintendent, in the name of his Excellency the Governor, on the Eighth day of November, in the year of our Lord one thousand eight hundred and fifty-eight.

CHARLES BOWEN,  
Speaker.

LEONARD HARPER,  
Clerk to the Council.

*This Ordinance was disallowed by his Excellency the Governor. See Proclamation in "General Government Gazette," 27th January, 1859, Page 33. See the "Immigrants' Barracks Ordinance, 1862."*



PROVINCE OF CANTERBURY.

ANNO VICESIMO SECUNDO

VICTORIÆ REGINÆ.

SESSION X., No. 3.

Planting of Forest Trees Ordinance.

Published by Authority.

ANALYSIS.

- Preamble.*
1. *Tenant for years of ten acres and upwards entitled to remove or receive value of trees planted by him and registered.*
  2. *Trees exceeding fifty in number to be registered by filing a Schedule thereof.*
  3. *Schedules to be filed and registered.*
  4. *Fee for registration.*
  5. *Copy of Schedule to be obtained upon payment of fees.*
  6. *Register of Schedules may be searched.*
  7. *Copy of such Schedule to be delivered to the Landlord.*
  8. *Period allowed for agreeing to value of trees by arbitration or otherwise.*
  9. *If Arbitrator be not appointed within the time allowed, Justices of the Peace to appoint Arbitrator.*
  10. *On the value agreed being paid, the trees to become property of Landlord.*
  11. *If Landlord refuses to give notice of his intention to purchase, Tenant to be entitled to cut down, remove, &c.*
  12. *Ordinance need not extend to existing Leases.*
  13. *Interpretation Clause.*
  14. *Title.*

**W**HEREAS it is desirable to encourage and promote the planting Preamble.  
of Forest Trees on Rural Sections in the Province of Canterbury: Be it therefore enacted by the Superintendent of the Province of Canterbury, with the advice and consent of the Provincial Council thereof as follows:

1. From and after the passing of this Ordinance, every Tenant for years in occupation of any section of rural land, if not less than ten acres statute measure, shall be entitled to transplant, cut down, remove, or receive the value of such trees planted thereon by him and registered as hereinafter provided. Tenant for years of ten acres and upwards entitled to remove or receive value of trees planted by him and registered.

Trees exceeding fifty in number to be registered by filing a Schedule thereof.

2. Every such Tenant having planted on land in his occupation forest trees exceeding fifty in number may register the same at the Office of the Registrar of Deeds of the said Province by filing a Schedule thereof in the form hereto annexed.

Schedules to be filed and registered.

3. The said Registrar shall cause every such Schedule filed in his Office under the provisions of this Ordinance to be numbered, and shall register the same in a book or books to be kept by him for the purpose.

Fee for registration.

4. There shall be paid to the Registrar, upon the filing of every such Schedule, the fee of Five Shillings and no more.

Copy of such Schedule to be obtained upon payment of fees.

5. Any person shall be entitled to have an Office Copy or an Extract of every such Schedule filed as aforesaid upon paying Five Shillings for the same.

Register of Schedules may be searched.

6. Any person shall be entitled to examine and search the Register of Schedules upon paying to the Registrar the Fee of One Shilling.

Copy of such Schedule to be delivered to the Landlord.

7. Every Tenant who shall register any such Schedule as aforesaid shall, within fourteen days thereof, deliver or cause to be delivered to or left at the last place of abode of his Landlord or the Agent of such Landlord a true Copy of such Schedule duly signed by him.

Period allowed for agreeing to value of trees by arbitration or otherwise.

8. Every Tenant registering as aforesaid may, on giving twelve months' notice, in writing, to that effect to the Landlord or his Agent previous to the termination of his Lease, call upon such Landlord to elect whether he will purchase the forest trees so registered and growing; and if the Landlord, within thirty days of the service of such notice, intimate, in writing, to the Tenant, his intention of purchasing the same, but do not within fourteen days therefrom agree as to the value thereof, then such value shall be ascertained by arbitration in the usual manner.

If Arbitrator be not appointed within the time allowed, Justices of the Peace to appoint Arbitrator.

9. In the event of both or either Landlord or Tenant refusing or neglecting to nominate an Arbitrator within fourteen days after having been called on so to do by the other, then any two Justices of the Peace may, on application of either party, nominate and appoint the Arbitrator or Arbitrators required.



10. On the value of the said forest trees being agreed on, in writing, by the Landlord and Tenant, or ascertained by arbitration as aforesaid, and on the value thereof so agreed on or ascertained being paid within six months prior to the termination of the Lease, or security being given for such payment within such period, the said trees shall become the property of the Landlord.

On the value agreed on being paid, the trees to become property of Landlord.

11. On the Landlord refusing or neglecting to give notice to his Tenant within the time required of his intention to purchase the forest trees registered and growing as aforesaid, or neglecting to pay or failing to give security as aforesaid, the Tenant shall become entitled to transplant, cut down, and remove the same at any time thereafter; and, previous to the expiration of his lease, the Tenant shall be bound to clear the ground planted on of all stumps, and to leave the same in a proper and tenantable condition.

If Landlord refuses to give notice of his intention to purchase, Tenant to be entitled to cut down, remove, &c.

12. This Ordinance shall not extend to any existing Lease, except by the consent, in writing, of the parties to such Lease: Provided that the operation of this Ordinance may be barred by special proviso in any future Lease: Provided always, that any Tenant of land as hereinbefore described, previous to the passing of this Ordinance, may give notice, in writing, to the Landlord or his Agent of his intention to plant trees under the provisions of this Ordinance, and if such Landlord shall not give notice, in writing, within six calendar months thereafter of his objecting thereto, he shall be deemed to have consented and be subject to the provisions of this Ordinance to all intents and purposes: Provided nevertheless, that the service of such notice shall be proved before a Justice of the Peace, on oath, and registered in the Registrar's office.

Ordinance need not extend to existing Leases.

13. For the purpose of this Ordinance, the words "forest trees" shall be deemed to include all trees recognized in commerce as timber, and the term "Landlord or his Agent" shall mean the Holder of lands in fee and include the authorised Agent of such Landlord, except where the context be repugnant to such construction.

Interpretation Clause.

14. This Ordinance may be cited as the "Planting of Forest Trees Ordinance, Session X., No. 3, 1858."

Title.

WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council this  
 Twenty-eighth day of October,  
 in the year of our Lord one  
 thousand eight hundred and  
 fifty-eight, and assented to by  
 his Honor the Superintendent,  
 in the name of his Excellency  
 the Governor, on the Eighth  
 day of November, in the year  
 of our Lord one thousand  
 eight hundred and fifty-eight.

CHARLES BOWEN,  
 Speaker.

LEONARD HARPER,  
 Clerk to the Council.

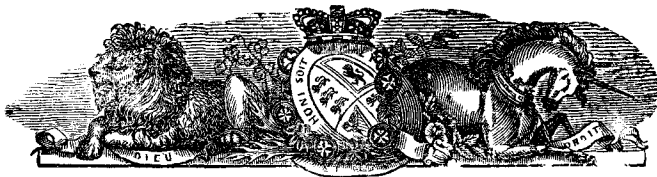
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SCHEDULE.

No. of Rural Section.	Proprietor's Name.	Tenant's Name.	Date of Lease and Term.	Acreage Leased.	Date of Planting Trees.	Number and Description of Trees Planted.	Date of Filing.



PROVINCE OF CANTERBURY.

ANNO VICESIMO SECUNDO

VICTORIÆ REGINÆ.

SESSION X., No. 4.

Trespass of Cattle Amendment Ordinance.

Published by Authority.

ANALYSIS.

- |  |   |
|--|---|
| <i>Preamble.</i>   | 4. Penalties for rescue or commission of Pound breach.    |
| 1. Parts of former Ordinance repealed.   | 5. Schedule B to stand as Schedule A to former Ordinance. |
| 2. Cattle trespassing on unenclosed lands without towns.   | 6. Interpretation Clause.                                 |
| 3. Cattle trespassing may be detained or driven to residence of Owner or Public Pound. Damages recoverable from Owner. | 7. Title.   |

THIS Ordinance shall be entitled and may be cited as "The Title. Trespass of Cattle Amendment Ordinance, Session X., No. 4."

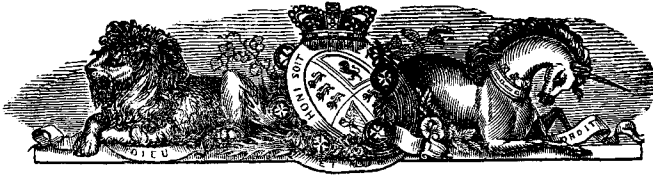
WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council this Second day of November, in the year of our Lord one thousand eight hundred and fifty-eight, and assented to by his Honor the Superintendent, in the name of his Excellency the Governor, on the Eighth day of November, in the year of our Lord one thousand eight hundred and fifty-eight.

CHARLES BOWEN,  
Speaker.

LEONARD HARPER,  
Clerk to the Council

*This Ordinance was repealed by the "Trespass of Cattle Ordinance, Session XIV, No. 1, 1860."*



PROVINCE OF CANTERBURY.

ANNO VICESIMO SECUNDO  
VICTORIÆ REGINÆ.

SESSION X., No. 5.

Cathedral Square Ordinance.

Published by Authority.

ANALYSIS.

*Preamble.*

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|--|---|
| <p>1. <i>The College to convey section in Cathedral Square to the Superintendent.</i></p> <p>2. <i>On execution of Conveyance, the College to be entitled to the sum of £1200.</i></p> | <p>3. <i>Reserve for highways.</i></p> <p>4. <i>Reserve for Cathedral Square.</i></p> <p>5. <i>Title.</i></p> |
|--|---|

WHEREAS, by a certain Ordinance of the Superintendent and Preamble. Provincial Council of the Province of Canterbury, entitled "Christ's College Ordinance," certain persons therein named, and all such other persons as should thereafter become Warden, or be elected or appointed Sub-Warden, or Fellows, and their Successors, were constituted a Body Politic and Corporate by the name of "Christ's College, Canterbury," and were made able and capable in Law to purchase, receive, possess, and enjoy, to them or their Successors, any messuages, lands, buildings, tenements, and hereditaments, situate in the Colony of New Zealand or elsewhere: And Whereas, under and by virtue of a certain Deed bearing date the Twenty-first day of May, one thousand eight hundred and fifty-five, being the Deed of Foundation of the said College, and of a certain Deed of Conveyance dated the Twenty-first day of March, one thousand eight hundred and fifty-seven, made and executed in pursuance of the said Deed of Foundation, the said Corporation is seized in fee simple and is otherwise well and sufficiently entitled to a certain section of town land situate in the city of Christchurch, within the said Province, containing three acres one rood and three perches statute measure, or thereabouts, forming the centre of Cathedral Square within the said city: And Whereas the Governing Body of the said College hath agreed to alienate the said section of land for the uses of the said Province, in consideration of receiving for the same the

sum of £1,200 for the purpose of enabling the said Governing Body to extend and otherwise improve the said College buildings: And Whereas it is expedient that such alienation should be effected accordingly: Be it therefore enacted by the Superintendent of the said Province, with the advice and consent of the Provincial Council thereof as follows:

The College to convey section in Cathedral Square to the Superintendent.

1. It shall be lawful for the said College to convey to the Superintendent of the said Province, for the time being, the said section of land within Cathedral Square, with the appurtenances, and the said Superintendent is hereby enabled to accept and take such Conveyance, and to receive and hold the said section of land to him and his Successors as a Body Corporate, for the purposes hereinafter provided, as effectually as if the same were vested in him under the provisions of an Act of the General Assembly of New Zealand, entitled "The Public Reserves Act, 1854."

On execution of Conveyance the College to be paid £1200.

2. At any time from and after the conveyance of the said section of land to the Superintendent as aforesaid, the said College shall be entitled to a grant of One Thousand Two Hundred Pounds, which sum may be appropriated by the Governing Body of the said College for the purpose of extending and otherwise improving the College buildings; and the Provincial Treasurer is hereby empowered to pay to the Governing Body of the said College the aforesaid sum upon the execution of the said Conveyance.

Reserve for highway.

3. There shall be a highway one chain and a-half in width, with a public carriage way in the centre thereof of not less than fifty feet in width, across the said section in continuation of Colombo-street.

Reserve for Cathedral, &c.

4. The remainder of the said section shall be reserved: that portion thereof to the west of the continuation of Colombo street as a site for the erection of a Cathedral in connection with the Church of England, which site shall be conveyed to the Bishop of Christchurch and his Successors, to be held, in trust, for the uses as aforesaid of the Church of England in the said Province: And the said Superintendent, upon the commencement of the said Cathedral, is hereby empowered and required to convey the aforesaid site accordingly: that portion thereof to the east of the continuation of the said street as an open Square, or for plantations.

*Repealed by "Cathedral Square Ordinance Amendment Ordinance, Session XI., No. 4."*

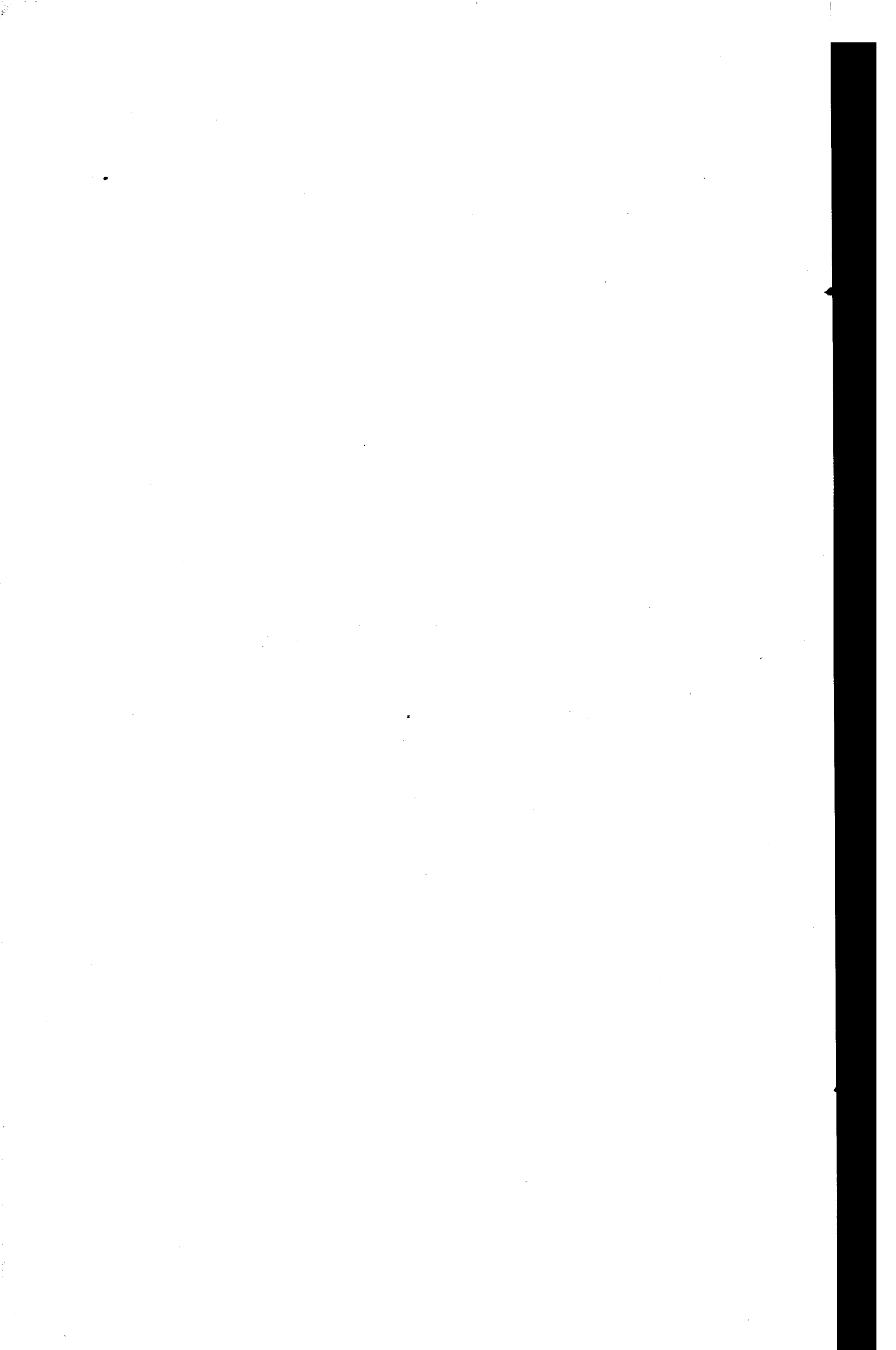
5. This Ordinance shall be entitled and may be cited as the <sup>Title.</sup>  
 "Cathedral Square Ordinance, Session X, No. 5."

WILLIAM SEFTON MOORHOUSE,  
 Superintendent.

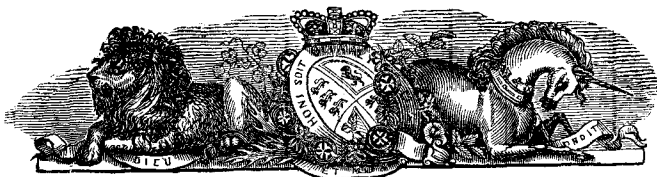
Passed the Provincial Council this  
 Twenty-fifth day of December,  
 in the year of our Lord one  
 thousand eight hundred and  
 fifty-eight, and assented to  
 by his Honor the Superinten-  
 dent, in the name of his Ex-  
 cellency the Governor, on the  
 First day of November, in the  
 year of our Lord one thousand  
 eight hundred and fifty-eight.

CHARLES BOWEN,  
 Speaker.

LEONARD HARPER,  
 Clerk to the Council.







PROVINCE OF CANTERBURY.

ANNO VICESIMO SECUNDO

VICTORIÆ REGINÆ.

SESSION X., No. 6.

Public Hospital Ordinance.

Published by Authority.

ANALYSIS.

*Preamble.*

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|---|--|
| 1. <i>Superintendent to sell certain reserves.</i>          | 3. <i>Appropriation of the proceeds of sale.</i> |
| 2. <i>Terms and conditions of sale, by whom to be made.</i> | 4. <i>Title.</i>                                 |

**T**HIS Ordinance shall be entitled and may be cited as the "Public Hospital Ordinance, Session X., No. 6."

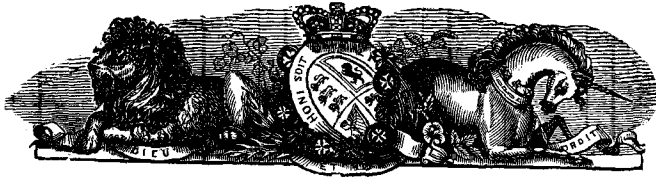
WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council this Thirtieth day of November, in the year of our Lord one thousand eight hundred and fifty-eight, and assented to by his Honor the Superintendent, in the name of his Excellency the Governor, on the First day of December, in the year of our Lord one thousand eight hundred and fifty-eight.

CHARLES BOWEN,  
Speaker.

LEONARD HARPER,  
Clerk to the Council.

*This Ordinance was disallowed by his Excellency the Governor. See "General Government Gazette," 27th January, 1859, page 33; see also, "Public Hospital Ordinance, Session XI., No. 5."*



PROVINCE OF CANTERBURY.

ANNO VICESIMO SECUNDO

VICTORIÆ REGINÆ.

SESSION X., No. 7.

The Appropriation Ordinance.

Published by Authority.

ANALYSIS.

- |   |  |
|---|--|
| 1. <i>Appropriation of Provincial Revenue for the year ending 30th September, 1859.</i>     | 3. <i>Provincial Treasurer shall be allowed credit for certain sums expended up to 30th September, 1858.</i> |
| 2. <i>Provincial Treasurer shall issue and be allowed credit for the sums appropriated.</i> | 4. <i>Title.</i>   |

THIS Ordinance shall be entitled and may be cited as the "Appropriation Ordinance, 1858-9, Session X., No. 7." Title.

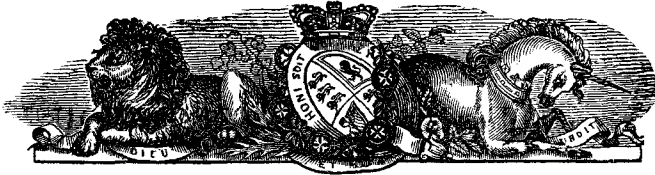
WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council this First day of December, in the year of our Lord one thousand eight hundred and fifty-eight, and assented to by his Honor the Superintendent, in the name of his Excellency the Governor, on the Third day of December, in the year of our Lord one thousand eight hundred and fifty-eight.

CHARLES BOWEN,  
Speaker.

LEONARD HARPER,  
Clerk to the Council.

*Sum voted for year ending 30th September, 1859, £109,717 17s. 6d.  
Expenditure not voted, £7100 14s.*



PROVINCE OF CANTERBURY.

ANNO VICESIMO SECUNDO

VICTORIÆ REGINÆ.

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SESSION X., No. 8.

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Christ's College Amendment Ordinance.

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Published by Authority.

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ANALYSIS.

*Preamble.*  
1. *Seal may be varied.*

| 2. *Title.*

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**W**HEREAS by an Ordinance of the Superintendent and Provincial Preamble. Council of the Province of Canterbury, entitled "Christ's College Ordinance, Session IV., No. 4," it was enacted by the Superintendent of the said Province, with the advice and consent of the Provincial Council thereof, that the Bishop of the Diocese for the time being, the Warden, the Reverend Henry Jacobs, M.A., the Sub-Warden, together with certain other persons therein respectively named and described, the Fellows, and all such other persons as should thereafter become Warden, or be elected or appointed Sub-Warden, or Fellows, and their Successors should be, and they were thereby constituted a Body Politic and Corporate by the name of "Christ's College, Canterbury," and by such name should have perpetual succession and a common seal: And Whereas it is expedient to amend the said Ordinance in manner hereinafter mentioned: Be it therefore enacted by the Superintendent of the said Province, with the advice and consent of the Provincial Council thereof as follows:—

1. It shall be lawful for the said Body Politic and Corporate, and Seal may be varied. it is hereby empowered, from time to time, to alter, vary, break, and renew the said seal at their discretion.

Title.

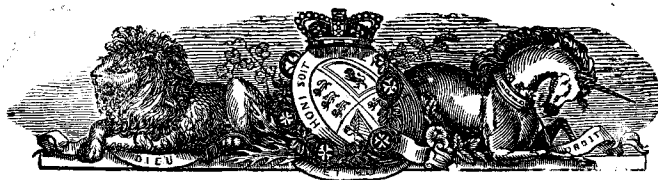
2. And be it enacted that this Ordinance shall be entitled and may be cited as "Christ's College Amendment Ordinance, Session X., No. 8."

WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council this  
First day of December, in the  
year of our Lord one thousand  
eight hundred and fifty-eight,  
and assented to by his Honor  
the Superintendent, in the  
name of his Excellency the  
Governor, on the Third day of  
December, in the year of our  
Lord one thousand eight  
hundred and fifty-eight.

CHARLES BOWEN,  
Speaker.

LEONARD HARPER,  
Clerk to the Council.



PROVINCE OF CANTERBURY.

ANNO VICESIMO SECUNDO

VICTORIÆ REGINÆ.

SESSION X., No. 9.

The Sheep Ordinance.

Published by Authority.

ANALYSIS.

1. *Repealing Clause.*
2. *All sheep to be branded.*
3. *Registrar of brands to be appointed.*
4. *Sheep brands to be registered.*
5. *Using brand of another person.*
6. *Branding sheep without leave of Owner.*
7. *Brand primâ facie evidence of ownership.*
8. *Inspectors of sheep.*
9. *False Report or Certificate.*
10. *Inspector may require declaration from Owner as to muster of sheep, &c.*
11. *Possession of scabby sheep.*
12. *Owners of sheep to give notice of appearance of disease.*
13. *Scabby sheep to be branded S.*
14. *Infected sheep to be kept certain distance from boundary of Run.*
15. *Justices may order infected sheep to be herded and yarded.*
16. *Landing sheep without Certificate.*
17. *Declaration of Owner before landing sheep.*
18. *Penalty on Master of vessel allowing sheep to be landed without Certificate.*
19. *Introducing sheep by land without Certificate.*
20. *Declaration of Owner before introducing sheep by land.*
21. *Sheep introduced by land to be dipped.*
22. *Driving, &c., infected sheep.*
23. *Separate Informations for every Run crossed.*
24. *Scabby Sheep trespassing and not removed may be destroyed.*
25. *Notices when sheep driven through Run.*
26. *Occupier may, without Warrant, examine sheep on his land or Run.*
27. *Justice may order inspection of sheep.*
28. *Penalties for resisting, &c., inspection.*
29. *Sheep dying of catarrh not to be thrown into streams, &c.*
30. *Sheep dying of catarrh to be burnt or buried.*
31. *Slaughtering infected sheep.*
32. *Recovering of strayed sheep.*
33. *Unauthorised removal of sheep.*
34. *Wilfully communicating scab.*
35. *Maximum penalty.*
36. *Saving other remedies at Law to persons suffering Damage.*
37. *Expenses of prosecution to be paid out of penalties.*
38. *Penalties recoverable summarily.*
39. *Interpretation.*
40. *Title.*

WHEREAS an Ordinance was passed by the Superintendent and <sup>Preamble.</sup> Provincial Council of the Province of Canterbury, entitled "The Scab and Catarrh Ordinance, Session III., No. 2," and also an

Ordinance entitled "The Scab and Catarrh Amendment Ordinance, Session VIII., No. 5:" And Whereas it is expedient that the said recited Ordinances should be repealed, and that other provision should be made in lieu thereof: Be it therefore enacted by the Superintendent of the said Province, by and with the advice and consent of the Provincial Council thereof as follows:—

Repealing Clause.

1. From and after the passing of this Ordinance, the above-recited Ordinances shall be, and the same are hereby repealed, except in so far as the same extend to repealing any previous Ordinance. All legal proceedings in execution of the said Ordinances taken before the coming into operation of this Ordinance, shall be as valid to all intents and purposes, and may be continued, executed, and enforced, after this Ordinance shall come into operation, in the same manner as if this Ordinance had not been passed.

All sheep to be branded.

2. All sheep and lambs above the age of three months, within the Province of Canterbury, shall be branded on the wool thereof with the brand of the Owner; which brands shall from time to time be renewed, as occasion may require, so that the same shall always be distinct and legible; and every Owner of any such sheep or lambs not so branded, shall be liable to a penalty not exceeding Twenty Pounds; and if the said sheep, not being so branded, shall exceed four hundred in number, such Owner shall be liable to a further penalty of not less than Threepence, nor more than Sixpence for every such sheep or lamb not being so branded as aforesaid.

*Repealed by the "Sheep Ordinance Amendment Ordinance, Session XI., No. 11."*

Registrar of brands to be appointed.

3. It shall be lawful for the Superintendent to appoint some fit person to be the Registrar of Brands, and, with the advice and consent of the Executive Council, to make Rules and Regulations for the management of the office of such Registrar, and to fix a Scale of Fees, which shall be payable to such Registrar; and all such Rules, Regulations, and Tables of Fees, shall be published in the *Government Gazette*, and shall thereupon be binding upon all persons whom they may concern, and shall have the force of Law.

Sheep brands to be registered.

4. Every Owner of sheep shall cause his sheep brand to be registered in the office of the Registrar of Brands; and any Owner neglecting so to register such brand as aforesaid, shall be liable to a penalty not exceeding Five Pounds: Provided always, that any brand already registered under the provisions of "The Scab and Catarrh Ordinance, Session III., No. 2," shall be deemed to have been registered under this Ordinance.



5. After any person shall have so registered a brand, it shall not be Using brand of another person.

*Repealed by the  
" Sheep Ordinance  
Amendment Ordinance,  
Session XI.,  
No. 11."*

lawful for any other person, without the authority, in writing, of the person first registering the same, to brand any sheep with the same brand, or one so nearly similar as in the opinion of the Registrar of Brands to be not readily distinguishable therefrom, or without such authority as aforesaid to make, or cause to be made any branding-iron bearing the same or nearly similar brand as aforesaid: And any person offending against the provisions of this Section, shall be liable to a penalty not exceeding Ten Pounds: and every day during which, after any person shall have been convicted under the provisions of this Section, his sheep shall continue to be branded with the registered brand of another person, shall be deemed a separate offence against the provisions of this Section.

6. If any person shall brand any sheep without the authority of the Owner thereof, or shall deface or efface any brand upon any sheep, Branding sheep without leave of Owner. without such authority in writing, he shall be liable to a penalty of not less than Five nor exceeding One Hundred Pounds.

7. The mark or impression of any registered brand upon any sheep shall be *prima facie* evidence of the ownership of such sheep by the person in whose name such brand shall have been registered in the office of Registrar of Brands. Brand prima facie evidence of ownership.

8. It shall be lawful for the Superintendent, from time to time, to Inspectors of sheep. appoint fit persons to be Inspectors of Sheep, and from time to time to remove the same, and to appoint others in their stead; and such Inspectors, so appointed, shall have at all times the powers hereinafter given to certain persons acting under the Warrant of any one or more Justices of the Peace; and it shall be lawful for the Superintendent, with the advice of his Executive Council, to make such Regulations as he may think fit for the guidance of all such Inspectors in the execution of their duty, and for the carrying this Ordinance into effect: Provided always, that no such Regulations shall have any force until after they shall have been published in the *Government Gazette*.

9. If any Inspector of Sheep, or Provisional Inspector to be False Report or Certificate. appointed as hereinafter provided, shall wilfully make any false Report, or deliver any false Certificate as to the condition of any sheep examined by him, he shall be liable, on conviction thereof before any two Justices of the Peace, to a penalty not less than Twenty Pounds, nor exceeding One Hundred Pounds, or, at the discretion of such Justices, to be imprisoned for any term not exceeding six calendar months. If any Inspector of Sheep or Provisional Inspector shall, under colour of his

office or employment, exact or accept any fee or reward whatsoever, other than his authorised salary or allowance, his office shall, on his conviction of such offence before any two Justices of the Peace, become *ipso facto* vacant, and he shall be liable to a penalty of Fifty Pounds.

Inspector may require  
Declaration from  
Owner as to muster of  
sheep, &c.

10. It shall be lawful for any Inspector of Sheep, or any Provisional Inspector, when it shall appear to him to be necessary, for the purpose of enabling him to decide satisfactorily upon the condition of any sheep, to call upon the Owner of such sheep to make a Declaration in the form or to the effect specified in Schedule A to this Ordinance; and if any such Owner shall refuse or neglect to make such Declaration when so called upon, he shall be liable to a penalty not exceeding Fifty Pounds; and if any person shall make any such Declaration, knowing the same to be false, he shall, on conviction thereof before any two Justices of the Peace, be liable to a penalty of One Hundred Pounds, and to be imprisoned for a period not exceeding six calendar months.

Possession of scabby  
sheep.

11. Every Owner of any sheep infected with scab shall be liable to a fine of not less than One Shilling, nor more than Five Shillings, for every such infected sheep: Provided that no person who shall have been convicted under this Section shall be liable to any further penalty under the same, on account of such disease in the same sheep in respect of which such conviction shall have been made, until the expiration of six months after the date of such conviction as aforesaid: Provided also, that if it shall appear to the satisfaction of the Justices, before whom any Information under this clause shall be heard, that the sheep had been clean at any time within six months previously to the day on which they shall be stated in such Information to have been infected with scab, such Justices shall certify, upon any conviction to be made on such Information, the latest day upon which it shall so appear to their satisfaction that such sheep had been clean, and it shall be lawful for such Justices thereupon to suspend the payment of any penalty by such conviction ordered to be paid; and if at any time within six months subsequently to the date to be certified as above provided, such sheep shall appear upon the Report of any Inspector of Sheep, deposited with the Clerk of the Court in which such conviction shall have been made, to be again free from scab, such penalty shall be altogether remitted; but if it shall not appear, then payment of such penalty shall be enforced in the usual way: Provided also, that if at the expiration of such period of six months it shall appear to the satisfaction of any two Justices of the Peace, and upon the Certificate of an Inspector of Sheep, that peculiar and exceptional circumstances, beyond the control of the Owner of such sheep, and such as could not have

*Repealed by the  
"Sheep Ordinance  
Amendment Ordinance,  
Session XI,  
No. 11."*

been met by foresight and exertion on his part, have rendered it impossible effectually to clean such sheep, it shall be lawful for such Justices to extend such period for a further period of three calendar months, but no longer.

12. Whenever the Owner of any sheep shall become aware, or shall have reasonable grounds to suspect that the same are infected with either scab or catarrh, he shall, within forty-eight hours thereafter, give notice thereof, in writing, to the adjoining Sheep-owners, in the manner prescribed for the delivery of notices by Section 26 of this Ordinance, and shall also, within ten days thereof, give a like notice to the Inspector of Sheep acting for the district in which such sheep are, either by delivering the same to him personally, or by leaving the same at his office or his usual place of abode; and every person offending against the provisions of this Section shall, for every case in which he shall fail to give such notice, be subject to a penalty not exceeding Fifty Pounds. All sheep shall, for the purposes of this Section, be deemed to be infected with scab or catarrh, which shall be known by the Owner thereof to have mixed with other sheep so infected within three months previously.

Owners of sheep to give notice of disease.

13. Every Owner of any sheep infected with the scab shall cause the same to be distinctly wool-branded on the back thereof with the letter S, such letter not being less than four inches in length; and every such Owner shall be liable to a fine of not less than Sixpence nor more than Five Shillings for every sheep not being so branded as aforesaid.

Scabby sheep to be branded S.

14. If any sheep infected with scab or catarrh shall be found, not being at the time herded by a Shepherd, within half-a-mile of the boundary of the Run to which they belong, or upon which they shall be lawfully depastured, such boundary not being a natural barrier, or guarded by sheep-proof fence, or within half-a-mile of any public highway, the Owner of such sheep shall be subject to a penalty of not less than Sixpence, nor more than Five Shillings for every sheep so found within half-a-mile of such boundary or highway as aforesaid.

Infected sheep to be kept certain distance from boundary of Run.

15. If it shall appear to any two Justices of the Peace, upon the oath of any one or more credible Witnesses, that any sheep are infected with scab or catarrh, and that such sheep may, if suffered to run at large, cause damage to the Owners of neighbouring flocks, it shall be lawful for such Justices, by Warrant, under their hands, in the form or to the effect set forth in Schedule B to this Ordinance, to order the Owner of such sheep to cause them to be constantly herded by day, and to be kept by night within a sheep-proof enclosure, until it shall appear, upon the Certificate of any Inspector of Sheep, that such sheep

Justices may order infected sheep to be herded and yarded.

are entirely free from the said diseases ; and for each day upon which such Owner shall neglect to have such sheep herded as aforesaid, and likewise for each night upon which he shall neglect to have such sheep enclosed as aforesaid, he shall be subject to a penalty not exceeding Twenty-five Pounds.

Landing sheep without Certificate.

16. If any person shall himself, or by means of any Agent or Servant, land, or cause to be landed from any ship, boat, or other vessel, any sheep, unless they shall, within seven days previous to such landing have been inspected by an Inspector of Sheep or a Provisional Inspector, and unless such person shall have received from such Inspector of Sheep or Provisional Inspector a Certificate, in the form or to the effect specified in Schedule C to this Ordinance, that such sheep are entirely free from either scab or catarrh, he shall be liable to a penalty of not less than Five Shillings nor more than Five Pounds for every sheep so landed: Provided that if such sheep, so landed, shall not amount to twenty in number, he shall nevertheless be liable to a penalty of One Hundred Pounds; and for every day during which such sheep, so landed, without such Certificate, shall be driven, depastured, or suffered to stray within the Province of Canterbury, the Owner thereof shall be liable to a penalty not exceeding One Hundred Pounds; and the before-mentioned Certificate shall, at any time within six months after the date thereof, be produced by the Owner of such sheep to any person demanding the same, under a penalty of Five Pounds.

Declaration of Owner before landing sheep.

17. It shall not be lawful for any Inspector of Sheep or Provisional Inspector to grant the Certificate mentioned in the preceding Section until the Owner of the sheep for which such Certificate is required shall have made before such Inspector or Provisional Inspector a Declaration in the form or to the effect specified in Schedule D to this Ordinance; and if any person shall make any such Declaration, knowing the same to be false, he shall be liable, on conviction thereof before any two Justices of the Peace, to a penalty of One Hundred Pounds, and to be imprisoned for a period not exceeding six calendar months.

Penalty on Master of vessel allowing sheep to be landed without Certificate.

18. Any Master, Owner, or Supercargo of any ship, boat or other vessel, who shall permit any sheep to be landed therefrom before they shall have been inspected by an Inspector of Sheep, or a Provisional Inspector, and before the Certificate mentioned in Section 17 of this Ordinance shall have been given, shall be liable to a penalty of not less than Twenty Pounds, nor more than One Hundred Pounds.

Introducing sheep by land without Certificate.

19. If any person shall himself, or by means of any Agent or Servant, introduce, or cause to be introduced into the Province of

Canterbury, by land, any sheep, unless they shall, within fourteen days previous to such introduction, have been inspected by an Inspector of Sheep, and unless such person shall have received from such Inspector a Certificate, in the form or to the effect specified in Schedule C to this Ordinance, that such sheep are entirely free from scab or catarrh, he shall be liable for every sheep so introduced to a penalty of not less than One Shilling, nor more than One Pound: Provided that if the number of sheep so introduced be less than one hundred, he shall nevertheless be liable to a penalty of One Hundred Pounds; and for every day during which such sheep, so introduced, without such Certificate shall be driven, depastured, or suffered to stray within the Province of Canterbury, the Owner thereof shall be liable to a penalty not exceeding One Hundred Pounds; and the before-mentioned Certificate shall, at any time within six months after the date thereof, be produced by the Owner of such sheep to any person demanding the same, under a penalty of Five Pounds.

20. It shall not be lawful for any Inspector of Sheep to grant the Certificate mentioned in the preceding Clause until the Owner of the sheep for which such Certificate is required shall have made before such Inspector a Declaration, in the form or to the effect specified in Schedule D to this Ordinance; and if any person shall make any such Declaration, knowing the same to be false, he shall, on conviction thereof before any two Justices of the Peace, be liable to a penalty of One Hundred Pounds, and to be imprisoned for a period not exceeding six calendar months.

21. When any sheep shall have been introduced by land into the Province of Canterbury, it shall not be lawful for such sheep to be driven, depastured, or suffered to stray to, or at a greater distance within the said Province than three miles from that part of the boundary at which such sheep shall have been introduced, until such sheep shall have been effectually dressed, to the satisfaction of the Inspector of Sheep, with some reputed effective scab-destroying preparation, and until the Owner of such sheep shall have received from such Inspector a Certificate to that effect; and for every day during which any sheep shall be driven, depastured, or suffered to stray, in contravention of the provisions of this Section, the Owner of such sheep shall be liable to a penalty not exceeding One Hundred Pounds; and the before-mentioned Certificate shall, at any time within six months after the date thereof, be produced by the Owner of such sheep, to any person demanding the same, under a penalty of Five Pounds.

22. If any person shall, by himself, his Agent, or Servant, drive, depasture, or suffer to stray any sheep infected with scab or catarrh,

Declaration of Owner  
before introducing  
sheep by land.

Sheep introduced by  
land to be dipped.

Driving, &c., infected  
sheep.

or which shall within three months previously have been mixed with any sheep so infected, or have undergone any dressing for the cure of the scab, across or upon any land not being the property of, nor being rented by such person, and not being land of which he shall have the right of pasturage, or upon or along any public highway, he shall, for every day during which such sheep shall be so driven, depastured, or suffered to stray, be subject to a penalty of not less than Twenty-five Pounds, nor more than One Hundred Pounds: Provided always, that nothing herein contained shall prevent the Occupier of any land or Run upon which shall be found trespassing any sheep infected as aforesaid, and owned by the Occupier of adjoining land or an adjoining Run, from driving such sheep to the residence of such Owner on such adjoining land or Run.

Separate Informations  
for every Run crossed.

23. Nothing herein contained shall prevent separate informations being laid by every Occupier of land upon which such infected sheep as aforesaid shall have been driven, depastured, or suffered to stray; or by every Occupier of land through or adjacent to which any public highway shall lie, upon or along which public highway any such infected sheep shall have been driven, depastured, or suffered to stray. Every Inspector of Sheep shall have the same power of laying separate Informations which is hereby given to every Occupier.

Scabby sheep trespassing  
and not removed  
may be destroyed.

24. If any sheep infected with scab or catarrh shall be found on any land or Run not in the lawful occupation of the Owner of such sheep, and such Owner shall not remove the same within forty-eight hours after he shall have been served in the manner prescribed for the service of notices by Section 26 of this Ordinance, with written notice that they are so trespassing; or if such Owner cannot, after reasonable inquiry, be discovered, it shall be lawful for the Occupier of such land or Run forthwith to destroy such sheep: Provided always, that the nature of such reasonable inquiry, together with the number and brands of the sheep so found and destroyed, shall by the Occupier aforesaid, be certified, in writing, to the Inspector of the district within eight days of the destruction of such sheep: And every person offending against the provisions of this Section shall be liable to a penalty of not less than Five Pounds nor more than Twenty-five Pounds.

*Repealed by the  
Sheep Ordinance  
Amendment Or-  
dinance. Session  
XII., No. 11.*

Notices when sheep  
driven through run.

25. Any person about to drive any sheep across any lawfully occupied land or Run in the Province of Canterbury, shall give to the Occupier thereof at least twenty-four hours' previous notice, in writing, of the day upon which he intends to drive such sheep across such land or Run, by leaving such notice with some adult inmate of the principal

house or station thereon ; or if no such inmate can be found, by leaving the same affixed to some conspicuous part of such house or station, and such notice shall be renewed unless the sheep shall be so driven within three days after the time specified therein ; and every person offending against the provisions of this Section shall be liable to a penalty of not less than Sixpence, nor more than one Shilling for every sheep so driven.

26. Every Occupier of land, or of a Run, may, without Warrant or other authority, inspect, or cause to be inspected any sheep which shall be found upon such land or Run, or upon any land or Run immediately adjoining thereto, or upon any part of a highway passing through or lying adjacent to the land or Run in his occupation. Occupier may, without Warrant, examine sheep on his run.

27. Any Justice of the Peace having reasonable grounds, from information, stated on oath before him, to suspect any sheep within the Province of Canterbury, or on board any ship, boat, or vessel in any harbour of the said Province, to be infected with scab or catarrh, or being satisfied by such information that it is expedient such sheep should be inspected, may, by a Warrant, in the form or to the effect specified in Schedule E to this Ordinance, order the inspection of such sheep, by any one or more competent person or persons named in such Warrant, who shall, for the purposes of such inspection, be called Provisional Inspectors ; and such Provisional Inspectors shall, immediately after such inspection, report the result thereof, in writing, to the Justice issuing the said Warrant, and shall declare to the truth of the said report upon oath, before him ; and it shall be lawful for such Justice thereupon to order each of such Provisional Inspectors to be remunerated at the rate of not more than Twenty Shillings, by the day, during the time in which he or they shall have been reasonably employed in such inspection ; and in case such sheep shall prove to be infected, such remuneration shall be paid by the Owner of the same ; but if they shall prove to be uninfected, the remuneration as aforesaid shall be paid by the Informant. Justice may order inspection of sheep.

28. Every Owner of any sheep who shall refuse to allow such inspection to be made by any Provisional Inspector under such Warrant as aforesaid, or by such Occupier as aforesaid, or by any Inspector of Sheep, or shall obstruct, or shall refuse or neglect to muster his sheep for the purpose of such inspection with all convenient speed, or to afford all reasonable facilities for making such inspection to such Provisional Inspectors, Occupiers, or Inspectors of Sheep, shall be subject to a fine not exceeding One Hundred Pounds. Penalties for resisting, &c., inspection.

29. If any person, by himself, his Servant, or Agent, shall cast or cause to be cast the carcase of any sheep infected with catarrh at the or Sheep dying of catarrh not to be thrown into streams, &c.

time of its death into any stream or pond, or other water, he shall be liable to a penalty of not less than Five Pounds, nor more than Twenty Pounds.

Sheep dying of catarrh to be burnt or buried. 30. The Owner of any sheep infected with the disease called catarrh at the time of its death, who shall fail to consume the carcase by fire, or to bury it at least three feet under the ground within twelve hours after death, shall be liable to a penalty of not less than Ten Shillings nor more than Five Pounds for each carcase not so buried or destroyed.

Slaughtering infected sheep. 31. If any person shall slaughter, or have in his possession for the purpose of slaughtering, any sheep infected with scab or catarrh, or shall expose for sale the carcase, or any part thereof, of any sheep so infected, he shall be liable, for each such offence, to a fine of not less than Twenty Shillings, nor more than Five Pounds; one-half of such fine to be paid to the Informer; and such infected carcase, or parts thereof, shall be thereupon destroyed in such manner as any Justice of the Peace may direct.

Recovery of strayed sheep. 32. Any Justice of the Peace may, upon the application of any Owner of sheep who has reason to believe that any of his sheep have strayed to and upon a Run occupied by any other person, by writing, under his hand, direct such Occupier to muster his sheep in a pen at some time within two months after the receipt of such direction, in writing, for the purpose of delivering over such stray sheep to the Owner thereof; at least seven days' previous notice shall be given by such Occupier to the Owner of such stray sheep of the time at which such muster shall be made; and every such Occupier who shall refuse or neglect to comply with any such direction, in writing, or to give such notice, shall be subject to a penalty of not less than Five, nor more than Twenty Pounds: Provided always, that such Occupier shall be entitled to recover from such Owner any reasonable expense of mustering or delivering such sheep: Provided also, that a Certificate, under the hand of an Inspector of Sheep, that the flock with which such stray sheep have mixed is not in a condition to be moved within such period of two months, shall be a valid excuse for postponing the delivery of any such stray sheep.

Unauthorised removal of sheep. 33. Every person who shall, except as hereinbefore provided, drive or remove any sheep from any land or Run not in his own occupation, without the consent of the Owner of such land or Run, shall be liable to a penalty not exceeding Twenty Pounds.

Wilfully communicating scab. 34. If any person shall wilfully communicate, or cause to be communicated to any sheep the diseases called scab or catarrh, he shall,



on conviction thereof before any two or more Justices of the Peace, be imprisoned for a term of six calendar months. If any person shall knowingly and wilfully set at large or abandon any sheep infected with scab or catarrh, he shall be liable, on conviction thereof before any two Justices of the Peace, to a penalty not exceeding Fifty Pounds, or to be imprisoned for a term not exceeding two calendar months.

35. No penalty to be imposed on any one conviction under the provisions of this Ordinance, shall exceed the sum of One Hundred Pounds. Maximum penalty.

36. Nothing in this Ordinance shall be construed to limit or deprive any person suffering loss or damage from the driving, depasturing, or suffering to stray, of any sheep infected with scab or catarrh of any remedy which he might have had at Law or otherwise for recovering the same, provided this Ordinance had not been passed. Saving other remedies at Law to persons suffering damage.

37. In all cases in which any fine or penalty shall be paid under any conviction under the provisions of this Ordinance, it shall be lawful for the Justices before whom any such conviction shall take place, to award to the Prosecutor such portion of such fine or penalty as shall appear to such Justices a reasonable compensation for expenses incurred by him in the course of such prosecution. Expenses of prosecution to be paid out of penalties.

38. All fines and penalties imposed under the authority of this Ordinance shall be recoverable in a summary way. Penalties recoverable summarily.

39. In the interpretation of this Ordinance, the words "Owner of any sheep" shall be taken to mean the person having the charge, control, or management of such sheep; and the word "sheep" shall, unless otherwise specially provided, be taken to mean all sheep of any age and of either sex. The term "Inspector of Sheep" shall mean an Inspector appointed by the Superintendent, under the provisions of Section 8 of this Ordinance. The term "Provisional Inspector" shall mean an Inspector appointed by a Justice of the Peace under Section 28 of this Ordinance. The term "highway" shall mean any land laid down as a public road on the Map of the Chief Surveyor of the Province of Canterbury. The term "herded" shall mean constantly followed and kept within sight. All sheep shall be deemed to have been "dressed for the cure of scab," to which there shall have been applied any reputed scab-destroying preparation, unless such sheep shall, within fourteen days previous to such application, have been certified by an Inspector of Sheep or a Provisional Inspector to be entirely free from scab; and every sheep belonging to any flock, or on board any ship, boat, or other vessel in which there shall be one sheep which shall, within any given period, have undergone any dressing for Interpretation.

the cure of the scab, shall be deemed to have been dressed within such period. Every sheep belonging to any flock, or on board any ship, boat, or other vessel in which there shall be one sheep infected with the scab, shall be deemed to be infected within the meaning of this Ordinance; and every sheep belonging to any flock, or on board any ship, boat, or other vessel in which there shall have been at any time within three months previously, one sheep infected with the catarrh, shall be deemed to be infected within the meaning of this Ordinance.

Title.

40. This Ordinance shall be entitled and may be cited as "The Sheep Ordinance, Session X., No. 9."

WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council this  
First day of December, in the  
year of our Lord one thousand  
eight hundred and fifty-eight,  
and assented to by his Honor  
the Superintendent, in the name  
of his Excellency the Governor,  
on the Third day of December,  
in the year of our Lord one  
thousand eight hundred and  
fifty-eight.

CHARLES BOWEN,  
Speaker.

LEONARD HARPER,  
Clerk to the Council.

## SCHEDULE A.

DECLARATION TO BE MADE BEFORE INSPECTOR AS TO SHEEP EXAMINED

BY HIM.

I, \_\_\_\_\_, of \_\_\_\_\_ do hereby solemnly declare that [I have made a complete muster of all the sheep in my charge, and that\*] my sheep branded \_\_\_\_\_ being \_\_\_\_\_ in number, now being at \_\_\_\_\_ have not within \_\_\_\_\_ months [been subjected to any dressing for the cure of the scab] had applied to any of them any reputed scab-destroying preparation,† nor within \_\_\_\_\_ months been mixed with any sheep infected with the scab or catarrh, and I make this solemn declaration, conscientiously believing the same to be true.

A\_\_\_\_\_ B\_\_\_\_\_.

Declared before me at \_\_\_\_\_ this \_\_\_\_\_ day of  
18 .

C\_\_\_\_\_ D\_\_\_\_\_

Inspector of Sheep.  
(Provisional Inspector.)

\* May be omitted when not required by the Inspector.

† These words have been inserted by the "Sheep Ordinance Amendment Ordinance, 1861."

## SCHEDULE B.

WARRANT FOR HERDING OR YARDING SHEEP.

Province of Canterbury, New Zealand, } To \_\_\_\_\_ and all others  
To wit. } whom it may concern.

WHEREAS it appears to us \_\_\_\_\_ and  
two of her Majesty's Justices of the Peace for the said Province, by  
information, upon oath, of \_\_\_\_\_ of  
in the said Province \_\_\_\_\_ that certain sheep are depastured  
upon land situated at \_\_\_\_\_ being in the occupation of  
of \_\_\_\_\_ in the said Province \_\_\_\_\_ and that such  
sheep are infected with the disease called \_\_\_\_\_ and that  
there is danger lest such sheep, being suffered to run at large, should  
cause damage to the Owners of sheep in the neighbourhood thereof.  
These are therefore, in the name of our Lady the Queen, and in  
pursuance of the provisions of an Ordinance passed by the Superin-  
tendent and Provincial Council of the said Province, in the Twenty-  
second year of the reign of her Majesty, entitled "The Sheep  
Ordinance, Session X., No. 9," to require you that you do cause the said  
sheep to be constantly herded by day, and to be kept by night within a  
sheep-proof enclosure; and we do hereby require all persons having or  
being concerned in the charge, control, or management of such sheep,  
to aid and assist you in causing the same to be constantly herded

and enclosed according to the provisions of the above recited Ordinance in that behalf made.

Given under our hands and seals at \_\_\_\_\_ in the  
said Province, this \_\_\_\_\_ day of \_\_\_\_\_ in the  
year of our Lord one thousand eight hundred and \_\_\_\_\_

A \_\_\_\_\_ B \_\_\_\_\_, J.P.

C \_\_\_\_\_ D \_\_\_\_\_, J.P.

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### SCHEDULE C.

#### CERTIFICATE OF INSPECTOR.

I, A. B., Inspector of Sheep [Provisional Inspector] hereby certify that I have carefully examined \_\_\_\_\_ sheep, branded the property of C.D., now being depastured at \_\_\_\_\_ [on board the \_\_\_\_\_ at \_\_\_\_\_] and that I find such sheep to be entirely free from scab or catarrh.

Given under my hand at \_\_\_\_\_ this  
day of \_\_\_\_\_ 18 \_\_\_\_\_.

A \_\_\_\_\_ B \_\_\_\_\_,  
Inspector of Sheep,  
(Provisional Inspector.)

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### SCHEDULE D.

#### DECLARATION AS TO IMPORTED SHEEP.

I, \_\_\_\_\_ of \_\_\_\_\_ do hereby solemnly declare that the sheep \_\_\_\_\_ in number, marked \_\_\_\_\_ now being depastured by me at \_\_\_\_\_ [on board of the vessel \_\_\_\_\_ commander \_\_\_\_\_ now lying at \_\_\_\_\_ in the said Province] have not within three months last past [been subjected to any dressing for the cure of the scab] had applied to any of them any reputed scab destroying preparation,† nor been mixed with any sheep infected with scab or catarrh, and I make this solemn declaration, conscientiously believing the same to be true.

I. J.

Declared before me, at \_\_\_\_\_ this  
day of \_\_\_\_\_ 18 \_\_\_\_\_.

A \_\_\_\_\_ B \_\_\_\_\_,  
Inspector of Sheep.

†These words have been inserted by the "Sheep Ordinance Amendment Ordinance, 1861."

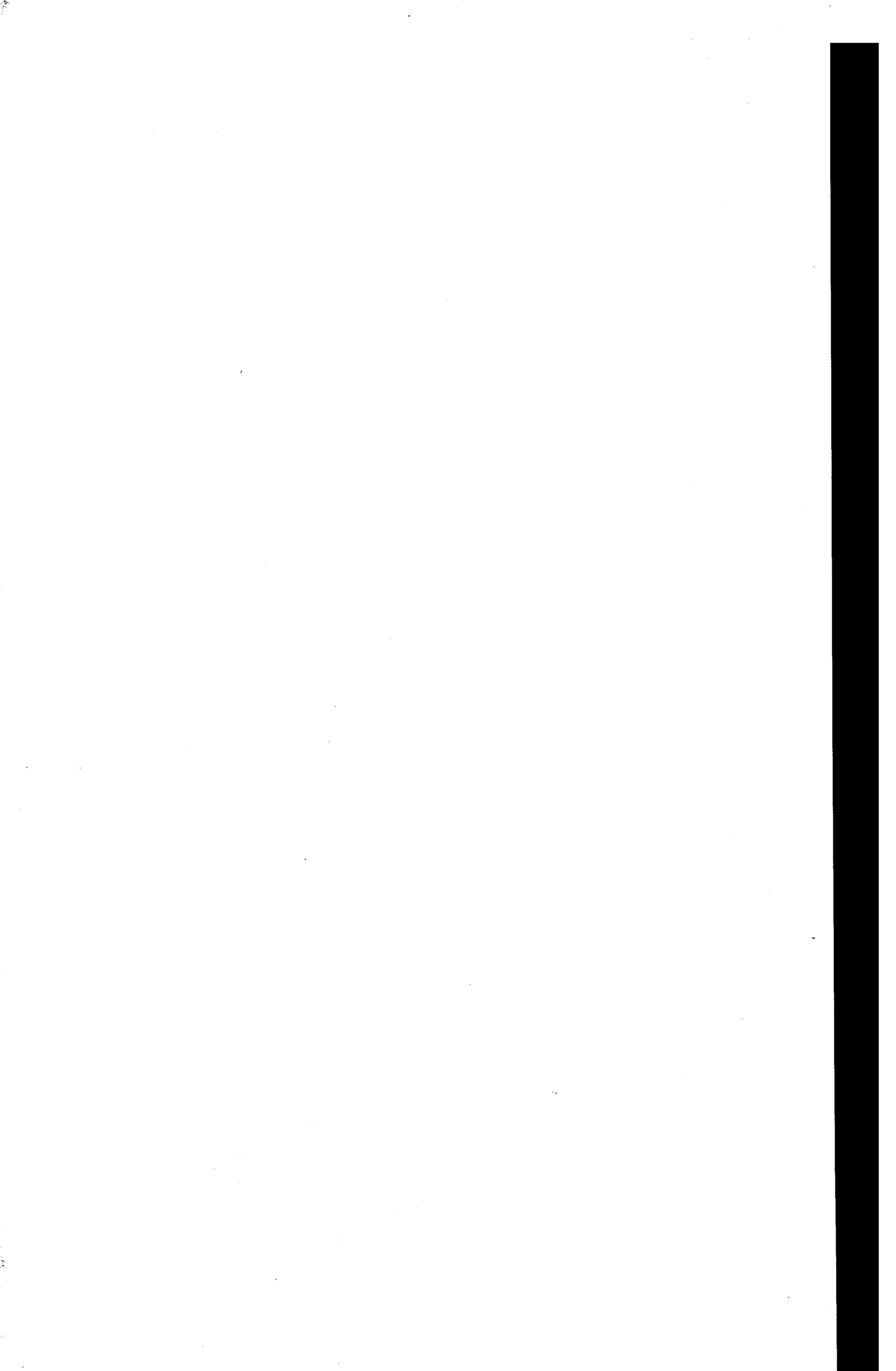
## SCHEDULE E.

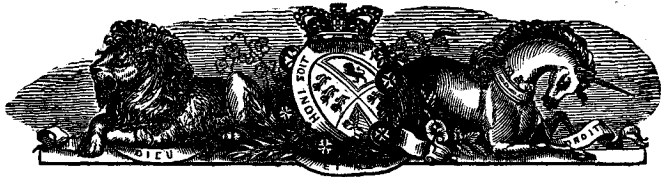
## WARRANT FOR INSPECTING SHEEP.

Province of Canterbury, New Zealand } To  
to wit. } others whom it may concern. and all

WHEREAS it appears to me one of her Majesty's Justices of the Peace for the said Province, by the information, upon oath, of of in the said Province, that certain sheep are depastured upon land situated in the occupation of in the said Province [on board of the vessel commander now lying in in the said Province]; and that [there is reasonable ground to suspect that the said sheep, or some of them, are infected with the disease called ], it is desirable that such sheep should be inspected with a view of ascertaining whether they are infected with the disease called . These are therefore, in the name of our Lady the Queen, and in pursuance of the provisions of an Ordinance passed by the Superintendent and Provincial Council of the said Province, in the Twenty-second year of the reign of her Majesty, entitled "The Sheep Ordinance, Session X., No. 9," to authorise and require you to enter upon the said land [vessel], and carefully to inspect the said sheep; and that you do, immediately upon such inspection, report, in writing, to me, whether the said sheep, or any of them, are infected with the said disease, and also whether there be any danger lest such sheep, being suffered to run at large, should cause damage to the Owners of any sheep depastured in the neighbourhood thereof; and I do hereby require all persons having, or being concerned in the charge, control, or management of the said sheep, to aid and assist you in making such inspection, according to the provisions of such recited Ordinance in that behalf made.

*This Ordinance was amended by "The Sheep Ordinance Amendment Ordinance, Session XI, No. 11, 1859," and "The Sheep Ordinance Amendment Ordinance, Session XVII., No. 6, 1861."*





PROVINCE OF CANTERBURY.

ANNO VICESIMO SECUNDO

VICTORIÆ REGINÆ.

SESSION X., No. 10.

Scab Prevention Ordinance.

Published by Authority.

1. *Sheep to be dipped before being introduced by land.* | 2. *Interpretation.*  
3. *Title.*

**W**HEREAS it is desirable to make further provision than now Preamble. exists against the introduction of the Scab into the Province of Canterbury: Be it therefore enacted by the Superintendent of the said Province, by and with the advice and consent of the Provincial Council thereof as follows:

1. If any person shall himself, or by means of any Agent or Sheep to be dipped before being introduced by land. Servant, introduce or cause to be introduced into the Province of Canterbury by land any sheep, unless they shall, within a period of not less than three nor more than fourteen days previous to such introduction, have been effectually dressed, to the satisfaction of an Inspector of Sheep appointed under the provisions of the "Sheep Ordinance, Session X., No. 9," with some reputed effective scab-destroying preparation, and unless such person shall have received from such Inspector a Certificate to that effect, he shall be subject to a penalty of not less than Twenty nor more than One Hundred Pounds, to be recovered in a summary way.

2. This Ordinance shall be interpreted in the same manner as the Interpretation. "Sheep Ordinance, Session X., No. 9."

Title.

3. This Ordinance shall be entitled and may be cited as the  
 "Scab Prevention Ordinance, Session X., No. 10."

W. S. MOORHOUSE,  
 Superintendent.

Passed the Provincial Council this  
 First day of December, in the  
 year of our Lord one thousand  
 eight hundred and fifty-eight,  
 and reserved for the assent of  
 his Excellency the Governor.

CHARLES BOWEN,  
 Speaker.

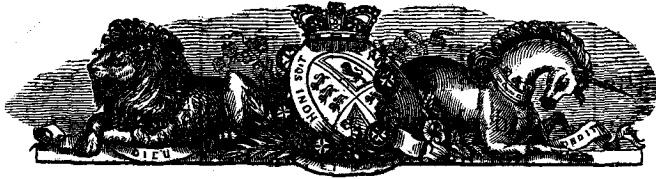
LEONARD HARPER,  
 Clerk to the Council.

I hereby declare that I assent to this Ordinance.

Given under my hand at Auckland,  
 this Twenty-fifth day of January,  
 in the year of our Lord one  
 thousand eight hundred and  
 fifty-nine.

THOMAS GORE BROWNE,  
 Governor.





PROVINCE OF CANTERBURY.

ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

SESSION XI., No. 1.

The Loan Ordinance Amendment  
Ordinance.

Published by Authority.

ANALYSIS.

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| <p><i>Preamble.</i><br/>1. <i>The principal and interest moneys mentioned in Debentures issued by virtue</i></p> |  | <p><i>of Loan Ordinance, Session VII., No. 3, made payable at the Union Bank of Australia, in London.</i></p> <p><i>Title.</i></p> |
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**W**HEREAS by an Ordinance of the Province of Canterbury, entitled <sup>Preamble.</sup> "The Loan Ordinance, Session VII., No. 3," it was enacted that it should be lawful for the Superintendent of the Province to raise, by way of loan, a sum not exceeding Thirty Thousand Pounds sterling, and to issue Debentures to that amount, and such Debentures when issued were thereby made chargeable upon the public revenue of the Province of Canterbury: And Whereas the said loan has been negotiated by the Union Bank of Australia in London on account of the Province of Canterbury for the full amount authorised by the said Ordinance: And Whereas, by a notice printed at the foot of each Debenture issued by virtue of the said Ordinance, and also published in the *Gazette*, the Superintendent has appointed the office of the Union Bank of Australia in London, as the place where all payments of principal and interest on the said Debentures are to be made: And Whereas doubts have been entertained whether such appointment as to the payment of the principal moneys in the Debentures mentioned is within the terms of and authorised by the said Ordinance, and it is expedient that such doubts be removed: Be it therefore enacted by the Superintendent of the Province of Canterbury, with the advice and consent of the Provincial Council thereof as follows:—

The principal and interest moneys mentioned in Debentures issued by virtue of Loan Ordinance, Session VII., No. 3, made payable at the Union Bank of Australia in London.

1. The principal and interest moneys mentioned in the Debentures issued by virtue of the "Loan Ordinance, Session VII., No. 3," shall be payable and paid at the Union Bank of Australia in London, as appointed by the Superintendent and stated at the foot of each Debenture, and such mode and place of payment shall be deemed and taken to be as legal, valid, and binding on the Province as if the same had been expressed and contained in the said Ordinance.

Title.

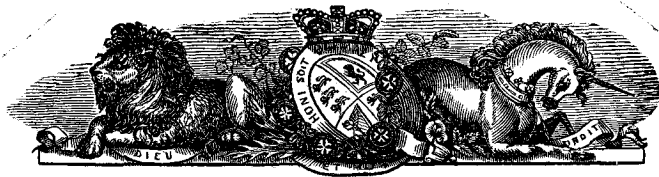
2. This Ordinance shall be entitled and may be cited as the "Loan Ordinance Amendment Ordinance, Session XI., No. 1."

WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council this Thirteenth day of October, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Fourth day of November, in the year of our Lord one thousand eight hundred and fifty-nine.

CHARLES BOWEN,  
Speaker.

LEONARD HARPER,  
Clerk to the Council.



PROVINCE OF CANTERBURY.

ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

SESSION XI., No. 2.

The Lunatic Asylum and Gravel-Pit  
Reserves Sales Ordinance.

Published by Authority.

ANALYSIS.

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| <i>Preamble.</i>  | 2. <i>Condition of sale.</i>               |
| 1. <i>Superintendent to sell Lunatic Asylum and Gravel-pit Reserve by public auction.</i> | 3. <i>Proceeds how to be appropriated.</i> |
|   | 4. <i>Title.</i>                           |

**T**HIS Ordinance shall be entitled and may be cited as "The Lunatic <sup>Title.</sup>  
Asylum and Gravel-pit Reserves Sales Ordinance, Session XI.,  
No. 2."

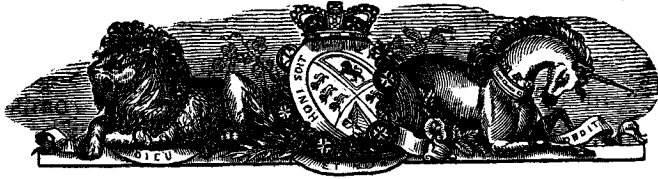
WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council the  
Thirteenth day of October,  
and assented to by his Honor  
the Superintendent, in the  
name of his Excellency the  
Governor, this Fourth day  
of November, in the year of  
our Lord one thousand eight  
hundred and fifty-nine.

CHARLES BOWEN,  
Speaker.

LEONARD HARPER,  
Clerk to the Council.

*This Ordinance was disallowed by his Excellency the Governor. See Proclamation in "New Zealand Government Gazette," No. II., 5th April, 1860, page 67.*



PROVINCE OF CANTERBURY.

ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

SESSION XI., No. 3.

The Diversion of Roads Ordinance.

Published by Authority.

ANALYSIS.

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| <p><i>Preamble.</i></p> <p>1. <i>Diversion to be by Special Ordinance.</i></p> <p>2. <i>All such Bills to be published in the 'Government Gazette,' and to be served upon all persons interested in the lands over which the road is proposed to be carried.</i></p> <p>3. <i>Service of copies of Gazette.</i></p> <p>4. <i>Superintendent may cause highways to be constructed over private lands.</i></p> <p>5. <i>And thenceforth such lands to vest in her Majesty.</i></p> <p>6. <i>Cases of roads being closed up.</i></p> <p>7. <i>Compensation allowed for damage sustained.</i></p> <p>8. <i>Notices of claims for compensation.</i></p> | <p>9. <i>Justices to determine such claims.</i></p> <p>10. <i>Claims above £50 to be submitted to valuation.</i></p> <p>11. <i>Valuators' Declaration.</i></p> <p>12. <i>Consideration in determining the amount of compensation.</i></p> <p>13. <i>Costs of enquiry.</i></p> <p>14. <i>Compensation to be paid as the Justices direct.</i></p> <p>15. <i>To be paid out of funds set apart for the purpose.</i></p> <p>16. <i>Compensation subject to trusts and charges.</i></p> <p>17. <i>Compensation may be paid in waste lands.</i></p> <p>18. <i>Interpretation Clause.</i></p> <p>19. <i>Title.</i></p> |
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**W**HEREAS by an Act of the Parliament of New Zealand, passed in Preamble. the Twenty-first and Twenty-second years of the reign of her Majesty Queen Victoria, entitled "The Highways and Watercourses Diversion Act, 1858," it was enacted "That it shall be lawful for the Superintendent of any Province, with the advice and consent of the Provincial Council thereof, by any Law or Ordinance to be made or ordained for that purpose, to authorise and empower the Superintendent to divert or stop up any public street, road, highway, or thoroughfare in any such Province, and also to divert or stop up any river, stream, or creek in such Province, and to build bridges, dams, wharves, and other erections on the banks or in the beds of any such river, stream, or creek, and also to sell, exchange, or otherwise dispose of the land over

which any such public street, road, highway, or thoroughfare was laid out or passed, or the bed of any river, stream, or creek so diverted or stopped up : And Whereas certain roads or parts of roads which have been or may hereafter be laid out in various parts of the Province of Canterbury are not or may not be required as public highways : And Whereas it is necessary that new roads should, from time to time, be laid out and constructed, parts whereof may pass through land being the property of private individuals, and it is expedient that some provision should be made for the closing up of such highways as may no longer be required, and for the disposal of the land occupied thereby, and also for fixing the amount of compensation to which any person may become entitled in respect of any damage done to his property by the construction of any road passing through the same : Be it therefore enacted by the Superintendent of the said Province, with the advice and consent of the Provincial Council thereof as follows :—

Diversion to be by  
Special Ordinance.

1. Except as hereinafter provided, no public road shall be closed up or diverted, and no new line of road shall be laid out or constructed, passing over any private lands, except under the authority of a special Ordinance of the Superintendent and Provincial Council in that behalf.

All such Bills to be  
published in the *Go-  
vernment Gazette*, and  
to be served upon all  
persons interested in the  
lands over which the  
road is proposed to be  
carried.

2. Every Bill for closing up or diverting any public road, or for carrying any public road through any private lands, shall be published in the *Government Gazette* of the Province, and a copy of such *Gazette* shall, not less than thirty days previously to the introduction of any such Bill into the Provincial Council, be served upon every person resident in the Province, having any estate or interest in any lands fronting upon or crossed by any such road proposed to be diverted or closed, or in any lands over which any such new road is proposed to be carried.

Service of copies of  
*Gazette*.

3. Such copy of the *Government Gazette* shall be served upon such person either personally, or by leaving the same at his or her last or usual place of abode, if any such can, by diligent enquiry, be found ; and in case such person shall be absent from the Province, or cannot, upon diligent enquiry, be found, the Superintendent shall cause a notice to be published in all the Newspapers of the Province, stating that such copy of the *Gazette* is left at the Office of the Provincial Secretary, and will be given to such person, or to any Agent or Attorney lawfully acting in his or her behalf, upon application for the same.

Superintendent may  
cause highways to be  
constructed over pri-  
vate lands.

4. It shall be lawful for the Superintendent at any time to cause a public highway to be laid out and constructed through any private lands, upon receiving from every person having any estate or interest therein, or from his or her Attorney or Agent lawfully authorised in

that behalf, a Deed, duly executed in the form or to the effect set forth in the Schedule hereunto annexed. And every such Deed shall be published in the *Government Gazette* of the Province.

5. From and after the execution of any such Deed, or on a day to be named in any Special Ordinance as aforesaid, the land described in such Deed or Ordinance shall thenceforth vest in her Majesty and her Successors as demesne lands of the Crown, and there shall be a public highway through and over such land. And therefore such lands to vest in her Majesty.

6. If any public road shall be closed up, passing through any private property, the land occupied by such road shall become a part of such property, and shall become vested in the Owner or Owners thereof, in the same manner and subject to the same trusts as the remaining part of such property: And if any public road shall be closed up, not passing through any private property, the land occupied by such road shall be deemed to be waste lands of the Crown, and shall be dealt with accordingly. Cases of roads being closed up.

7. Every person who shall suffer any damage in respect of any public road which shall be closed up or diverted, or in respect of any new road which shall, by virtue of any such Special Ordinance as aforesaid, be carried through any private lands in which such person shall have any estate or interest, shall be entitled to receive compensation for such damage to an amount to be ascertained by two or more Justices of the Peace in the manner hereinafter provided. Compensation allowed for damage sustained.

8. If any person shall, at any time within one year after his claim shall have arisen by the passing of any such Special Ordinance, apply to any Justice of the Peace by a notice, in writing, signed by himself or his Agent lawfully authorised in that behalf, setting forth the nature and amount of such claim, such Justice of the Peace shall thereupon issue a Public Notice stating that such claim will be heard before two or more Justices of the Peace, at a meeting to be held at a time and place to be set forth in such Notice, not sooner than fourteen days after the issue thereof, and the Claimant shall, seven days at least before such meeting, send a copy of such Notice to the Superintendent. Notice of claims for compensation.

9. It shall be lawful for any two or more Justices assembled at such meeting, in case such claim shall not exceed Fifty Pounds, and for any three or more Justices, in case such claim shall exceed Fifty Pounds in amount, to hear and determine the said claim, and for that purpose to examine, upon oath, all such Witnesses who may appear to oppose the said claim: And the order of such Justices, or a majority of them, shall be final and conclusive as to the amount of compensation. Justices to determine such claims.

Claims above £50 to be submitted to valuation.

10. If any such claim shall exceed Fifty Pounds in amount, the Justice to whom the said application shall be made, shall, by writing under his hand and seal, appoint a competent person or persons to survey and value the land in question, and to estimate the damage sustained by reason of the proposed closing up, diverting, or making of any road as aforesaid; and such claim shall not be determined by the Justices assembled at any such meeting, unless such person or persons shall appear thereat and be examined, upon oath, touching such value and damage as aforesaid.

Valuator's Declaration.

11. Every such Valuator so appointed, shall, before making such valuation as aforesaid, make and subscribe, in the presence of such Justices of the Peace, the following Declaration at the foot of the said Appointment, that is to say :—

I, *A. B.* do solemnly and sincerely declare that I will faithfully, impartially, and honestly, according to the best of my skill and ability, execute the duty of making the valuation hereby referred to me.

Made and subscribed in the presence of

Consideration in determining the amount of compensation.

12. In determining the amount of such compensation, regard shall be had by such Justices, not only to the value of the land to be occupied by any such new road, and to the damage (if any) arising from the severance of land thereby, and to the damage (if any) arising from the closing up or alteration of any rights of way affording access thereto, but regard shall also be had to the increase (if any) in the value of such lands arising from the alteration or closing up of such road, or the laying out of such new road, and also to the value of lands (if any) which shall be added to such property under the 6th Clause of this Ordinance.

Costs of enquiry.

13. The costs of any such enquiry shall be in the direction of such Justices, and they shall adjudge the amount.

Compensation to be paid as the Justices direct.

14. All compensation and costs to be paid under the authority of this Ordinance shall be paid to such persons and in such manner as such Order of the Justices shall direct.

To be paid out of funds set apart for the purpose.

15. It shall be lawful for the Superintendent, and he is hereby required to issue and pay out of any sum set apart by the Council for that purpose, all such sums as shall be awarded by such Justices, to the person or persons and in the manner by them directed, by way of compensation or costs in respect of land taken for a public road under the authority of any such Special Ordinance as aforesaid.



16. All compensation paid under the authority of this Ordinance shall be subject to the same trusts and charges as the lands in respect of which such compensation shall have arisen. Compensation may be paid in Waste Lands.

17. If any person entitled to compensation under this Ordinance shall accept in satisfaction thereof a Grant of waste lands of the Crown under the 42nd Clause of the "Waste Land Regulations" now in force within the said Province, such Grant shall be a complete discharge of the claim for such compensation to all intents and purposes whatsoever. Compensation subject to trusts and charges.

18. The word "person" in this Ordinance shall be taken, in the case of a Corporation aggregate, to mean the principal Manager or Director of such Corporation, and in the case of a Lunatic or Idiot, to mean the Committee of such Lunatic or Idiot; and in the case of any *cestui qui* trusts, to mean the Trustees: And the word "road" shall be taken to include any public street, road, highway, bridlepath, footpath or thoroughfare, and any river, stream, creek, bridge, culvert, embankment, ditch, or other works necessary to the construction or maintenance of the line of such road. Interpretation clause.

19. This Ordinance shall be entitled and may be cited as "The Title. Diversion of Roads Ordinance, Session XI., No. 3."

WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Third day of January, in the year of our Lord one thousand eight hundred and sixty.

CHARLES BOWEN,  
Speaker,

LEONARD HARPER,  
Clerk to the Council.

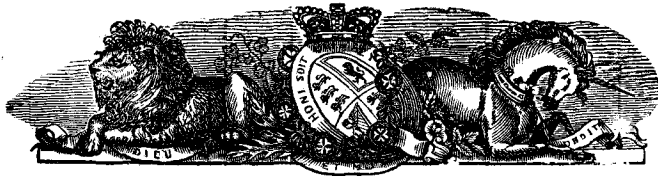
## SCHEDULE.

KNOW ALL MEN BY THESE PRESENTS that I (or we) [*here insert the name of Owner or other person having an interest in the lands*] of [*insert place of abode*] being [*insert nature of interest, e.g., seized in fee simple*] of that part of rural (or town) section of land numbered on the Map of the Chief Surveyor of the Province of Canterbury [*here insert description of the land to be occupied by the new road*] and delineated and colored brown in the Plan drawn in the margin hereof, for valuable consideration, do hereby dedicate the said land to the public, to the intent that the same may for ever hereafter be used as and be a public highway (or drain) to all intents and purposes whatsoever.

IN Testimony Whereof I have hereunto set my hand and seal  
this                      day of                      186

Signed, sealed, and delivered by the above-named  
In presence of us

(Two witnesses)



**PROVINCE OF CANTERBURY.**

ANNO VICESIMO TERTIO

**VICTORIÆ REGINÆ.**

SESSION XI. No. 4.

**Cathedral Square Ordinance Amendment Ordinance.**

*Published by Authority.*

ANALYSIS.

*Preamble.*

1. *Repealing Clause.*

2. *Purposes for which Cathedral Square shall be reserved.*

3. *Title.*

**W**HEREAS an Ordinance was passed by the Superintendent and Preamble.  
Provincial Council of the Province of Canterbury, entitled  
“The Cathedral Square Ordinance, Session X., No. 5:” And Whereas  
it is expedient that the said Ordinance should be amended, and that a  
certain Section thereof should be repealed and other provision made in  
lieu thereof: Be it therefore enacted by the Superintendent of the  
Province of Canterbury, with the advice and consent of the Provincial  
Council thereof as follows :

1. Section 4 in the said recited Ordinance is hereby repealed.

Repealing Clause.

2. The portions of the Sections situate in the City of Christchurch,  
and known as “Cathedral Square,” having respectively a frontage on  
the highway forming a continuation of Colombo-street, shall be reserved :  
that portion thereof to the east of the said highway, as a site for the  
erection of a Cathedral in connection with the Church of England,  
which site shall be conveyed to the Bishop of Christchurch and his  
Successors, to be held in trust for the purpose aforesaid ; and the said  
Superintendent, upon the commencement of the building of the said  
Cathedral, is hereby empowered and required to convey the said site  
accordingly ; that portion thereof to the west of the said highway, as a  
public square or for plantations.

Purposes for which  
Cathedral Square shall  
be reserved.

Title.

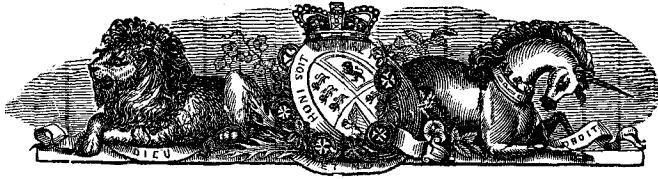
3. This Ordinance shall be entitled and may be cited as the  
 “ Cathedral Square Ordinance Amendment Ordinance, Session XI.,  
 No. 4.”

WILLIAM SEFTON MOORHOUSE,  
 Superintendent.

Passed the Provincial Council this  
 Eighteenth day of October, and  
 assented to by his Honor the  
 Superintendent, on behalf of his  
 Excellency the Governor, on the  
 Fourth day of November, in the  
 year of our Lord one thousand  
 eight hundred and fifty-nine.

CHARLES BOWEN,  
 Speaker.

LEONARD HARPER,  
 Clerk to the Council.



PROVINCE OF CANTERBURY.

ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

SESSION XI., No. 5.

Public Hospital Ordinance.

Published by Authority.

ANALYSIS.

*Preamble.*

1. *A portion of Hagley Park to be set apart for a Public Hospital.*
2. *Creation of Governing Body.*
3. *Governors to make Regulations, By-Laws, &c.*

4. *Appointment and duties of Treasurer.*

5. *Admission of persons in need of charitable aid.*
6. *Appointment of new Governors, in case of death, resignation, or otherwise.*
7. *Title.*

**T**HIS Ordinance shall be entitled and may be cited as "The Public Hospital Ordinance, Session XI., No. 5."

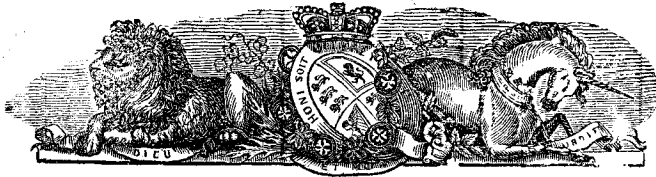
WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council the Twentieth day of October, and and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, this Fourth day of November, in the year of our Lord one thousand eight hundred and fifty-nine.

CHARLES BOWEN,  
Speaker.

LEONARD HARPER,  
Clerk to the Council.

*This Ordinance was repealed by the "Christchurch Hospital Ordinance, 1862, Session XIX.," which latter Ordinance was repealed by the "Christchurch Hospital Ordinance, 1863, Session XX., No. 18."*



PROVINCE OF CANTERBURY.

ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

SESSION XI., No 6.

Church Property Trust Amendment  
Ordinance.

Published by Authority.

A N A L Y S I S.

- Preamble.*
- |  |  |
|--|--|
| 1. <i>Church Property Trustees may dispose of certain lands specified in Schedule A.</i>         | 4. <i>The Receipt of Trustees to be an effectual discharge.</i>          |
| 2. <i>Appropriation of moneys arising from such sales.</i>                                       | 5. <i>Interpretation of words "Proper Ecclesiastical Synod. &amp;c."</i> |
| 3. <i>Trustees may lease certain lands described in Schedule B. Conditions of lease, &amp;c.</i> | 6. <i>Title.</i>   |

WHEREAS by an Ordinance of the Superintendent and Provincial Council of the Province of Canterbury, entitled the "Church Property Trust Ordinance, Session II., No. 3," it was enacted that certain persons therein respectively named, and all such other persons as should be thereafter elected or appointed Trustees and their Successors, should be and they were thereby constituted a Body Politic and Corporate by the name of the "Church Property Trustees," and by that name they should have perpetual succession and a common seal, and be for ever capable in Law to purchase, receive, possess and enjoy to them and their Successors any goods and chattels whatsoever and wheresoever, and any messuages, lands, tenements and hereditaments in the Province of Canterbury; and also to lease, let, sell, alienate, mortgage, charge, or otherwise dispose of such property, as well real as personal, as they should think proper; and also to act in the concerns of the said Body Politic and Corporate as effectually as any person or persons might or could do in his or their respective concerns, for the purpose and object of establishing and maintaining ecclesiastical and educational institutions within the Province of Canterbury, in connection with the Church in communion with the Church of England and Ireland as by Law established: And Whereas the said Trustees are seised to them

and their Successors of (amongst other hereditaments) certain messuages, lands, tenements and hereditaments in the said Province of Canterbury, being special reserves vested in them for ecclesiastical and educational institutions within the said Province, in connection with the said Church : And Whereas the said Trustees are desirous of obtaining express powers, enabling them to sell or otherwise dispose of the parcels of land specified in the Schedule A to this Ordinance, and also to lease the parcel of land specified in the Schedule B to this Ordinance ; such parcels of land respectively being part of the special reserves so held by them as aforesaid ; and it is expedient that such powers should be vested in them, and that the said Ordinance should be amended accordingly : Be it therefore enacted by the Superintendent of the said Province, with the advice and consent of the Provincial Council thereof as follows :—

Church Property Trustees may dispose of certain lands specified in Schedule A.

1. It shall be lawful for the said Church Property Trustees, at any time or times after the passing of this Ordinance, absolutely to sell and dispose of the lands, tenements, and hereditaments specified in the Schedule A to this Ordinance, or any part thereof, either by public auction or private contract, and in such manner as the said Trustees shall think fit, and to convey the fee simple and inheritance of the same premises when sold to the Purchaser or Purchasers thereof.

Application of moneys arising from such sales.

2. The said Trustees shall, out of the money arising from such sale, lay out and invest such a sum of money as shall represent the original purchase money of the land so sold as aforesaid in the absolute purchase of other freehold lands or hereditaments in the Province of Canterbury, to be held by the said Trustees for the purpose and object of establishing and maintaining ecclesiastical and educational institutions within the said Province in connection with the Church in communion with the Church of England and Ireland as by Law established ; and the residue of the money to arise by such sale shall be laid out in the erection of parsonage houses in that portion of the said Province comprised within the boundaries of the original Canterbury Settlement, for the use of officiating Clergymen of the said Church.

Trustees may lease certain land described in Schedule B. Conditions of lease, &c.

3. The said Trustees may, from time to time, lease all or any portion of the parcel of land specified in the Schedule B to this Ordinance, to any person or persons, for any term not exceeding twenty-one years in possession and not in reversion, at such rent and subject to such covenants and provisos as the said Trustees may deem reasonable, and shall apply the rents of the premises so leased for the purpose and object of establishing and maintaining ecclesiastical and educational institutions in connection with the said Church.

The Receipt of Trustees to be an effectual discharge.

4. The Receipt of the said Trustees or their Successors for any moneys paid to them upon any sale under the provisions of this Ordinance,



or under the provisions of the "Church Property Trust Ordinance, Session II., No. 3," or for any other money which may be paid to them or their Successors by virtue of this or the said recited Ordinance, shall effectually discharge the person or persons paying the same therefrom, and from being bound to see to the application thereof or being answerable for the non-application or misapplication thereof.

5. And Whereas it was provided by the said Ordinance (Section 6) Interpretation of words "Proper Ecclesiastical Synod, &c." that any By-law, Rule, Order, Regulation or Resolution of the said Church Property Trustees, which should be repugnant to the provisions of the said Ordinance, or to the Laws or Ordinances of the Colony of New Zealand, or of the Province of Canterbury, or to any Canon or Ecclesiastical Law or Regulation then in force, or which might at any time be in force within the Canterbury Settlement, under the authority of any proper Ecclesiastical Synod or other competent jurisdiction of the Church, should be, and the same was thereby declared to be absolutely null and void; and it was further provided that the said Trustees and every Managing Committee thereof should, in all their Acts and Proceedings, By-laws, Regulations and Resolutions, conform to and obey all Canons and Ecclesiastical Laws or Regulations then or at any time in force within the said Settlement, touching or relating to the administration of the property vested in them for the purposes aforesaid: And Whereas it is desirable that the proper Ecclesiastical Synod or other competent jurisdiction of the Church so referred to should be ascertained and defined: And Whereas, by a Deed of Constitution, agreed to at a General Conference of Bishops, Clergy, and Laity of the branch of the United Church of England and Ireland in New Zealand, held at Auckland, on the Thirteenth day of June, one thousand eight hundred and fifty-seven, a Representative Governing Body was constituted, to be called the General Synod of such branch of the said Church: And Whereas by a Statute passed by the said General Synod, in its first Session, and entitled "A Statute for Organizing the Diocesan Synods," provision was made for the organization of Diocesan Synods: Be it further enacted that in the interpretation of the said Ordinance the words "proper Ecclesiastical Synod, or other competent jurisdiction of the Church," shall be taken and deemed to mean the Synod of the Diocese of Christchurch, organized according to the provisions of the said Statute, or of any other Statute to be made by the General Synod in that behalf.

6. And be it enacted that this Ordinance shall be entitled and may be cited as the "Church Property Trust Amendment Ordinance, Session XI., No. 6."

WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council this  
Third day of November, and  
assented to by his Honor the  
Superintendent, in the name  
of his Excellency the Governor,  
on the Fourth day of Novem-  
ber, in the year of our Lord  
one thousand eight hundred  
and fifty-nine.

CHARLES BOWEN,  
Speaker.

LEONARD HARPER,  
Clerk to the Council.

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#### SCHEDULE A.

All that parcel or quarter-acre section of land, situate in and fronting upon Tuam Street, in the city of Christchurch, being part of the Reserve No. 6 and No. 1037 on the Map of the Chief Surveyor setting out and describing the said city of Christchurch.

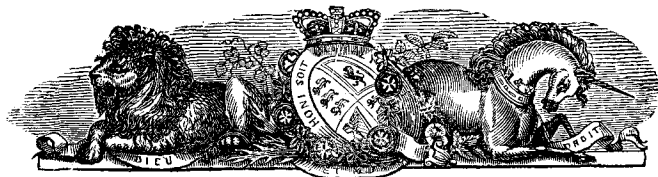
Also, all that parcel of land containing one acre one rood, or thereabouts, situate in and fronting upon Canterbury Street and Ripon Street, in the town of Lyttelton, being Reserve No. 27 on the Map of the said Chief Surveyor, setting out and describing the said town of Lyttelton.

And also that parcel of land situate near the Heathcote Ferry, containing one acre three roods twenty-six perches, or thereabouts, being Reserve No. 50 on the Map of the said Chief Surveyor, setting out and describing the rural land in the Christchurch district.

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#### SCHEDULE B.

All that parcel of land containing two roods fifteen perches, or thereabouts, situate in and fronting upon Oxford Terrace West, Lichfield Street and Durham Street, in the said city of Christchurch, being Reserve No. 8 on the aforesaid Map of the said Chief Surveyor.



PROVINCE OF CANTERBURY.

ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

SESSION XI., No. 7.

The Racecourse Lease Ordinance.

Published by Authority.

ANALYSIS.

- |  |   |
|--|---|
| <p><i>Preamble.</i></p> <ol style="list-style-type: none"><li>1. <i>Term and condition of lease.</i></li><li>2. <i>The Lessee may levy certain fees and tolls.</i></li><li>3. <i>Lessee to make Regulations subject to the approval of the Superintendent.</i></li></ol> | <ol style="list-style-type: none"><li>4. <i>Lease shall contain reservation for certain purposes, and other conditions.</i></li><li>5. <i>Appropriation of the rent.</i></li><li>6. <i>Title.</i></li></ol> |
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WHEREAS by an Act of the General Assembly of New Zealand, <sup>Preamble.</sup> passed in the first Session thereof, entitled "The Public Reserves Act, 1854," it was, amongst other things enacted, that it should be lawful for the Governor of New Zealand, with the advice and consent of his Executive Council, at any time and from time to time after the passing of the said Act, in the name and on behalf of her Majesty, to grant to the Superintendent of each Province in New Zealand and his Successors, all such estate and interest as her Majesty then had or might have in all or any of the lands within such Province forming part of the demesne lands of the Crown, which had been at any time theretofore and then were or might thereafter be reserved or set apart for purposes of public utility within such Province, except as therein mentioned :

And Whereas all that allotment or section of rural land situate within the Christchurch district of the Province of Canterbury, forming part of the demesne lands of the Crown, consisting of three hundred acres statute measure or thereabouts, be the same more or less, commencing at a point on the Harewood Road, by Riccarton, five miles forty-eight chains and sixty links from the Market Place of the town of Christchurch (measured along the road), thence running southerly at a right angle to the extent of forty-six chains, thence westerly at a right

angle to the extent of fifty-nine chains and twenty links or thereabouts, to the north-western boundary line of section 209, following along the said boundary line six chains ninety links, and thence along the northern boundary line of section 209, five chains and seventy-five links, to the south-western corner of section 389, thence following along the north-western road to the commencing point, subject nevertheless to a road one chain wide reserved along the eastern and south-eastern boundaries of the said allotment or section, which said section is more particularly delineated and shown in the Chief Surveyor's Map of the said Province :

And Whereas the said section of land hath been reserved for purposes of public utility within the Province of Canterbury, and in pursuance of the powers conferred by the above-recited Act of the General Assembly hath been granted by his Excellency the Governor to James Edward FitzGerald, Esquire, the Superintendent of the said Province, and his Successors, Superintendents, upon the several trusts following, that is to say : upon trust for a public racecourse for the said Province, but subject nevertheless to the provisions in that behalf contained in the said Act of the General Assembly for changing the said trusts and appropriating the said land to other and different purposes of public utility : Provided always that no land so granted shall be alienated by way of sale or mortgage, or by lease for any longer term than three years, and no such change or new appropriation shall be made without the authority of an Act or Ordinance of the Provincial Council of such Province to be passed in that behalf : And Whereas it is expedient to make arrangements for the management, improvement, and regulation of the said section of land :

Be it therefore enacted by the Superintendent of the Province of Canterbury, by and with the advice and consent of the Provincial Council thereof.

Terms and conditions  
of lease.

1. It shall be lawful for the Superintendent, with the advice of the Executive Council, to lease the aforesaid section of land described in the Preamble to this Ordinance to Isaac Thomas Cookson, President of the Canterbury Jockey Club, or the President for the time being of such Club, for any term not exceeding twenty-eight years' at a rental of not less than Fifteen Pounds per annum for the said term, which rental shall, from time to time, be paid to the Provincial Treasurer of the said Province, and appropriated in manner hereinafter provided.

2. The Lessee of the said course may from time to time fix and receive such fees and payments in respect of admission of persons, horses and vehicles into any portion of such land as he or they may think fit, provided they shall not exceed for every horse Two Shillings and Sixpence, for every two-wheeled vehicle drawn by any horse or other beast Ten Shillings, for every additional horse or other beast drawing such vehicle One Shilling, for every four-wheeled vehicle drawn by one horse or more, Twenty Shillings: Provided always such fees shall be expended on the permanent improvement of the said public racecourse or the furtherance of the races to be held thereon. No fees shall be taken for the admission of foot passengers to the said reserve.

The Lessee may levy certain fees and tolls.

3. It shall be lawful for the said Lessee to make all such Regulations as he may think fit for the conduct of all sports and races within the said ground, and to expel therefrom all persons wilfully infringing such Regulations, or otherwise misbehaving. Provided such Regulations shall be submitted for the approval of the Superintendent previous to to coming into force.

Lessee to make Regulations subject to the approval of the Superintendent.

4. Any such Lease, granted under this Ordinance, shall contain a reservation of such portion of the said section of land now used or as hereafter may be used as a public racecourse, for the purpose of racing, at all or at any times during the said term, subject to the approval of the Lessee, and a condition that the said section of land shall be given up, at the expiration of such lease, properly laid down with good meadow grass, and fenced in with a sufficient fence, within the meaning of the "Trespass of Cattle Ordinance" now for the time being in force in the said Province, in good repair; and such other reservations, conditions, provisions, and powers as the Superintendent, with such advice as aforesaid, shall require or permit.

Lease shall contain reservation for certain purposes and other conditions.

5. The rent which shall from time to time be paid to the Provincial Treasurer as aforesaid, shall be appropriated in planting with forest trees the external boundaries of the said section or otherwise, as the Superintendent may direct.

Appropriation of the rent.

6. This Ordinance shall be entitled and cited as "The Racecourse Reserve Ordinance, Session XI., No. 7."

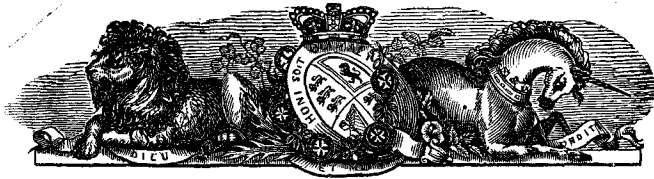
Title.

WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council this  
Third day of November, and  
assented to by his Honor  
the Superintendent, on behalf  
of his Excellency the Govern-  
or, on the Fourth day of  
November, in the year of our  
Lord one thousand eight  
hundred and fifty-nine.

CHARLES BOWEN,  
Speaker.

LEONARD HARPER,  
Clerk to the Council.



PROVINCE OF CANTERBURY.

ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

SESSION XI., No. 8.

The Ship Building Reserve Lease Ordinance.

Published by Authority.

ANALYSIS:

*Preamble.*

*Title.*

1. *Terms and conditions of Lease.*

THIS Ordinance shall be entitled and may be cited as the "Ship Building Reserve Ordinance," Session XI., No. 8.

WILLIAM SEFTON MOORHOUSE,  
Superintendent.

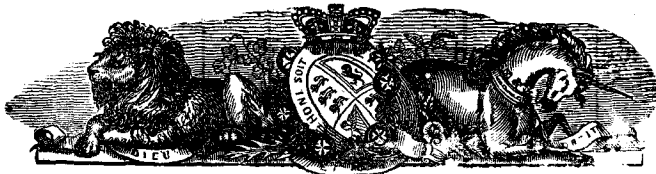
Passed the Provincial Council and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Fourth day of November, in the year of our Lord one thousand eight hundred and fifty-nine.

CHARLES BOWEN,  
Speaker.

LEONARD HARPER,  
Clerk to the Council.

*This Ordinance was disallowed by His Excellency the Governor.  
See Proclamation in "New Zealand Government Gazette," No. 11,  
5th April, 1860, page 67.*





PROVINCE OF CANTERBURY.

ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

SESSION XI., No. 9.

The Peacock Jetty Extension Ordinance.

Published by Authority.

ANALYSIS.

*Preamble.*

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|--|--|--|
| 1. Superintendent may lease land described in<br>Schedule to John Jenkins Peacock. |  | 3. The Lease not to be entitled to compensation. |
| 2. Superintendent may resume possession of<br>land so leased.                      |  | 4. Interpretation Clause.                        |
|  |  | 5. Title.  |

THIS Ordinance shall be entitled and may be cited as "The <sup>Title.</sup> Peacock Jetty Extension Ordinance, Session XI., No. 9."

WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council this  
Twenty-ninth day of November,  
in the year of our Lord one  
thousand eight hundred and  
fifty-nine, and reserved for the  
assent of his Excellency the  
Governor.

CHARLES BOWEN,  
Speaker.

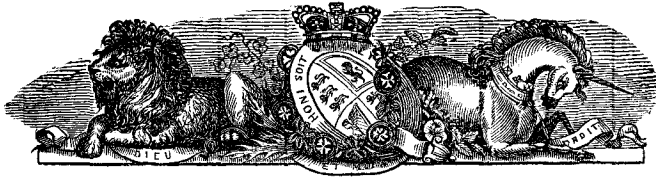
LEONARD HARPER,  
Clerk to the Council.

I hereby declare that I assent to this Ordinance.

Given under my hand at Auckland,  
this  
day of    in the  
year of our Lord one thousand  
eight hundred and

THOMAS GORE BROWNE,  
Governor.

*His Excellency the Governor withheld his assent from this Ordinance. See notification in "New Zealand Government Gazette," No. 11, page 69. April 5, 1860.*



PROVINCE OF CANTERBURY.

ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ

SESSION XI., No. 10.

Trespass of Cattle Amendment Ordinance  
Amendment Ordinance.

Published by Authority.

ANALYSIS.

*Preamble.*

1. *Repealing Clause.*
2. *Cattle trespassing on enclosed lands without the town.*

3. *Interpretation Clause.*

4. *Title.*

**T**HIS Ordinance shall be entituled and may be cited as “The Tres- Title.  
pass of Cattle Amendment Ordinance Amendment Ordinance,  
Session XI., No. 10.”

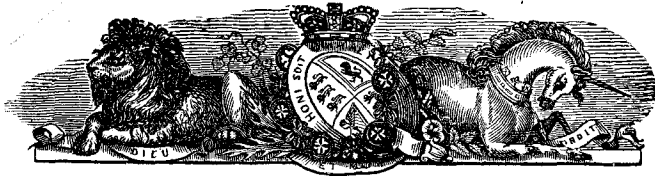
WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council this  
Twentieth day of December,  
and assented to by his Honor  
the Superintendent, on behalf  
of his Excellency the Governor,  
on the Twenty-third day of  
December, in the year of our  
Lord one thousand eight  
hundred and fifty-nine.

CHARLES BOWEN,  
Speaker.

LEONARD HARPER,  
Clerk to the Council.

*This Ordinance was inoperative, there being no Schedule attached thereto, and was repealed by "The Trespass of Cattle Ordinance, Session XIV., No. 1, 1860."*



PROVINCE OF CANTERBURY.

ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

SESSION XI., No. 11.

The Sheep Ordinance Amendment  
Ordinance.

Published by Authority.

ANALYSIS:

- Preamble.*
1. *Repealing Clause.*
  2. *All sheep to be branded.*
  3. *Registering or using brand of another person.*
  4. *Possession of scabby sheep: fines and penalties.*
  5. *Six months to elapse between convictions.*
  6. *Scabby sheep trespassing and not removed may be destroyed.*
  7. *Scabby sheep to be herded in certain cases.*
  8. *Sheep for importation to be branded with Inspector's brand.*
  9. *List of scabby flocks to be published monthly.*
  10. *If six months after conviction sheep not clean, all rams to be separated from the ewes.*
  11. *What deemed infected sheep.*
  12. *Fines and penalties may be levied by distress and sale of goods.*
  13. *Persons having advanced money on the security, &c., of any sheep in the Province, may demand repayment within three months after the passing of this Ordinance.*
  14. *No penalty to exceed One Hundred Pounds.*
  15. *Interpretation Clause.*
  16. *Title*

**W**HEREAS an Ordinance was passed by the Superintendent and Preamble.  
Provincial Council of the Province of Canterbury, entitled  
"The Sheep Ordinance, Session X., No. 9:" And Whereas it is expedient  
that certain portions of the said Ordinance should be repealed and other  
provisions made in lieu thereof: Be it therefore enacted by the Superin-  
tendent of the said Province, by and with the consent of the Provincial  
Council thereof as follows:

1. Sections 2, 5, 11, and 24 of the above recited Ordinance shall be, Repealing Clause.  
and they are hereby repealed. All legal proceedings in execution of  
the said Ordinance, taken before the coming into operation of this

Ordinance, shall be as valid to all intents and purposes, and may be continued, executed and enforced after this Ordinance shall come into operation, in the same manner as if this Ordinance had not been passed.

In lieu of Section 2, above repealed, be it enacted as follows :—

All sheep to be branded.

2. All sheep and lambs above the age of four months, within the Province of Canterbury, shall be branded on the wool thereof with the registered brand of the Owner ; which brand shall from time to time be renewed as occasion may require, so that the same shall always be distinct and legible ; and every Owner of any such sheep or lambs not so branded, shall be liable to a penalty not exceeding Twenty Pounds ; and if the said sheep, not being so branded, shall exceed four hundred in number, such Owner shall be liable to a further penalty of not less than Twopence nor more than Sixpence for every such sheep or lamb not being so branded as aforesaid.

And in lieu of Section 5, above repealed, be it enacted as follows :—

Registering or using brand of another person.

3. After any person shall have registered a brand, it shall not be lawful for any other person to register or to brand any sheep with the same brand, or one so nearly similar as in the opinion of the Registrar of Brands to be not readily distinguishable therefrom, or to make or cause to be made any branding-iron bearing the same or nearly similar brand as aforesaid ; and any person offending against the provisions of this Section shall be liable to a penalty not exceeding Ten Pounds ; and every day during which, after any person shall have been convicted under the provisions of this Section, his Sheep shall continue to be branded with the registered brand of another person, shall be deemed a separate offence against the provisions of this Section : Provided always, that any person having duly registered a brand, may, by writing, addressed to the Registrar of Brands, relinquish his right to the said brand, and upon the due receipt of such writing by such Registrar, he shall forthwith cause the registry of such brand, in his Register of Brands, to be cancelled ; and it shall be lawful for any other person to register such brand in his own name in the office of the Registrar of Brands, and to cause his sheep to be branded therewith as if such brand had not been previously registered.

And in lieu of Section 11, above repealed, be it enacted as follows :—

Possession of scabby sheep : fines and penalties.

4. Every Owner of any sheep infected with scab shall be liable to a fine of not less than One Shilling nor more than Five Shillings for every such infected sheep : Provided that if it shall appear to the satisfaction

of the Justices before whom any Information under this Clause shall be heard, that the sheep had been clean at any time within six months previously to the day on which they shall be stated in such information to have been infected with scab, such Justices shall certify, upon any conviction to be made on such information, the latest day upon which it shall so appear to their satisfaction that such sheep had been clean, and it shall be lawful for such Justices thereupon to suspend the payment of any penalty by such conviction ordered to be paid; and if at any time within six months subsequently to the date to be certified as above provided, such sheep shall appear, upon the Report of any Inspector of Sheep, deposited with the Clerk of the Court in which such conviction shall have been made, to be again free from scab, such penalty shall be altogether remitted; but if it shall not so appear, then payment of such penalty shall be enforced in the usual way: Provided also, that if at the expiration of such period of six months it shall appear to the satisfaction of any two Justices of the Peace, and upon the Certificate of an Inspector of Sheep, that peculiar and exceptional circumstances, beyond the control of the Owner of such sheep, and such as could not have been met by foresight and exertion on his part, have rendered it impossible effectually to clean such sheep, it shall be lawful for such Justices to extend such period for a further period of four calendar months, but no longer. A separate information under this Section may be laid in regard to every separate flock in the possession of one Owner, and if any one such flock shall exceed 3000 sheep in number, a separate information may be laid for every additional 3000 sheep or fractional part of such number contained in such flock.

Six months to elapse  
between convictions.

5. No Owner of sheep who shall have been convicted under the last preceding Section shall, until the expiration of six months after the date of such conviction, be liable to any further penalty under the said Section on account of such disease in any sheep which he shall prove, to the satisfaction of the Justices before whom any Information under the said Section may be heard, to be the same sheep in respect of which he had been so convicted as aforesaid.

And in lieu of Section 24, above repealed, be it enacted as follows:—

6. If any sheep infected with scab or catarrh shall be found on any land or Run not in the lawful occupation of the Owner of such sheep, and such Owner shall not remove the same within forty-eight hours after he shall have been served in the manner prescribed for the service of notices by Section 26 of the said recited Ordinance, with written notice that they are so trespassing; or if such Owner cannot, after reasonable

Scabby sheep trespass-  
ing and not removed  
may be destroyed.

inquiry, be discovered, it shall be lawful for the Occupier of such land or Run forthwith to destroy such sheep. If, after such Owner shall have been twice served with such notice within the space of fourteen days, the sheep of such Owner, or any of them, infected as aforesaid, shall afterwards, within the space of one week from the service of the last notice, be again found trespassing on the same land or Run, it shall be lawful for the Occupier of such land or run forthwith and without any further notice to destroy such sheep so trespassing, if they shall be less than one hundred in number, but not otherwise: Provided always, that the nature of such reasonable inquiry, together with the number and brands of the sheep so found and destroyed, shall, by the Occupier aforesaid, be certified, in writing, to the Inspector of the district within fourteen days of the destruction of such sheep; and every person offending against the provisions of this Section shall be liable to a penalty of not less than Five Pounds nor more than Twenty-five Pounds.

And be it enacted as follows:—

Scabby sheep to be herded in certain cases.

7. If it shall appear to any Inspector of Sheep, upon his own view, that any sheep are infected with scab or catarrh, and that such sheep may, if suffered to run at large, cause damage to the Owners of neighbouring flocks, it shall be lawful for such Inspector, by Warrant, under his hand, in the form or to the effect set forth in Schedule B to the said recited Ordinance, to order the Owner of such sheep to cause them to be constantly herded by day, and to be kept by night within a sheep-proof enclosure, until it shall appear, upon the Certificate of an Inspector of Sheep, that such sheep are entirely free from the said diseases; and for each day upon which such Owner shall neglect to have such sheep herded as aforesaid, and likewise for each night upon which such Owner shall neglect to have such sheep enclosed as aforesaid, he shall be subject to a penalty not exceeding Twenty-five Pounds. It shall be lawful for such Owner, within fourteen days after the receipt of such Warrant as aforesaid, to appeal against the same to any two Justices of the Peace, who, after ascertaining that due notice of such appeal had been given to the Inspector, and taking such evidence as they may think fit, shall either confirm or reverse the Order given in such Warrant: Provided that any order so appealed against shall, until reversed, continue in full force and effect.

Sheep for importation to be branded with Inspector's brand.

8. When any Inspector of Sheep shall have examined any sheep with a view to their importation into the Province of Canterbury, either by sea or land, and shall be prepared to grant a Certificate in the form of Schedule C to the said recited Ordinance, he shall, before granting such Certificate, cause such sheep to be distinctly wool branded on the back thereof, at the cost and charges of the Owner of such sheep, with



a brand which shall have been registered in the office of the Registrar of Brands as the special brand of such Inspector. The absence of any such brand from any sheep so imported shall be *prima facie* evidence that they have not been certified for importation as provided in the said recited Ordinance, unless it shall be proved that such sheep have been shorn since their importation. If any person shall, without authority, use the brand of any Inspector of Sheep registered as above, or one so similar as not to be readily distinguishable therefrom, he shall be liable, on conviction before any two Justices of the Peace, to a penalty of not less than Twenty-five nor more than One Hundred Pounds.

9. There shall be published once in every month, in one or more Newspapers within the Province, a List, certified by the Inspector of each district, of all Stations on which there are at that time any sheep infected with the scab or catarrh. List of scabby flocks to be published monthly.

10. When any Owner of sheep shall have been convicted under the provisions of this Ordinance of having in his possession any sheep infected with the scab, and such sheep shall not, within six months from the date of such conviction, have been certified by an Inspector of Sheep to be entirely free from the said disease, the Owner of such sheep shall, immediately on the expiration of such period of six months, cause all rams to be separated from any ewes in his possession which may be so infected, and shall cause such rams to be kept separate from such ewes until they shall be certified by an Inspector of Sheep to be entirely free from scab; and for every day during which such rams shall not be kept separate from such ewes, such Owner shall be liable to a penalty of not less than One Pound nor more than Ten Pounds in respect of each ram which shall not be kept separate as aforesaid. If, six months after conviction, sheep not clean, all rams to be separated from the ewes.

11. All sheep shall, for the purposes of this Ordinance, or of the said recited Ordinance, be deemed to be infected with scab or catarrh, which shall, within two months, have been placed within any yard or enclosure in which there shall have been, within one month previously, any sheep so infected, unless such yard or enclosure shall, in the meantime, have been scoured with some reputed effective scab-destroying preparation. What deemed infected sheep.

12. All fines and penalties which shall be ordered to be paid under the authority of this Ordinance, or of the said recited Ordinance, or of "The Scab Prevention Ordinance, Session X., No. 10," in case of non-payment thereof either immediately or within such period as may be appointed for the payment thereof, may be levied (with the costs of all proceedings rendered necessary by such non-payment), by distress and Fines and penalties may be levied by distress and sale of goods.

sale of the goods and chattels of the person liable to pay the same, by Warrant, under the hand of any Justice of the Peace; and if no sufficient goods and chattels as aforesaid can be found whereon to levy such distress, such fines or penalties may, after the expiration of one week from the date of a public notice in one or more Newspapers within the Province that such fines and penalties are due and unpaid, be levied, with costs as aforesaid and by Warrant as aforesaid, by distress and sale of the sheep in respect of which such fines or penalties may have been incurred, or of the sheep under the same charge, control, or management.

Persons having advanced money on the security of any sheep in the Province, may demand repayment within three months after the passing of this Ordinance.

13. If any person shall, before the passing of this Ordinance, have *boná fide* made any advance of money upon the security of any bill of sale, mortgage, assignment, or other assurance of or over any sheep within the Province of Canterbury, it shall be lawful for such person, notwithstanding any covenant, proviso, or condition to the contrary, at any time within three months from the passing of this Ordinance, to demand, in writing, from the Owner of such sheep, the repayment of such money so advanced, and if the same shall not be repaid within twelve months from the date of such demand, it shall be competent for such person, at any time thereafter, notwithstanding any such covenant, proviso, or condition, to exercise and put in force such powers and remedies for the recovery of the money so due, and interest, as by such bill of sale, mortgage, assignment, or other assurance, may have been given or reserved in default of payment of such money and interest at the time therein limited.

No penalty to exceed One Hundred Pounds.

14. No penalty to be imposed on any one condition under the provisions of this Ordinance shall exceed the sum of One Hundred Pounds.

Interpretation Clause.

15. This Ordinance shall be interpreted as and considered as part of "The Sheep Ordinance, Session X., No. 9."

Title.

16. This Ordinance shall be entitled and may be cited as "The Sheep Ordinance Amendment Ordinance, Session XI., No. 11."

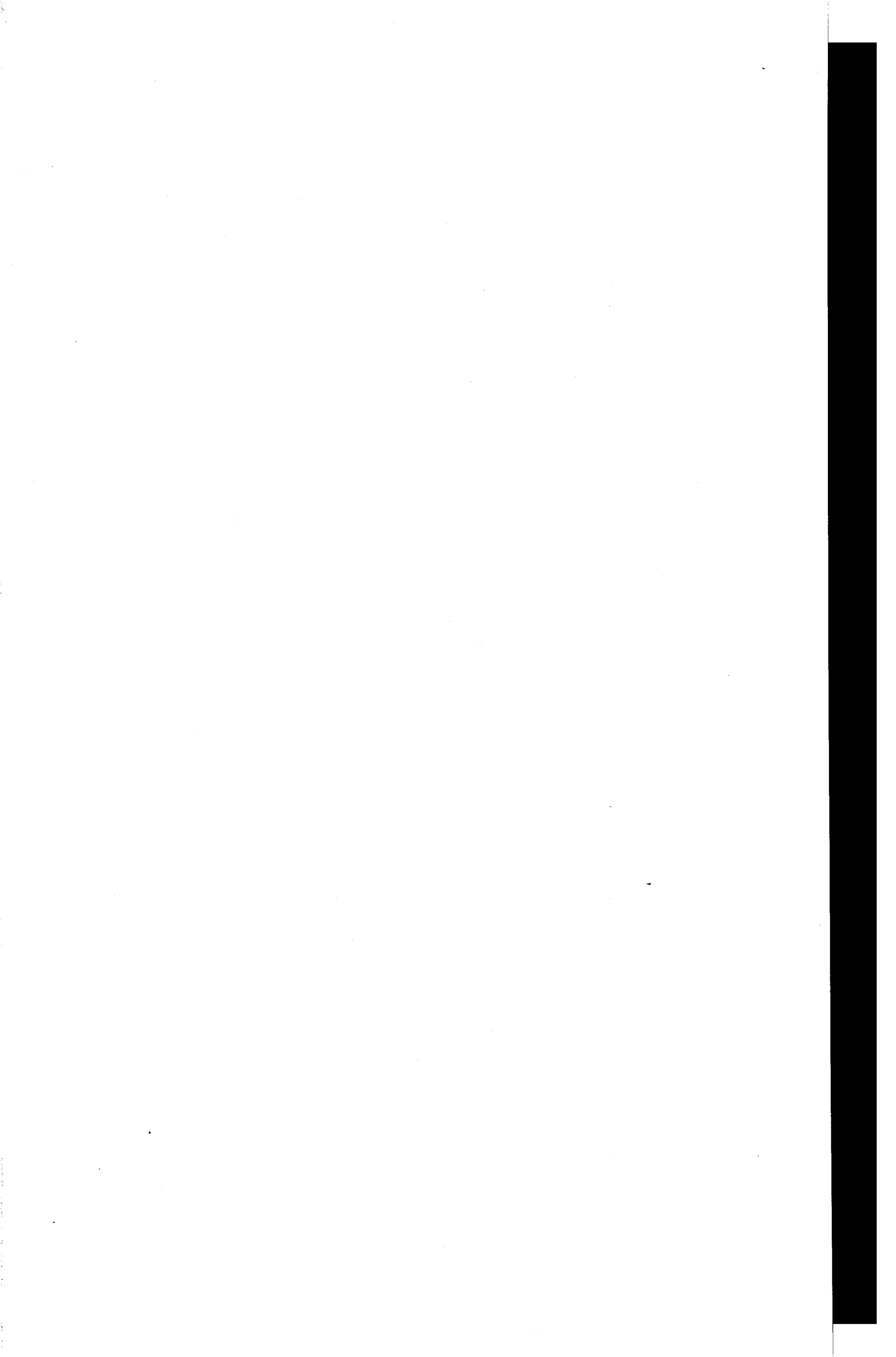
WILLIAM SEFTON MOORHOUSE,  
Superintendent.

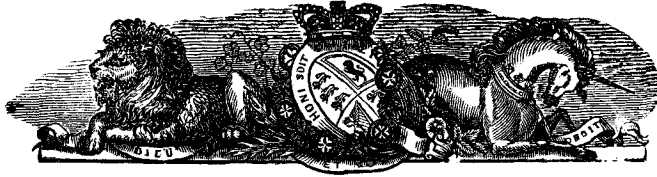
Passed the Provincial Council this Twentieth day of December, and assented to by his Honor the Superintendent on the Twenty-third day of December, in the year of our Lord one thousand eight hundred and fifty-nine.

CHARLES BOWEN,  
Speaker.

LEONARD HARPER,  
Clerk to the Council.

*See "The Sheep Ordinance Amendment Ordinance, 1861, Session XVII., No. 6."*





PROVINCE OF CANTERBURY.

ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

SESSION XI., No. 12.

Municipal Council Ordinance.

Published by Authority.

ANALYSIS.

*Preamble.*

1. *What may be constituted Municipal districts.*
2. *On Petition of one hundred Household-ers, unopposed, &c., Superintendent to declare the district a Municipality and define boundaries.*
3. *Such Municipality to be governed by a Town Council, &c.*
4. *To be a Corporation.*
5. *Public Meetings to be held and advertised—for fixing number of Members, the remuneration and election.*
6. *Superintendent to appoint Chairman.*
7. *Election of Assessors.*
8. *Chairman to have casting vote only.*
9. *Election of Members of Council. Show of hands. Poll next day. Qualifications.*
10. *Objections to vote. Return of votes.*
11. *Chairman of Council to be elected.*
12. *One-third of Members to retire in rotation, but to be re-eligible.*
13. *Meeting to be held for re-election. Place and time of election. Manner of nomination. Manner and time of polling. Declaration of poll.*
14. *Ratepayers, how privileged. Manner of objections to vote.*
15. *In cases of death, resignation, or absence, what course to be pursued.*
16. *List of persons liable to be rated to be made out, such Roll may be amended and added to.*
17. *Quorum of three or five. Chairman to preside.*
18. *Appointment of Officers. Power to fix salaries and defray expenses out of rates, &c.*
19. *Power to make By-laws.*
20. *To have care and management of roads, public works, sanitary arrangements, &c.*
21. *Expenses of repairs, &c., to be defrayed by general rate.*
22. *New works of local nature to be paid for by special rate, inclusive of public funds voted.*
23. *Rates, how to be assessed, and their limitation.*
24. *Rates, by whom to be paid.*
25. *Notice of rate to be given in Court, and List of Persons Liable. Objections, how to be heard.*
26. *Collectors of Rates.*
27. *Rates, how recoverable.*
28. *By-laws subject to the approval of the Superintendent.*
29. *Council to have no power over public works of the Province. Property in certain cases to vest in the Council.*
30. *Penalties, how to be imposed and recovered.*
31. *Notice to be given of intended works and alterations.*
32. *Plans to be prepared.*
33. *Consideration of objections.*
34. *Power of entry on to private lands for purposes of drainage or sewage.*
35. *Alteration of sewers. Cases of want of drainage.*

36. *Entry upon private lands.*
37. *Stoppage of streets.*
38. *Prevention of accidents.*
39. *Receptacles for filth.*
40. *Estimates to be prepared.*
41. *Notice of tenders being called for to be published.*
42. *Power of compounding.*
43. *Compensation for injury to drainage and sewerage.*
44. *Penalty for making branch drains without permission.*
45. *Penalty for building over sewers without permission.*
46. *Traps over sewers.*
47. *Drainage and sewerage beyond limits of a town in connection with Municipal works.*
48. *Obstructions and encroachments to be removed.*
49. *No cellar or entrance thereto to be made under any street.*
50. *Gutter pipes and water troughs to be provided.*
51. *Buildings in a dangerous state to be removed or protected.*
52. *Materials to be sold to defray expenses, balance returned to Owner.*
53. *No house to be built on a lower level than will allow of drainage. Interpretation of word re-building.*
54. *Notice of intention to lay out a new street or build houses to be given the Council, with Plans, to shew levels, &c.*
55. *Within fourteen days after such notice, Council to signify its disapproval of level proposed.*
56. *In default of sending such notice, course to be pursued by the Council.*
57. *Proviso in case the Council fail to regard the said notice.*
58. *Council to enforce the provisions for privies in every house.*
59. *All drains, privies, cesspools, &c., to be under the control of the Council.*
60. *Surveyor may inspect drains, privies, &c., and may report upon and open ground.*
61. *Owner to cleanse such drain, privy, or cesspool to the satisfaction of the Surveyor.*
62. *Penalty if constructed contrary to the Directions and Regulations of the Council.*
63. *In cases where any house shall be found not to be drained by a sufficient drain-communication with a sewer, the Council shall require one to be constructed.*
64. *Removal of noxious matter upon Certificate from the Officer of Health.*
65. *Cow-houses and pig-styes.*
66. *Penalties for allowing stagnant water, dung, &c., to accumulate so as to become a nuisance.*
67. *Dung of stables, &c., to be removed if exceeding a quantity of one ton.*
68. *Houses in a filthy state, how to be dealt with.*
69. *Council may borrow by way of mortgage.*
70. *Power to lease or farm-out tolls, &c.*
71. *Superintendent to have power to inspect any works, &c., carried on by the Council.*
72. *Council may borrow money upon rates.*
73. *Form of mortgage.*
74. *A Register of Mortgages to be kept, and open for public inspection.*
75. *Mortgages transferable.*
76. *Transfer to be produced to the Council within a certain time. Entry thereof to be made.*
77. *Council may borrow money at a lower rate of interest.*
78. *In order to discharge the principal money borrowed as aforesaid upon rates, Council how to act.*
79. *Order of paying off mortgages.*
80. *Works carried on with money so borrowed as aforesaid, subject to certain Regulations.*
81. *Notices to Owners and Occupiers, how to be served.*
82. *In case default be made by any Owner in execution of any work required, Occupier may cause the same to be executed at the expense of Owner.*
83. *Repayment of expenses incurred by the Council recoverable by a summary proceeding.*
84. *Council may determine whether expenses shall be defrayed by the Owner or Occupier.*
85. *In case the Occupier of any premises shall prevent the Owner thereof from carrying into effect any of the provisions of this Ordinance, the Council how to act.*
86. *Nothing in this Ordinance to affect any agreement previously entered into for erecting or altering any building, &c. Protection from additional expense.*
87. *Nothing in this Ordinance to affect any Lease or Agreement for a Lease, &c.*
88. *Statement of Accounts, &c., open for inspection.*
89. *Works proposed to be executed by Funds borrowed, &c., to be the subject of a separate By-law, under direction of the Superintendent.*
90. *In cases of death or resignation of any Officer of the Council, property belonging to the Council to be given up, &c.*

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| <p>91. <i>Entry upon lands for purposes of this Ordinance, compensation in case of damage done.</i></p> <p>92. <i>In cases where such Council desire to purchase lands, &amp;c., value of such to be determined in manner set forth in the "Diversion of Roads Ordinance, Session VII., No. 14."</i></p> <p>93. <i>Offences under this Ordinance to be determined in a summary way by two Justices of the Peace.</i></p> <p>94. <i>If any Council to whom money shall have been advanced out of the public re-</i></p> | <p><i>venue, fail to observe the conditions required by the terms of such loan, the Superintendent may transfer their power to a Board of Commissioners, appointed, &amp;c.</i></p> <p>95. <i>Appropriation of penalties.</i></p> <p>96. <i>Vesting powers in the Superintendent and Executive, in Non-Corporate Districts except rating powers.</i></p> <p>97. <i>Interpretation Clause.</i></p> <p>98. <i>Title.</i></p> |
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**T**HIS Ordinance shall be entitled and may be cited as "The <sup>Title.</sup>  
Municipal Council Ordinance, Session XI., No. 12."

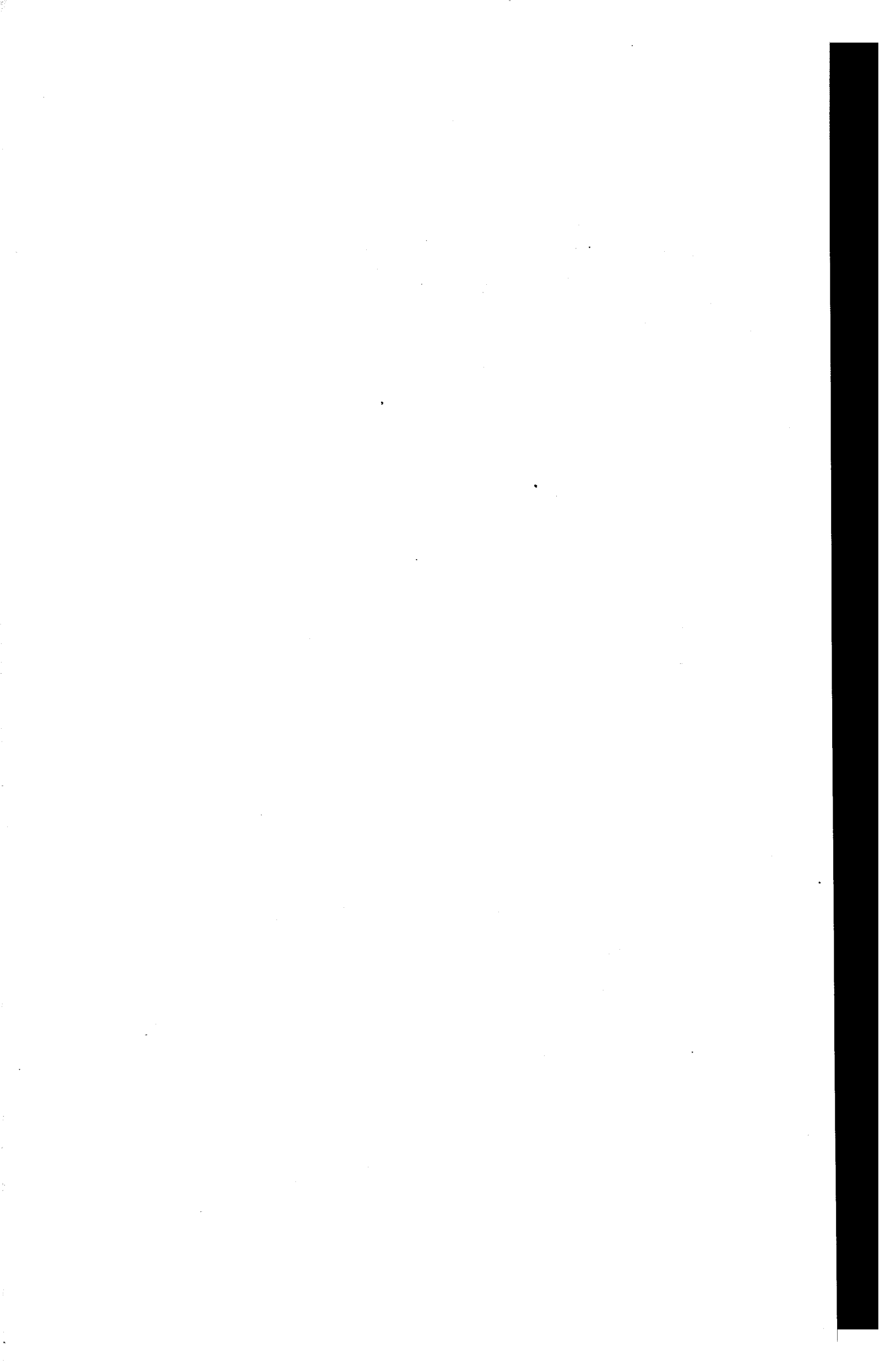
WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council on the Twenty-first day of December, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Twenty-seventh day of December, in the year of our Lord one thousand eight hundred and fifty-nine.

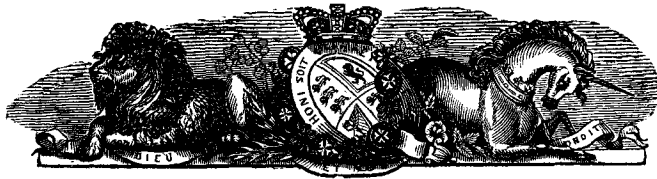
CHARLES BOWEN,  
Speaker.

LEONARD HARPER,  
Clerk to the Council.

*This Ordinance was disallowed by his Excellency the Governor. See Proclamation in "New Zealand Government Gazette," No. 11, 5th April, 1861, Page 67.*







PROVINCE OF CANTERBURY.

ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

SESSION XI., No. 13.

**Lyttelton and Christchurch Railway  
Ordinance.**

*Published by Authority.*

A N A L Y S I S.

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|--|---|
| 1. <i>Railway to be made.</i>  | 6. <i>Superintendent to execute a Deed Poll.</i>              |
| 2. <i>Superintendent to construct railway and take lands required.</i> | 7. <i>Property of railway to be vested in Superintendent.</i> |
| 3. <i>Limits of land to be taken.</i>                                  | 8. <i>Contracts made by Commissioners valid.</i>              |
| 4. <i>How compensation to be awarded.</i>                              | 9. <i>£235,000 granted to make the railway.</i>               |
| 5. <i>Compensation to be paid out of general revenues.</i>             | 10. <i>Title.</i>   |

**T**HIS Ordinance shall be entituled "The Lyttelton and Christchurch Title.  
Railway Ordinance, Session XI., No. 13."

WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council on the  
Twenty-first day of December, in  
the year of our Lord one thou-  
sand eight hundred and fifty-  
nine, and reserved for the assent  
of his Excellency the Governor.

CHARLES BOWEN,  
Speaker.

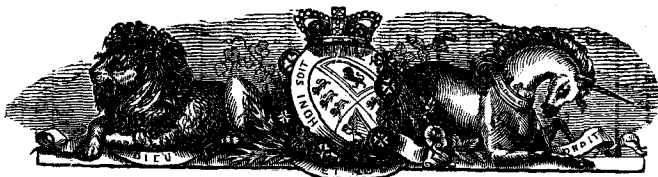
LEONARD HARPER,  
Clerk to the Council.

I hereby declare that I assent to  
this Ordinance.

Given under my hand, at Auckland,  
this                                  day of  
  in the year  
of our Lord one thousand eight  
hundred and sixty.

THOMAS GORE BROWNE,  
Governor.

*His Excellency withheld his assent from this Ordinance. See notification in "New Zealand Government Gazette," No. 5, 7th February, 1860, page 29.*



PROVINCE OF CANTERBURY.

ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

SESSION XI., No. 14.

Loan Ordinance.

Published by Authority.

ANALYSIS.

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|---|--|
| 1. £70,000 to be raised by loan.  | 5. Principal to be paid twenty years after issue.            |
| 2. Forms of Debentures.   | 6. Principal and interest to be paid out of general revenue. |
| 3. To be issued by Warrant of the Superintendent, at Union Bank of Australia. | 7. Loan to be expended solely in making Railways.            |
| 4. To bear interest at six per centum, payable half-yearly.                   | 8. Title.  |

THIS Ordinance shall be entituled "The Loan Ordinance, Session XI., No. 14." Title.

WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council on the Twenty-first day of December, in the year of our Lord One thousand eight hundred and fifty-nine, and reserved for the assent of his Excellency the Governor.

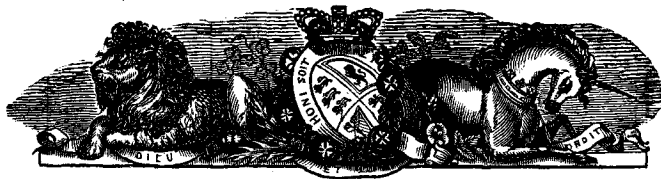
CHARLES BOWEN,  
Speaker.

LEONARD HARPER,  
Clerk to the Council.

I hereby declare that I assent to this  
Ordinance. Given under my  
hand, at Auckland, this  
day of  
in the year of our Lord one  
thousand eight hundred and  
sixty

THOMAS GORE BROWNE,  
Governor.

*His Excellency the Governor withheld his assent from this Ordinance.  
See notification in "New Zealand Government Gazette," No. 5, 7th  
February, 1860, page 29.*



PROVINCE OF CANTERBURY.

ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

SESSION XI., No. 15.

The Appropriation Ordinance.

Published by Authority.

ANALYSIS.

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| 1. <i>Appropriation of provincial revenue for the year ending 30th September, 1860.</i>     | 3. <i>Provincial Treasurer shall be allowed credit for certain sums expended up to 30th September, 1859.</i> |
| 2. <i>Provincial Treasurer shall issue and be allowed credit for the sums appropriated.</i> | 4. <i>Title.</i>   |

THIS Ordinance shall be entitled and may be cited as the "Appropriation Ordinance, 1859-60, Session XI., No. 15."

WILLIAM SEFTON MOORHOUSE,  
Superintendent.

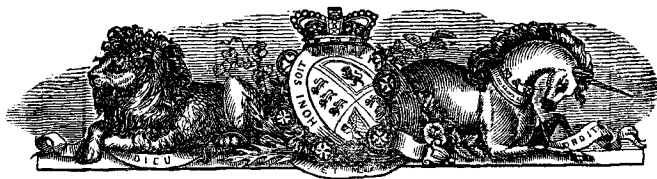
Passed the Provincial Council and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Third day of January, in the year of our Lord one thousand eight hundred and sixty.

CHARLES BOWEN,  
Speaker.

LEONARD HARPER,  
Clerk to the Council.

*Sum voted for year commencing First October, 1859, and ending Thirtieth September, 1860, £84,793 5s. 7d.*

*Sums paid in excess of "Appropriation Ordinance, 1859," £38,244 13s. 6d.*



PROVINCE OF CANTERBURY.

ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

SESSION XII., No. 1.

Trespass of Cattle Ordinance.

Published by Authority.

ANALYSIS.

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| <p><i>Preamble.</i></p> <ol style="list-style-type: none"><li>1. <i>Former Laws repealed.</i></li><li>2. <i>Interpretation of terms.</i></li><li>3. <i>Damages recoverable only under this Ordinance, and within thirty days of trespass.</i></li><li>4. <i>Cattle trespassing in towns.</i></li><li>5. <i>Cattle trespassing may be detained or driven to residence of Owner.</i></li><li>6. <i>Cattle trespassing on unenclosed lands without towns.</i></li><li>7. <i>Cattle trespassing may be detained or driven to residence of Owner.</i></li><li>8. <i>Entire animals wandering at large</i></li><li>9. <i>Ordinary damages to be recovered in a summary way.</i></li><li>10. <i>Special damages to be recovered in a summary way, and to be determined by arbitration.</i></li><li>11. <i>Superintendent to appoint Arbitrators.</i></li><li>12. <i>Arbitrators to make award.</i></li><li>13. <i>Penalty for obstructing Arbitrators.</i></li><li>14. <i>Judgment of the Court upon the award.</i></li><li>15. <i>Arbitrators may award compensation for damaged fence.</i></li><li>16. <i>Arbitrators to receive compensation.</i></li><li>17. <i>Arbitrators to be fined for neglect or refusal.</i></li><li>18. <i>Superintendent to cause Public Pounds to be erected.</i></li></ol> | <ol style="list-style-type: none"><li>19. <i>Superintendent to appoint Poundkeepers.</i></li><li>20. <i>Poundkeepers to give security.</i></li><li>21. <i>Poundkeepers to keep Pound in repair, &amp;c.</i></li><li>22. <i>Poundkeeper to receive fees and charges for food.</i></li><li>23. <i>Poundkeeper to keep board of Pound-fees and charges displayed.</i></li><li>24. <i>Penalties for over-charging, &amp;c., by Poundkeeper.</i></li><li>25. <i>Poundkeeper to keep Pound-book.</i></li><li>26. <i>Penalties for not producing Pound-book, &amp;c.</i></li><li>27. <i>Cattle impounded in charge of Poundkeeper.</i></li><li>28. <i>Poundkeeper to receive damages and charges for driving, &amp;c.</i></li><li>29. <i>Poundkeeper to give notice to Owner of cattle.</i></li><li>30. <i>Cattle not released to be sold by auction.</i></li><li>31. <i>Time, &amp;c., of sale of cattle.</i></li><li>32. <i>Justices may order sale of cattle sooner.</i></li><li>33. <i>Poundkeeper to receive price of cattle sold.</i></li><li>34. <i>Remedy against illegal impounding.</i></li><li>35. <i>Penalties for rescue or commission of Pound breach.</i></li><li>36. <i>Proceedings under Summary Proceedings Ordinance.</i></li><li>37. <i>Present Pounds and Poundkeepers continued.</i></li><li>38. <i>Title.</i></li></ol> |
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**T**HIS Ordinance shall be entituled and may be cited as "The Title.  
Trespass of Cattle Ordinance, Session XII., No. 1."

WILLIAM SEFTON MOORHOUSE,  
Superintendent.

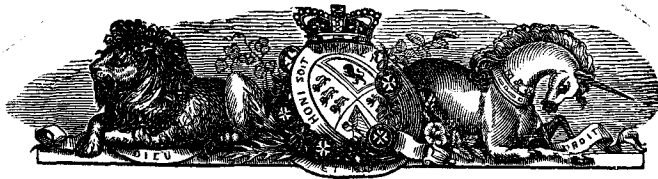
Passed the Provincial Council this Twentieth day of April, in the year of our Lord one thousand eight hundred and sixty, and assented to by his Honor the Superintendent, in the name of his Excellency the Governor, on the Twenty-fourth day of April, in the year of our Lord one thousand eight hundred and sixty.

CHARLES BOWEN,  
Speaker.

HENRY BACON QUIN,  
Clerk of Council.

*This Ordinance was disallowed by his Excellency the Governor. See Proclamation in "New Zealand Government Gazette," No. 26, 18th August, 1864, page 141.*





PROVINCE OF CANTERBURY.

ANNO VICESIMO QUARTO

VICTORIÆ REGINÆ.

SESSION XIII., No. 1.

Lyttelton and Christchurch Railway Loan Ordinance.

Published by Authority.

ANALYSIS.

*Preamble.*

1. £300,000 to be raised by way of loan.
2. Form of Debentures.
3. To be issued by Warrant of his Honor the Superintendent, at the Union Bank of Australia, in London.
4. To bear no higher interest than at the rate of six per centum per annum, payable half-yearly.
5. Principal to be paid thirty years after issue.
6. Principal and interest to be paid out of the public revenues of the said Province.
7. Two per centum per annum to be set apart under direction of the Superintendent and Executive Council, by way of sinking fund.
8. The said Debentures may be re-purchased from time to time under direction of the Superintendent and the Executive Council, to the amount of moneys so appropriated by vote or Resolution of Provincial Council. Such re-purchased Debentures not to be re-issued.
9. Loan to be expended solely in making railway.
10. The public revenue to be deemed such as is payable under the "Surplus Revenue Act, 1858," and the "Land Revenue Appropriation Act, 1858," together with the gross proceeds of traffic upon said railway.
11. Nothing herein to prejudice the "New Zealand Loan Act, 1856."
12. Title.

**W**HEREAS it is expedient that a Loan of Three Hundred Thousand Preamble. Pounds shall be raised for the purpose of defraying the costs of constructing a Railway between the towns of Lyttelton and Christchurch, in the Province of Canterbury: Be it therefore enacted by the Superintendent, with the advice and consent of the Provincial Council thereof, as follows:—

1. It shall be lawful for the Superintendent to raise, by way of loan, a sum not exceeding Three Hundred Thousand Pounds, and to issue Debentures to that amount; and such Debentures, when issued, shall be and are hereby charged upon the public revenues of the said Province. £300,000 to be raised by way of loan.

Form of Debentures.

2. Every such Debenture shall be in the form set forth in the Schedule to this Ordinance, and shall be numbered in order, and shall be signed by the Superintendent, and sealed with the public seal of the Province.

To be issued by Warrant of the Superintendent at the Union Bank of Australia in London.

3. Such Debentures shall be deposited in the Union Bank of Australia, in London, and shall be issued by the Manager or Directors of the said Bank, from time to time, at such times as the Superintendent shall, by Warrant, under his hand, direct: Provided always that the Debentures to be so issued shall not exceed in nominal value the sum of Fifty Thousand Pounds in any one year.

To bear no higher interest than at the rate of six per centum per annum, payable half-yearly.

4. Every such Debenture shall bear interest, commencing from the date of issue, at the rate of not exceeding Six Pounds sterling per centum per annum; and such interest shall be payable half-yearly, at the Union Bank of Australia, in London, upon the Thirtieth day of June and the Thirty-first day of December in each year.

Principal to be paid thirty years after issue.

5. The principal of every such Debenture shall be payable and shall be paid on demand, at the Union Bank of Australia, in London, upon the expiration of thirty years from the day of the issue thereof.

Principal and interest to be paid out of the public revenues of the said Province.

6. The Superintendent is hereby authorized and required to cause the interest and principal of the said loan to be paid out of the public revenues of the said Province.

Two per centum per annum to be set apart under direction of the Superintendent and Executive Council, by way of sinking fund.

7. For the purpose of providing a sinking fund for the liquidation of the principal, there shall be paid yearly, out of the said public revenues of the Province, to such person or persons as the Superintendent shall appoint, such sum as shall be equal to Two Pounds sterling per centum per annum on the total of the principal from time to time borrowed, to be invested by such person or persons in the purchase of such securities as the Superintendent, by and with the advice of his Executive Council, shall from time to time direct, and shall be increased by accumulation in the way of compound interest, or otherwise.

The said Debentures may be re-purchased from time to time under direction of the Superintendent and the Executive Council, to the amount of moneys so appropriated by vote or resolution of Provincial Council. Such re-purchased Debentures not to be re-issued.

8. The Superintendent, by and with the advice of his Executive Council, may from time to time authorize the Provincial Treasurer to re-purchase the said Debentures to the amount of such moneys as the Provincial Council may, by any Ordinance or Resolution hereafter to be passed, appropriate for that purpose; and all Debentures so re-purchased shall be forthwith cancelled, and shall not be re-issued under any pretence or circumstances whatever.

Loan to be expended solely in making Railway.

9. No portion of the said sum of Three Hundred Thousand Pounds shall be expended in any other way than in the purchase of site and the

construction of the said Lyttelton and Christchurch Railway, works connected therewith, erection of stations and purchase of rolling stock.

10. For the purposes of this Ordinance, the "Public Revenues" shall be deemed and taken to include the revenue only which shall be payable from time to time to the said Province under two Acts of the General Assembly of New Zealand, entitled respectively "The Surplus Revenue Act, 1858," and "The Land Revenue Appropriation Act, 1858," together with the gross proceeds of the goods and passenger traffic upon the said railway.

The public revenue to be deemed such as is payable under the "Surplus Revenue Act 1858," and the "Land Revenue Appropriation Act, 1858," together with the gross proceeds of traffic upon said railway.

11. Provided always, that nothing in this Ordinance contained, shall prejudice or interfere with the operation of an Act of the General Assembly of New Zealand, entitled "The New Zealand Loan Act, 1856."

Nothing herein to prejudice the "New Zealand Loan Act, 1856."

12. This Ordinance shall be entitled "The Lyttelton and Christchurch Railway Loan Ordinance, Session XIII., No. 1."

Title.

WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council, this  
Ninth day of July, in the year  
of our Lord One thousand  
eight hundred and sixty, and  
reserved for the assent of his  
Excellency the Governor.

CHARLES BOWEN,  
Speaker.

HENRY BACON QUIN,  
Clerk to the Council.

## SCHEDULE.

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NEW ZEALAND, PROVINCE OF CANTERBURY.  
£300,000 LOAN, 6 PER CENT.

No. £100. No. £100.  
DEBENTURE FOR ONE HUNDRED POUNDS STERLING.

*To the Provincial Treasurer of the Province of Canterbury.*

In pursuance of "The Lyttelton and Christchurch Railway Loan Ordinance, Session XIII., No. 1," you are hereby authorized and required, thirty years from the date hereof, to pay to the Bearer, at the office of the Union Bank of Australia, in London, out of the public revenues of the Province of Canterbury, the sum of

ONE HUNDRED POUNDS STERLING,

together with interest thereon in the meantime at the rate of Six Pounds sterling per centum per annum, commencing from the date hereof, by equal half-yearly payments, on the Thirtieth day of June and the Thirty-first day of December in each year; such payments of interest to be made at the office of the Union Bank of Australia, in London, as aforesaid.

Sealed by me

Dated at Christchurch, this  
day of 18

Keeper of the Public Records.

L. S.

Superintendent.

In my presence

Member of Executive Council.

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COPY OF COUPON.

PROVINCE OF CANTERBURY, NEW ZEALAND.  
£300,000 LOAN.

DEBENTURE ONE HUNDRED POUNDS STERLING.

Three Pounds sterling will be paid to the bearer of this coupon at the office of the Union Bank of Australia, in London, on the Thirtieth day of June [or Thirty-first day of December] 18 being six months' interest on Debenture No.

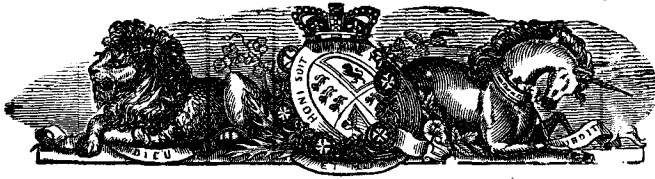
Superintendent.

Keeper of Public Records.

Member of Executive Council.

*See the "Lyttelton and Christchurch Railway Loan Appropriation Ordinance, 1861-62, Session XVII., No. 9."*

*This Ordinance was assented to by his Excellency the Governor. See notification in "New Zealand Government Gazette," No. 29, 3rd October, 1860, page 166.*



PROVINCE OF CANTERBURY.

ANNO VICESIMO QUARTO  
VICTORIÆ REGINÆ.

SESSION XIII., No. 2.

The Lunatic Asylum and Gravel-pit Reserves Sales Ordinance.

Published by Authority.

ANALYSIS.

*Preamble.*

1. *Superintendent to sell Lunatic Asylum and Gravel-pit Reserves by public auction.*

2. *Conditions of sale.*

3. *Proceeds, how to be appropriated.*

4. *Title.*

**W**HEREAS by a Proclamation, dated the Twenty-ninth day of <sup>Preamble.</sup> November, one thousand eight hundred and fifty-six, under the hand of James Edward FitzGerald, Esquire, Superintendent of the Province of Canterbury, two hundred acres, more or less, situated in the Christchurch District, above Riccarton, commencing at the north-west corner of section No. 346, thence along the north-western boundary line of the said section, No. 346, to the north-eastern corner thereof, on the watercourse running into the Heathcote, following up the said watercourse (north-westerly) and in a straight line, altogether a distance of about fifty chains, thence south-westerly, in a line parallel to the aforesaid north-western boundary line of section No. 346, to the high bank of the Heathcote, and returning along the said high bank to the commencing point, subject to a road one chain wide, from the north-western corner of section No. 156, to the north-eastern corner of section No. 327, and No. 92, in red, on the Map of the Chief Surveyor of the said Province, and twenty acres, more or less, situated in the Christchurch district, bounded on the north and west by the Wairarapa stream, on the south-west by section No. 117, about twenty-one chains, and on the north-east by a line from the north-eastern boundary of Section No. 117, to the Wairarapa, and numbered 93, in red, on the Map aforesaid, were, in pursuance of the powers vested in him in that behalf by the 19th Clause of the Regulation for the Sale, Letting, and Occupation of the Waste Lands of the Crown in the Province of Canterbury, and upon

recommendation of the Provincial Council thereof, reserved for the purpose of a Lunatic Asylum and a gravel-pit respectively: And Whereas the said reserves are no longer required for the said purposes: And Whereas by an Act of the General Assembly, entitled "The Public Reserves Act, 1854," it was enacted that all lands so reserved shall become vested in the Superintendent of the Province and his Successors, with full powers to manage and administer the same: And Whereas it was further enacted that the specific purposes for which any such lands within any Province shall be held may be changed, and the same lands may be appropriated to other and different purposes of public utility for the service of such Province: Provided always, that no land so granted shall be alienated by way of sale or mortgage, or by lease, for any longer term than three years, except by the authority of an Act or Ordinance of the Provincial Council of such Province to be passed in that behalf: And Whereas it hath become necessary to make other provision for the safe custody, care, and medical treatment of persons of unsound mind and infirm bodily health: Be it therefore enacted by the Superintendent of the Province of Canterbury, by and with the advice and consent of the Provincial Council thereof:

Superintendent to sell Lunatic Asylum and Gravel-pit Reserves by public auction.

1. It shall be lawful for the Superintendent, with the advice and consent of the Executive Council, to alienate by way of sale by public auction, the whole or any part of such land in one or more parcels: Provided that no part of such land shall be sold for a less sum than at the rate of Five Pounds per acre.

Conditions of sale.

2. All sales hereby authorised to be made shall be made by the Superintendent upon such terms and conditions as he may, with the advice and consent of his Executive Council, direct.

Proceeds, how to be appropriated.

3. The proceeds of all such sales as aforesaid shall be paid to the Provincial Treasurer for the public use of the Province, and shall be appropriated in such manner as the Superintendent and Provincial Council of the said Province shall direct.

Title.

4. This Ordinance shall be entitled and may be cited as "The Lunatic Asylum and Gravel-pit Reserves Sales Ordinance, Session XIII., No. 2."

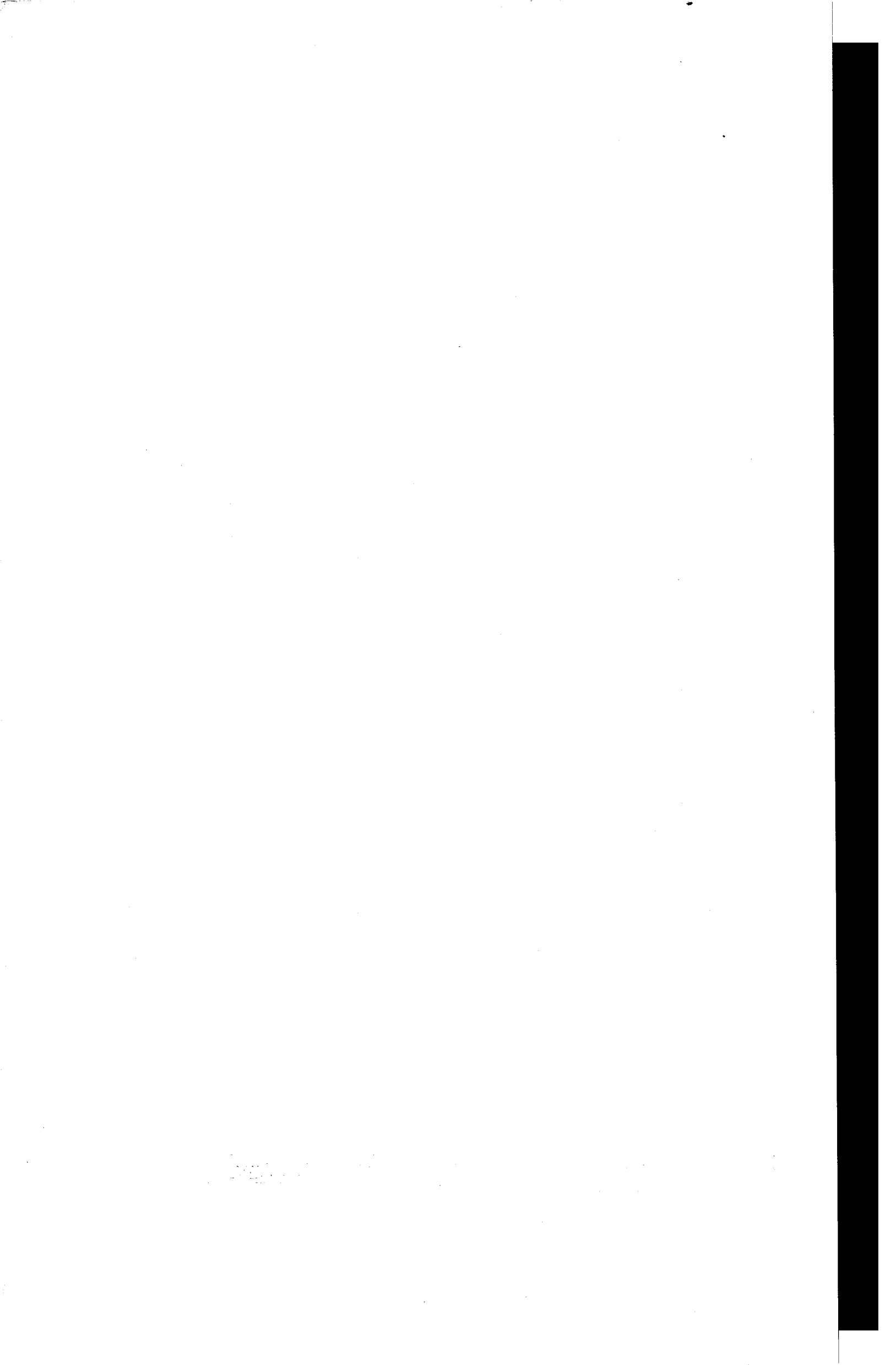
WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council the  
Sixth day of July, in the year  
of our Lord one thousand  
eight hundred and sixty, and  
reserved for the assent of his  
Excellency the Governor.

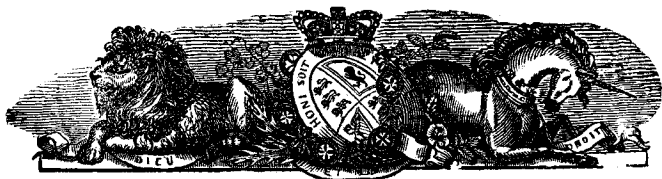
CHARLES BOWEN,  
Speaker.

HENRY BACON QUIN,  
Clerk to the Council.

*This Ordinance was assented to by his Excellency the Governor. See notification in "New Zealand Government Gazette," No. 26, 18th August, 1860, page 142.*







PROVINCE OF CANTERBURY.

ANNO VICESIMO QUARTO

VICTORIÆ REGINÆ.

SESSION XIV., No. 1.

An Ordinance to Restrict the Trespass of Cattle.

Published by Authority.

ANALYSIS.

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| <p><i>Preamble.</i></p> <ol style="list-style-type: none"><li>1. <i>Former Laws repealed.</i></li><li>2. <i>Interpretation of terms.</i></li><li>3. <i>Damages recoverable only under this Ordinance, and within thirty days of trespass.</i></li><li>4. <i>Cattle trespassing in towns.</i></li><li>5. <i>Cattle trespassing may be detained or driven to residence of Owner.</i></li><li>6. <i>Cattle trespassing on unenclosed lands without towns.</i></li><li>7. <i>Cattle trespassing may be detained or driven to residence of Owner.</i></li><li>8. <i>Entire animals wandering at large.</i></li><li>9. <i>Ordinary damages to be recovered in a summary way.</i></li><li>10. <i>Special damages to be recovered in a summary way.</i></li><li>11. <i>Superintendent to cause Public Pounds to be erected.</i></li><li>12. <i>Superintendent to appoint Poundkeepers.</i></li><li>13. <i>Poundkeepers to give security.</i></li><li>14. <i>Poundkeeper to keep Pound in repair, &amp;c.</i></li><li>15. <i>Poundkeeper to receive fees and charges for food.</i></li></ol> | <ol style="list-style-type: none"><li>16. <i>Poundkeeper to keep board of Pound-fees and charges displayed.</i></li><li>17. <i>Penalties for over-charging, &amp;c., by Poundkeeper.</i></li><li>18. <i>Poundkeeper to keep Pound-book.</i></li><li>19. <i>Penalties for not producing Pound-book, &amp;c.</i></li><li>20. <i>Cattle impounded, in charge of Poundkeeper.</i></li><li>21. <i>Poundkeeper to receive damages and charges for driving, &amp;c.</i></li><li>22. <i>Poundkeeper to give notice to Owner of cattle.</i></li><li>23. <i>Cattle not released, to be sold by auction.</i></li><li>24. <i>Time, &amp;c., of sale of cattle.</i></li><li>25. <i>Justices may order sale of cattle sooner.</i></li><li>26. <i>Poundkeeper to receive price of cattle sold.</i></li><li>27. <i>Remedy against illegal impounding.</i></li><li>28. <i>Penalties for rescue or commission of Pound breach.</i></li><li>29. <i>Maximum penalties.</i></li><li>30. <i>Recoverable summarily.</i></li><li>31. <i>Present Pounds and Poundkeeper continued</i></li><li>32. <i>Title</i></li></ol> |
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WHEREAS an Ordinance was enacted by the Lieutenant-Governor Preamble. and Legislative Council of New Zealand, Session VII., No. 17, entitled "An Ordinance to Repeal the Cattle Trespass Ordinance,

and the Cattle Trespass Amendment Ordinance, and to Provide for the Summary Recovery of Compensation for Damage done by Cattle Trespassing :” And Whereas an Ordinance was enacted by the Lieutenant-Governor and Legislative Council of New Zealand, Session VIII., No. 6, entitled “An Ordinance to Authorize and Regulate the Impounding of Cattle :” And Whereas an Ordinance was enacted by the Lieutenant-Governor and Legislative Council of the Province of New Munster, Session I., No. 3, entitled “An Ordinance to Prevent Entire Horses, and certain other Animals from being suffered to Stray or Run at Large :” And Whereas an Ordinance was passed by the Superintendent and Provincial Council of the Province of Canterbury, entitled “The Trespass of Cattle Ordinance, Session II., No. 7 ;” and Whereas such Ordinance was amended by an Ordinance passed by the Superintendent and Provincial Council of the Province of Canterbury, entitled “The Trespass of Cattle Amendment Ordinance, Session X., No. 4 :” And Whereas such amended Ordinance was further amended by an Ordinance passed by the Superintendent and Provincial Council of the Province of Canterbury, entitled “The Trespass of Cattle Amendment Ordinance Amendment Ordinance, Session XI., No. 10 :” And Whereas it is expedient that the above recited Ordinances should, so far as they relate to the Province of Canterbury, be repealed, and that the several provisions therein contained should be amended, and should be consolidated into one Ordinance : Be it therefore enacted, by the Superintendent of the Province of Canterbury, with the advice and consent of the Provincial Council thereof as follows :—

Former Laws repealed.

1. All the above recited Ordinances (except in so far as any provision therein contained shall repeal any former Laws and Ordinances) and all Proclamations and Notices issued in pursuance of the authority thereof, shall be, and the same are hereby repealed within the Province of Canterbury.

Interpretation of terms.

2. In the interpretation of this Ordinance the word “cattle,” unless otherwise specially defined, shall be deemed to include all horned and neat cattle, horses, mules, asses, sheep, goats and swine of all ages, and of either sex ; and the words “Owner of cattle” shall be taken to mean the person having the lawful charge, control, and management of such cattle ; and the word “town” to mean the towns described in the Schedule A to this Ordinance, by the boundaries therein set forth ; and the term “sufficient fence” shall be taken to mean any fence of the several kinds described in the Schedule B to this Ordinance, the smallest part in which shall be of not less dimensions than those set forth in the same Schedule ; and the term “ordinary damages” shall be deemed to be the amount of damages in every case respectively, according to the scale set forth in the Schedule C to this

Ordinance; and the word "residence" of the Owner of any cattle shall be taken to mean the nearest known residence or homestead in use by the Owner of such cattle; and the word "Occupier" of any land shall be taken to mean the person having the use or occupation of such land, or holding a License from the Crown for the depasturing of cattle thereupon, or the Agent, Bailiff, or Servant of such person.

3. From and after the passing of this Ordinance no cattle shall be impounded, and no proceedings shall be taken in any matter relating to the trespass of cattle, or the recovery of damages arising therefrom, in any Court of Summary Jurisdiction within the Province, except only under the authority and in accordance with the provisions of this Ordinance: Provided that nothing herein contained shall be taken to prevent the impounding of cattle under the provisions of an Ordinance enacted by the Governor-in-Chief and Legislative Council of New Zealand, Session X., No. 1, entitled "An Ordinance to Regulate the Occupation of Waste Lands of the Crown in the Province of New Ulster," and of a like Ordinance, Session XI., No. 10, entitled "An Ordinance to Amend the Crown Lands Ordinance, No. 1, Session X., and to extend the operation thereof to the Islands of New Zealand:" Provided also, that no damages shall be recovered in any action for trespass by cattle, unless the information shall have been laid within thirty days after such trespass.

*See further provision against cattle wandering at large within the limits of towns given in the "Trespass of Cattle Ordinance, No. 2, Session XVII., No. 13."*

4. If any cattle shall be found wandering at large within the limits of any town, the Owner thereof shall be liable to a fine of not more than Five Shillings; and it shall be lawful for any one thereupon to impound such cattle; and if such cattle shall do any damage to any property within the limits of such town, the person suffering such damage may recover from the Owner of such

cattle in the manner hereinafter provided, either "ordinary damages," or "special damages," as he shall think fit to sue for.

5. If any cattle shall be found trespassing upon land enclosed within a sufficient fence without the limits of a town, the Occupier of such land may thereupon impound the same, and may recover from the Owner of such cattle, in the manner hereinafter provided, either "ordinary damages," or "special damages," as he shall think fit to sue for.

6. If any cattle shall be found trespassing between the hours of sunset and sunrise upon land not enclosed within a sufficient fence without the limits of a town, the Occupier of such land may recover

ordinary damages from the Owner of such cattle, according to the scale set forth in Schedule C to this Ordinance; and if such trespass shall occur between the hours of sunrise and sunset, then such Occupier shall be entitled to recover damages to the extent of one-third of the said respective sums before mentioned; but if such Occupier as aforesaid shall not have enclosed such land by a sufficient fence within six months of the date at which he shall first have cultivated the same, he shall not be entitled to recover for any such trespass a greater sum than that recoverable for trespass between the hours of sunrise and sunset: Provided always, that the amount of such damages recoverable under this Section shall in no case exceed the sum of Five Pounds.

Cattle trespassing may be detained or driven to residence of Owner, or the Public Pound. Damages recoverable from Owner.

*See further provision, against cattle trespassing without the limits of a town, in "The Trespass of Cattle Ordinance, 1862, Session XIX."*

7. If any cattle shall be found trespassing upon any land without the limits of a town, it shall be lawful for the Occupier of such land or of the pasturage thereof, thereupon to take such cattle, and either to drive them to the residence of the Owner, or to detain them on his own land at some convenient place, and immediately thereupon to give notice of such detention at the residence of the Owner thereof; and if such cattle so detained shall not be removed within twelve hours after the service of such notice, it shall be lawful for the person detaining the same to drive them to the residence of the Owner, or to the nearest Public Pound, as he shall think fit; but if the Owner of such cattle shall be unknown to such Occupier, it shall be lawful for him to detain such cattle on his own land as aforesaid, and if such cattle shall not be removed within twelve hours, it shall be lawful for such Occupier to drive the same to the nearest Public Pound; and such Occupier shall be entitled to recover from the Owner of such cattle, charges for driving the same, and for giving notice of the detention of the same, according to the scales respectively set forth in Schedule D to this Ordinance: Provided that in no case shall the charge for driving, or for so giving notice, exceed the sum of Five Pounds: Provided always, that such Occupier, if claiming ordinary damages, may demand the payment of such ordinary damages before restitution of such cattle within the period of twelve hours aforesaid; but if such Occupier shall claim special damages, then such cattle shall not be detained if application be made by the Owner for their restitution.

Entire animals wandering at large.

8. If any bull, entire horse, ass, or mule, shall be found wandering at large on land not being in the lawful occupation of the Owner of such animal, it shall be lawful for any person thereupon to impound the same, and the Owner thereof shall be further liable to a penalty of not less than Two Pounds and not more than Five Pounds.

9. If any person shall be entitled to claim ordinary damages for any trespass done by cattle, not having impounded such cattle, he may recover such damages before any two Justices of the Peace in a summary way; and if he shall have impounded such cattle, such damages shall be paid to him by the Pound-keeper, as hereinafter provided.

10. If any person shall be entitled to claim special damages on account of any trespass done by cattle, he may recover the same before any two Justices of the Peace in a summary way.

11. It shall be lawful for the Superintendent to cause Public Pounds to be erected and maintained within the Province, and from time to time to abolish or remove the same; and all such Pounds shall be situate immediately adjoining some public highway, and shall contain enclosures properly fenced, so that Cattle infected with any contagious disorder may be kept separate from those in health; and a notification of every such establishment, abolition, or removal of a Public Pound shall appear in the *Government Gazette* of the Province, setting forth fully the situation of such Pound, or the situation to which it is removed, as the case may be, together with the day, being not less than ten clear days after the issue of such *Gazette*, from and after which such establishment, abolition, or removal shall take effect.

12. It shall be lawful for the Superintendent, by writing, under his hand, to appoint fit and proper persons to be Pound-keepers, and from time to time to remove the same, and to appoint others in their stead; and every such appointment or removal shall take effect from the day upon which the same shall be notified in the public *Gazette* of the Province.

13. Every Pound-keeper shall give security for the due performance of the duties of his office, by bond, to the amount of Fifty Pounds, by himself and two Sureties, being substantial Household-ers of the Province.

14. It shall be the duty of the Pound-keeper to keep the Pound under his charge clean and in good order, and the fences thereof in proper repair, and every day or part of a day during which any cattle shall be in the Pound, to supply such cattle with a sufficient quantity of wholesome food and water, and to take care that cattle infected with any infectious or contagious disease shall, so far as is possible, be kept separate from those in health; and for every offence, either by wilful act or by neglect, against the provisions of this Clause, the

Pound-keeper shall be liable to a penalty not exceeding Five Pounds and not less than One Pound.

Pound-keeper to receive fees and charges for food.

15. It shall be lawful for the Pound-keeper to demand and receive from the Owner of any cattle impounded, all such fees and charges as are set forth in the Schedule E to this Ordinance, on account of the several services therein described; and the Pound-keeper shall account for all such fees and charges to the Provincial Treasurer, or to any Sub-Treasurer as the Superintendent may, from time to time, direct, once in every quarter, on the First days of January, April, July, and October, respectively; and all such fees and charges shall be first applied in payment of the salary or remuneration of the Pound-keeper, and any surplus after the payment of such salary or remuneration shall be dealt with as provided for under the Ordinary "Revenue Act, 1858."

Pound-keeper to keep board of Pound fees and charges displayed.

16. The Pound-keeper shall erect and maintain, in some conspicuous part of the Pound under his charge, a white board, having painted thereon, in legible black letters, a Table of all the Fees and Charges which he is authorized by this Ordinance to demand and receive; and if he shall fail to maintain the same, or shall permit any false statement to appear thereon, he shall be liable to a fine of Five Shillings for every day during which any false statements shall appear thereon.

Penalties for overcharging, &c., by Pound-keeper.

17. If any Pound-keeper shall demand or take any greater sum for any act or service than he is hereby authorized to demand and take, or shall fail duly to account for the fees and charges received by him in the manner hereinbefore provided, such Pound-keeper shall be liable to a penalty not exceeding Five Pounds, nor less than One Pound, for every such offence.

Pound-keeper to keep Pound Book.

18. The Pound-keeper shall keep, at or near the Pound, a copy of this Ordinance, and also a Pound-book, in the form set forth in Schedule F to this Ordinance; and he shall enter into such book every particular required to be entered therein according to the said form, and all such entries shall be made at the time the acts were done to which they refer respectively, and every entry respecting the time of impounding any cattle, and the cause for which they were impounded, and the amount of damages claimed, shall be entered in the presence of the person impounding such cattle, and shall be signed by such person; and the Pound-keeper shall produce the copy of this Ordinance and the Pound-book, and all Orders and other papers relating to the impounding of any cattle, at all reasonable times, to any person desiring to inspect the same, and may demand

and receive the sum of Sixpence for every such inspection ; and the Pound-keeper shall, if required, grant certified extracts from such books and papers, and may demand and receive the sum of One Shilling for every such extract not comprising more than one hundred words, and for every subsequent number of words not exceeding one hundred, the sum of Sixpence.

19. If the Pound-keeper shall neglect or refuse to produce a copy of this Ordinance or the Pound-book, or of any paper in his possession relating to the impounding of any cattle, or shall refuse to permit anyone, having first tendered the charge hereby authorized to be demanded, to make such inspection as aforesaid, or shall refuse to furnish extracts from such books or papers as hereinbefore provided, or if he shall have neglected to make any entry in the Pound-book which he is hereby required to make, he shall, for every such offence or default, be liable to a penalty not exceeding Twenty Shillings ; and if such Pound-keeper shall wilfully delay making any such entry, or shall knowingly make any false entry in the Pound-book, or shall wrongfully erase or destroy any previous entry therein, he shall be liable, for every such offence, to a fine not exceeding Ten Pounds.

20. All cattle impounded shall be in the lawful custody of the Pound-keeper, and if any loss or damage shall occur to such cattle through the wilful act or neglect of the Pound-keeper, or his Servants, the Owner thereof may recover compensation for the same in a summary way ; and the Pound-keeper shall not release such cattle from the Pound unless upon the payment of all lawful fees, charges and damages which he is herein entitled to demand and receive, or except upon the written authority of the person impounding the same, together with such lawful fees and charges ; and it shall be his duty, immediately upon such payment, or upon such authority, together with such payment as aforesaid, to release and deliver up such cattle ; and if the Pound-keeper shall at any time release cattle from the Pound, except as herein provided, or refuse to deliver up and release such cattle as he is lawfully required so to do, he shall be liable to a penalty not exceeding Five Pounds.

21. If the person impounding any cattle shall state to the Pound-keeper that he claims "ordinary damages," or "charges for driving cattle," or "charges for giving notice of the detention of cattle," as set forth in Schedules C and D respectively, hereto annexed, in satisfaction of the trespass for which such cattle are impounded, and shall state the amount of such damages or charges, and shall certify to the same in the Pound-book, the Pound-keeper shall demand, and he is hereby empowered to demand and receive

such amount, in addition to all other lawful fees and charges, from the person taking delivery of such cattle, and the Pound-keeper shall pay over such amount, on demand, to the person having claimed the same.

Pound-keeper to give notice to Owner of cattle.

22. If any impounded cattle shall not be claimed within twenty-four hours after such impounding, the Pound-keeper shall immediately send notice, in writing, to the Owner thereof, together with an extract from the Pound-book, containing all the particulars of the impounding of such cattle, and the amount of "ordinary damages" claimed, if any, and shall further state the day upon which such cattle will be sold if not sooner released; and such notice shall be delivered personally to the Owner, or shall be given to some adult person at his usual place of abode: Provided that if such Owner shall live at a greater distance than five miles from the Pound, such notice shall be given to anyone, being his known Agent, living within such distance, and if neither the Owner nor his Agent shall be living within such distance, or if the Owner shall not be known to the Pound-keeper, then the Pound-keeper shall post such notice at the Pound, and at some other place of public resort in the neighbourhood, and shall advertise the same in the public Newspapers of the nearest town, and shall cause such advertisement to appear in every issue of such Newspapers until the day of sale of such cattle: Provided, that if such cattle shall consist of sheep, goats, or swine, and be not more than two in number, it shall not be necessary to give any other notice of such impounding than by posting such notice as aforesaid on the Pound, and at some other place of public resort in the neighbourhood; and, for giving such notices, the Pound-keeper shall be entitled to receive the fees set forth in Schedule G hereto annexed, together with the full cost of inserting such advertisements in the Newspapers.

Cattle not released to be sold by auction.

23. If any impounded cattle shall not be released from the Pound within seven clear days after notice shall have been served as aforesaid, or within twenty-one clear days after such notice shall have been posted as aforesaid, the Pound-keeper may apply to any Justice of the Peace for an order for the sale of such cattle; and if such Justice of the Peace shall be satisfied by inspection of the Pound-book, and by the evidence, upon oath, of the Pound-keeper, and by such other evidence as he may require, that the provisions of this Ordinance have been complied with, such Justice may give an Order, in writing, for the sale of such cattle; and if such Justice shall find that the terms of this Ordinance have not been complied with, and if delay in the sale of the cattle shall have been occasioned by any neglect of the Pound-keeper, the Pound-keeper shall bear all the costs arising from such delay.



24. All sales of impounded cattle shall take place at the Pound, Time, &c., of sale of cattle. and shall commence at the hour of noon, and each animal shall be put up in a separate lot, and shall be sold to the highest Bidder (provided that any sucklings may be put up in the same lot with the mother thereof); and the Pound-keeper, notwithstanding he shall not be duly licensed, is hereby empowered to act as an Auctioneer at such sale: Provided that it shall not be lawful for the Pound-keeper, or the person impounding such cattle, or the Justice making the order for the sale thereof, either directly or indirectly, to purchase any animal at such sale; and every purchase made by such persons shall be absolutely null and void, and the persons offending against the provisions of this Clause shall be liable to a penalty of Five Pounds over and above the restitution of the animal or animals so purchased.

25. Provided that if it shall appear to any two Justices of the Peace, upon the evidence of the Pound-keeper, and upon such other evidence as such Justices may require, that the proceeds of the sale of any cattle impounded may not be sufficient to satisfy the lawful fees and charges due to the Pound-keeper, if such cattle shall be maintained in the Pound until the day of sale as hereinbefore provided, it shall be lawful for such Justices to order such sale to take place upon any day they shall think fit earlier than the day of sale hereinbefore directed. Justices may order sale of cattle sooner.

26. The Pound-keeper shall receive the price of all impounded cattle sold as herein provided immediately after the sale thereof, and shall apply the same—first, in the payment of all lawful fees and charges due to himself; and secondly, in payment of the damages (if any) claimed by the person impounding the cattle, and he shall pay the residue to the Owner of such cattle, or to his Agent, upon the same being demanded; and if no such demand shall be made within thirty days after such sale, he shall pay over such residue to the Provincial Treasurer, and the Receipt of the Provincial Treasurer shall be a legal discharge to the Pound-keeper for the amount named therein; and if such sum of money shall not be claimed within two years from the date of the Receipt thereof by the Provincial Treasurer, it shall be lawful for the Superintendent, by Warrant, under his hand, to direct the same to be applied to the public uses of the Province, and to the support of the Government thereof. Pound-keeper to receive price of cattle sold.

27. If any cattle shall have been illegally impounded, the Owner thereof shall be entitled to recover, in a summary way, from the person impounding the same, full compensation for all the loss and damage which he may have suffered thereby; but if the person impounding such cattle shall claim special damages as hereinbefore provided, it shall Remedy against illegal impounding.

not be competent to the Owner of such cattle to commence a separate action until such claim shall have been adjudicated upon.

Penalties for rescue or  
or commission of  
Pound breaches.

28. If any person shall rescue or attempt to rescue any cattle which shall have been lawfully seized for the purpose of being impounded, or shall break down, injure, or destroy any Pound legally erected, whether any cattle shall be impounded therein or not, or shall commit any Pound-breach or rescue, whereby any cattle of any description shall escape or be enlarged from any such Pound, every such person shall be deemed guilty of a misdemeanour, punishable summarily; and upon conviction of such offence before any two Justices of the Peace, shall be liable to suffer fine not exceeding Twenty Pounds, and imprisonment with or without hard labour for any period not exceeding four calendar months.

Maximum penalty.

29. No penalty to be imposed in any one conviction under the provisions of this Ordinance shall exceed the sum of One Hundred pounds.

Penalties recoverable  
summarily.

30. All fines, damages, and penalties imposed under the authority of this Ordinance shall be recoverable in a summary way.

Present Pounds and  
Poundkeepers excepted.

31. Until further proceedings in that behalf in pursuance of this Ordinance as hereinbefore provided, the Public Pounds at present by Law established shall be taken and deemed to be Public Pounds, and the Poundkeepers thereof to be Poundkeepers within the meaning and under the authority of this Ordinance.

Title.

32. This Ordinance shall be entitled and may be cited as the "Trespass of Cattle Ordinance, Session XIV., No. 1."

WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council this  
Twelfth day of December, in  
the year of our Lord one  
thousand eight hundred and  
sixty, and assented to by his  
Honor the Superintendent, in  
the name of his Excellency the  
Governor, on the Thirteenth  
day of December, in the year  
of our Lord one thousand  
eight hundred and sixty.

CHARLES BOWEN,  
Speaker.

HENRY BACON QUIN,  
Clerk to the Council.

## SCHEDULE A.

## LIST OF TOWNS TO WHICH THIS ORDINANCE REFERS.

The town of Christchurch, as set forth in the Map of the Chief Surveyor of the Province of Canterbury, including the town reserves.

The town of Lyttelton, as set forth in the Map of the Chief Surveyor of the said Province.

The town of Akaroa, as set forth in the Proclamation of the Superintendent of the said Province, bearing date 1st of May, 1856.

The town of Kaiapoi, as set forth in the Schedule to the "Kaiapoi Town Ordinance, Session VIII., No. 7."

## SCHEDULE B.

## DESCRIPTION OF SUFFICIENT FENCE.

1. A post and rail fence, at least three feet six inches in height, of substantial materials, firmly erected, of not less than two rails, with no greater distance between the rails at any point than one foot nine inches, and the posts not more than eight feet six inches asunder.
2. A substantial upright paling, at least three feet six inches in height.
3. A substantial wire fence, at the least four feet in height, having not less than four wires tightly stretched and kept of a white colour, and the posts of which are not further than twelve feet from each other.
4. A substantial iron hurdle, at the least four feet in height, and kept of a white colour.
5. A bank or wall of substantial materials, at the least four feet in height, of which the slope is not more than one foot from the perpendicular on the outer side thereof.
6. A close and sufficient live fence, at least four feet in height.
7. Any combination of fences of the above kind, at the least four feet in height.
8. A ditch five feet broad, with a bank or any fence, or combination of fences of the above sorts on the further side thereof, the top of which shall be at the least five feet six inches from the bottom of the ditch, and two feet six inches above the level of the ground; and where the slope of the bank on the ditch side thereof is not more than one in three, and the slope of the ditch not more than one in two.

## SCHEDULE C.

## SCALE OF ORDINARY DAMAGES.

Within the district hereinafter defined as the agricultural district :—

Upon land having any cultivated crop of any kind growing thereon : for every head of horses, asses, mules, horned or neat cattle, or swine, the sum of Three Shillings : and for every head of sheep or goats, the sum of One Shilling. Upon land not having any cultivated crop growing thereon : for every head of horses, asses, mules, horned or neat cattle, or swine, the sum of One Shilling and Sixpence ; and for every head of sheep or goats, the sum of Ninepence.

Within the portion of the Province not included in the Agricultural District, or in the towns as hereinafter specified :—

Upon any land, whether cultivated or not, whether by day or night : for every head of horses, asses, mules, horned or neat cattle, or swine, the sum of Threepence ; and for every sheep or goat, One Penny.

The Agricultural District shall comprise all that portion of the Province contained within the Avon, the Heathcote, and the Kaiapoi Electoral Districts, except the town of Kaiapoi and the Port Victoria Electoral Districts, as set forth and described in the "Provincial Council Extension Ordinance, Session VIII., No. 8," and any other portions of the Province which shall, from time to time, by Proclamation of the Superintendent, in pursuance of a recommendation to that effect from the Provincial Council, be declared to be included in such Agricultural District.

## SCHEDULE D.

## CHARGES FOR DRIVING CATTLE.

For every head of cattle of any sort whatsoever, being less than ten in number, Sixpence for every mile or fractional part of a mile from the residence of the person driving such cattle to the residence of the Owner of the same or to the Pound ; for every head above ten in number and less than one hundred, Threepence ; for every head above one hundred, One Penny.

## CHARGES FOR GIVING NOTICE OF THE DETENTION OF CATTLE.

For every mile or part of a mile from the residence of the person giving such notice to the residence of the Owner of the cattle, One Shilling.

## SCHEDULE E.

## POUND FEES.

	S.	D.
For each entire horse above the age of twelve months ...	2	6
„ mare, gelding, colt, filly, foal, mule, ass, goat, or pig	1	0
„ bull above the age of twelve months ... ..	2	6



## SCHEDULE G.

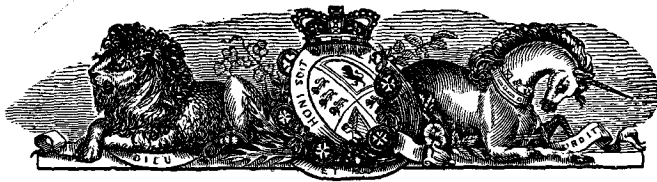
## POUND-KEEPER'S FEES FOR GIVING NOTICES OF CATTLE IMPOUNDED.

For giving notice to any Owner, Agent, or Bailiff within five miles of the Pound:—

	S.	D.
For any distance not exceeding two miles ... ..	2	0
For every additional mile or part of a mile ... ..	1	0
For posting a notice where the Owner be not known, or lives at a greater distance than five miles from the Pound, and has no Agent or Bailiff within that distance ...	1	0

*See the "Trespass of Cattle Ordinance, 1862, Session XIX.," with reference to the extension of Clause 7 of this Ordinance.*

*For trespass of cattle within towns, see the "Trespass of Cattle Ordinance, No. 2, Session XVII, No. 13."*



PROVINCE OF CANTERBURY.

ANNO VICESIMO QUARTO

VICTORIÆ REGINÆ.

SESSION XIV., No. 2.

The Municipal Council Ordinance.

Published by Authority.

ANALYSIS.

*Preamble.*

1. *Former Laws repealed.*
2. *What may be constituted Municipal districts*
3. *On Petition of one hundred Householders unopposed, &c., the Superintendent to declare the districts a Municipality, and define boundaries.*
4. *Such Municipality to be governed by a Town Council.*
5. *To be a Corporation.*
6. *Public meeting to be called for the election of the Council.*
7. *Meeting to be convened by publication.*
8. *Superintendent to appoint a Chairman.*
9. *Election of Assessors.*
10. *Qualifications.*
11. *Objections to vote. Time for voting. Return of votes.*
12. *Chairman of Council to be elected.*
13. *Four Members to retire in rotation, but to be re-eligible.*
14. *Meeting to be held for re-election. Place and time of election. Manner of nomination. Manner and time of polling. Declaration of poll.*
15. *Occasional vacancies : how to be filled up.*
16. *List of Persons Liable to be Rated, to be made out. Such roll may be amended and added to.*
17. *Quorum of five. Chairman to preside.*
18. *Appointments of Officers. Power to give salaries and defray expenses out of rates.*
19. *Power to make By-laws.*
20. *To have care and management of roads, public works, and sanitary arrangements.*
21. *Expenses of repairs, &c., to be defrayed by a general rate.*
22. *New works of local nature to be paid for by special rate, inclusive of public funds voted.*
23. *Rates : how to be assessed, and their limitation.*
24. *Rates : by whom to be paid.*
25. *Notice of rate to be given in Court, and list of persons liable. Objections ; how to be heard.*
26. *Collectors of rates.*
27. *Rates : how recoverable.*
28. *By-laws subject to the approval of the Superintendent.*
29. *Penalties : how to be imposed and recovered. Council to have no power over public works of the Province.*
30. *Property in certain cases to vest in the Council.*
31. *Notice to be given of intended works and alterations.*
32. *Plans to be prepared.*
33. *Consideration of objections. Compensation : how to be regulated.*
34. *Power of entry on to private lands for purpose of drainage or sewerage.*
35. *Alterations of sewers. Cases of want of drainage.*
36. *Entry upon private lands.*

37. *Stoppage of streets.*
38. *Prevention of accidents.*
39. *Receptacles for filth.*
40. *Estimates to be prepared.*
41. *Notice of tender being called for to be published.*
42. *Power of compounding*
43. *Compensation for injury to drainage or sewerage.*
44. *Penalty for making branch drains without permission.*
45. *Penalty for building over sewers without permission.*
46. *Traps over sewers*
47. *Drainage and sewerage beyond the limits of a town in connection with Municipal works.*
48. *Obstructions and encroachments to be removed.*
49. *No cellar or entrance thereto to be made under any street.*
50. *Gutter pipes and water troughs to be provided.*
51. *Buildings in a dangerous state to be removed or protected.*
52. *Materials to be sold to defray expense. Balance to be paid to the Owner.*
53. *No house to be built on a lower level than will allow of drainage. Interpretation of word re-building.*
54. *Notice of intention to lay out a new street or build houses to be given the Council, with Plans to show levels, &c.*
55. *Within fourteen days after such notice, the Council to signify its disapproval of level proposed.*
56. *In default of sending such notice, course to be pursued by the Council.*
57. *Proviso in case the Council fail to regard the said notice.*
58. *Council to enforce the provisions for privies in any house.*
59. *All drains, privies, cesspools, &c., to be under the control of the Council.*
60. *In all cases where any house shall be found not to be drained by a sufficient drain communication with a sewer, the Council shall require one to be constructed.*
61. *Removal of noxious matter upon Certificate of Officer of Council or qualified Medical Practitioner.*
62. *Council may borrow by way of mortgage.*
63. *Superintendent to have power to commit to the Council expenditure of sums appropriated for works, and to appoint an Engineer to inspect such works.*
64. *Form of mortgage: Register to be kept open for inspection.*
65. *Mortgages transferable.*
66. *Transfer to be produced to the Council within a certain time. Entry thereof to be made.*
67. *Works carried on with money so borrowed as aforesaid, subject to certain Regulations.*
68. *Notice to Owners and Occupiers: how to be served.*
69. *Re-payment of expenses incurred by the Council recoverable by summary proceedings.*
70. *Council may determine whether expenses shall be defrayed by the Owner or Occupier.*
71. *In case the Owner of any premises shall prevent the Occupier thereof from carrying into effect any of the provisions of this Ordinance, the Council, how to act.*
72. *Nothing in this Ordinance to affect any Agreement previously entered into for erecting or altering any building, &c. Protection from additional expense.*
73. *Statement of Accounts, &c., to be duly kept and submitted to meeting.*
74. *Balance-sheet of Accounts to be passed at meeting.*
75. *Settlement of Accounts to be forthwith made by retiring Council with existing Council.*
76. *No Member to contract with or hold paid office under the Council.*
77. *In cases when such Council desire to purchase lands, &c., value of such to be determined in manner set forth in the "Diversion of Roads Ordinance, Session XI., No. 3."*
78. *If any Council to whom money shall have been advanced out of the public revenue fail to observe the conditions required by the terms of such loan, the Superintendent may transfer their power to a Board of Commissioners appointed, &c.*
79. *Vesting powers in the Superintendent, and execution in Non-corporate districts, except rating powers.*
80. *No penalty to exceed One Hundred Pounds.*
81. *Fines and penalties to be recovered in a summary way.*
82. *Title.*

Preamble.

**W**HEREAS an Ordinance was passed by the Lieutenant-Governor of New Munster, with the advice and consent of the Legislative Council thereof, Session I., No. 7, entitled "An Ordinance to Authorize the Levying and Collecting Rates for the Making and Repairing of



Roads, Streets, &c., in any Town in the Province of New Munster :”  
 And Whereas it is expedient that the said Ordinance be repealed and other provisions made for the management of the streets and the sewerage and drainage of towns and populous places within the Province of Canterbury, and for the preservation of the health of the Inhabitants thereof: Be it therefore enacted by the Superintendent of the Province of Canterbury, by and with the advice and consent of the Provincial Council thereof as follows :—

1. The said recited Ordinance, so far as regards the Province of Former Laws repealed. Canterbury, shall be, and the same is hereby repealed.

2. Any town now existing in the Province of Canterbury, or any What may be constituted Municipal districts. town which shall hereafter be proclaimed by the Superintendent, and which shall contain a population of Householders not less than two hundred, may, subject to the provisions of this Ordinance, be constituted a Municipal district as hereinafter mentioned.

3. It shall be lawful for the Superintendent, with the advice of the Executive Council, on the receipt of a Petition signed by not less than On Petition of one hundred Householders unopposed, &c., the Superintendent to declare the district a Municipality, and define boundaries. one hundred Householders resident within any such town, praying that such town may be declared a Municipal district under this Ordinance, to cause the substance and prayer of such Petition to be published in the *Government Gazette*; and (if no counter Petition signed by an equal or greater number of Householders resident within such locality shall have been delivered at the office of the Provincial Secretary within one month from the date of such publication) the Superintendent, with the advice aforesaid, may, if he think fit, declare, by Proclamation, such town a Municipal district, by a name to be mentioned in such Proclamation, and also may define the limits and boundaries of such Municipal district, and such limits and boundaries at any time thereafter in the same manner may vary and alter, but so as in no case, save as hereinafter mentioned, to include within the limits or boundaries of such Municipal district an area of more than three square miles; and upon the publication of any such Proclamation in the *Government Gazette*, such locality, so defined, shall be deemed and taken to be a Municipal district within the meaning of this Ordinance.

4. Every Municipal district to be constituted as aforesaid, shall be Such Municipality to be governed by a Town Council. governed by a Council consisting of nine Members.

5. The Council of every Municipal district, constituted as aforesaid, To be a Corporation. shall be and is hereby created a Body Corporate under such name and style as the Superintendent shall, in such Proclamation as aforesaid, direct, and as such, shall have perpetual succession and shall have and

use a common seal, and shall be capable in Law of suing and being sued and of purchasing and holding land and tenements, situate within the limits of such district, for the use of the Inhabitants thereof, and of making and entering into such Contracts as may be necessary for the exercise of its corporate functions, and such powers shall be exercised by and in the name of the Council of every such district. Provided that no such Council shall exercise any other power of a Corporation save and except such as are granted by this Ordinance.

Public meeting to be called for the election of the Council.

6. After the constitution of any Municipal district as aforesaid, it shall be lawful for any ten or more persons who shall have signed the Petition for the constitution thereof, to convene a public meeting of the Householders and of others who shall be entitled to vote in the election of Members of the Provincial Council for the district, and at such meeting proceed, in manner hereafter provided, to the election of the Members of such Municipal Council.

Meeting to be convened by publication.

7. Every such meeting shall be convened by public notice, to be inserted in two consecutive numbers of the *Government Gazette* and of the Newspapers published in the towns of Christchurch and Lyttelton, copies of such notice being affixed at the place where such meeting is intended to be held, and in some conspicuous part of one or more other places of public resort within the limits of the district, and every such notice shall state the time and place of holding such meeting, the object and purposes for which such meeting is called, and shall be signed by the person convening the same. And every such meeting shall be held not less than fourteen nor more than thirty clear days from the date of the first publication.

Superintendent to appoint Chairman.

8. It shall be lawful for the Superintendent, with the advice aforesaid, to appoint some fit and proper person to preside as Chairman at any meeting to be convened as hereinbefore provided, and at all adjournments thereof; and such person shall attend at the hour and place fixed in the notice for convening the said meeting, and shall preside thereat.

Election of Assessors.

9. At the time mentioned in such notice, the persons who shall be present at such meeting and who shall be entitled to vote as aforesaid, shall, in the first place, proceed to the election, as and in manner they may deem expedient, of two persons from among themselves to act as Assessors, and to assist the Chairman as hereinafter provided, and such Chairman shall decide all points of form and order, and shall be assisted by the Assessors, when elected, in taking the votes as hereinafter provided.

10. No person shall be capable of being nominated or elected a member of any Municipal Council under the authority of this Ordinance who shall not have been a resident within the district for the space of six months prior to his nomination, and whose name shall not appear on the Electoral Roll for the district for the time being. Qualifications.

11. On any poll to be taken, it shall be competent for any person claiming to be qualified to vote, to object to another person tendering his vote, and before he has voted, on the ground that such person was not a Landholder within such district, or a Householder resident within the limits of such district, for the space of six months as aforesaid; and upon such objection being made, it shall be lawful for the Chairman and Assessors to investigate the grounds of such objection, and by examination of the persons objected to and objecting, and any other persons or by any other evidence, to satisfy themselves as to the validity of such objection. And the decision of the said Chairman and Assessors, or the majority of them, shall be final and conclusive in reference to any disputed vote, and such Chairman and Assessors, or the majority of them, shall, at such election, make such arrangements for appointing proper persons to record the votes of Electors, the place where such votes are to be recorded, and the mode of voting, whether *viva voce* or by voting-paper and otherwise, for the due and equitable management of the election as to them shall seem most desirable. The voting to commence at 10 o'clock a.m., and close at 4 o'clock on the same day; and such Chairman and Assessors shall forthwith, after the termination of every such poll, make out a list showing the number of votes given thereat, and the manner in which the same shall have been given, and the result thereof, and shall publish the same at the place whereat the poll was taken, and the said Chairman and Assessors shall report, in writing, to the Superintendent, the names and occupations of the persons so elected, and the same shall be published in the *Government Gazette* of the Province. Objections to vote.  
Time for voting.  
Return of votes.

12. So soon after the election of the Members of the Council as conveniently may be, such Members shall elect from amongst themselves some one to be the Chairman of such Council; and the person so elected shall continue to be the Chairman until after the annual election of Members as hereinafter provided, when such Chairman shall retire from office, but shall, if a Member of such Council, be eligible to be re-elected. Chairman of Council  
to be elected.

13. At the first annual meeting which shall be held after the election of the Council under this Ordinance, four Members shall retire (to be decided by ballot at a meeting of the Council to be held not less than thirty days previously), and four duly qualified persons shall be Four Members to  
retire in rotation,  
but to be re-eligible.

elected in manner before provided to fill up the vacancies. At the second annual meeting the five Members who were elected two years previously shall retire, and five qualified persons shall be elected to fill their places and so on, every Member retiring from office at the expiration of two years from the date of election. Any Member retiring as aforesaid shall, if duly qualified, be eligible for re-election.

Meeting to be held  
for re-election. Place  
and time of election.  
Manner of  
nomination.  
Manner and time  
of polling.  
Declaration of poll.

14. At least twenty-one days previous to the expiration of the year from the date of the last election of Members of the Council, the Chairman shall, by public notice, to be inserted in two consecutive numbers of one or more Newspapers published within the Province, and also by affixing a copy of such notice in some conspicuous part of one or more places of public resort within the said Municipal district, call a public meeting of the Ratepayers as hereinafter mentioned, of such district, for the purpose of electing Members to serve in the place of those who shall retire by rotation from such Council as hereinbefore provided; and such notice shall state the names of the Members so retiring, and the place and time of holding such meeting, and the time shall be at noon of some day within one week of the expiration of the year from the date of the last election; and at such meeting of Ratepayers the Chairman of the Council for the time being shall preside, and shall call upon any Candidate for the office of Municipal Councillor to present himself, and if there be not more Candidates than vacancies, such Chairman shall declare such Candidates duly elected, or if there be more Candidates than vacancies, such Chairman shall call for a show of hands for each Candidate, and shall decide in whose favour such show of hands was exhibited, and the person or persons in whose favour the show of hands shall have been decided, shall thereupon be declared to be the Member or Members of the Municipal Council accordingly, unless any Candidate or four Ratepayers shall demand a poll, in which case such Chairman shall proceed on the next day (not being Sunday, Good Friday, or Christmas Day) to hold a poll, and to cause the votes of the Ratepayers to be recorded, and shall open such poll at ten o'clock in the morning, and close it at four o'clock in the afternoon of the same day; and such Chairman shall have power and authority to take such steps as may be necessary for the duly carrying out such election, and shall, as soon as practicable after the closing of such poll, declare the numbers each Candidate respectively polled, and the names of the Candidate or Candidates who shall have been elected.

Occasional vacancies,  
how to be filled up.

15. If at any time, by reason of death, absence beyond four months from the district, resignation, bankruptcy, insolvency, or legal incapacity of any Member, the Members of the Council shall be reduced below six, the Council shall elect, at a public meeting to be convened for

the purpose, and by show of hands, a number of duly qualified persons equal to the vacancies, and every person so elected shall hold office only until the time at which the person in room of whom he may have been elected would regularly have gone out of office: Provided that every notice of such meeting shall be given at least twenty-one days previous to the holding of such election.

16. Every Municipal Council shall forthwith, after the election of the Chairman, cause to be collected the names and residences of every person who, under this Ordinance, may be liable to be rated as hereinafter mentioned, in consideration of any house or land occupied or held by such persons within the boundaries of the Municipal district of such Council, and shall cause a List thereof to be made, a copy or copies thereof to be publicly exhibited on some conspicuous part of one or more places of public resort within the said district, together with a notice of the time when, and place where the Municipal Council will attend to hear any objections that may be made to such List; and at the time and place so named, being some convenient locality within the boundaries of such Municipal district, such Council shall attend, enquire into, hear and determine any such objections, and the decision of such Council shall be final and conclusive in regard to any or every objection made against such List; and the said List, when thus settled and revised, shall be transcribed into a book, to be called the Ratepayers' Roll, and shall be lodged with the books and papers of such Municipal Council; and if at any time after the completion of such Ratepayers' Roll any person not being liable to be placed on such Roll at the time of its completion shall thereafter become liable to be rated for or on account of any house or land occupied or held within such district, it shall be competent for such person to apply to the Municipal Council to have his name inserted in such Ratepayers' Roll, and if it shall appear to the satisfaction of such Council that such person was not at the time of the compiling or making the Ratepayers' Roll as aforesaid liable to be rated, but has since become so, and has, in fact, for the space of six months previous to such application been so liable, such Council shall cause the name of such Applicant to be placed on the Ratepayers' Roll.

List of persons liable to be rated to be made out. Such Roll may be amended and added to.

17. Five Members of the Council shall form a quorum, and the act of such quorum shall have the same force and effect, and shall be considered as the act of the whole Municipal Council, and the Chairman of such Council, whenever present, shall preside, and if he be not present, then the Members in attendance shall choose, as and in manner they may deem expedient, some other Member of the Council to preside, and in case of an equality of votes at any such meeting, the Chairman, besides his own vote, shall have a casting vote.

Appointment of Officers. Power to give salaries and defray expenses out of rates.

Quorum of five. Chair-  
man to preside.

18. The Municipal Council shall appoint such Officers, not being Members of the said Council, as may be necessary for carrying into execution the various powers and duties vested in them by this Ordinance, with such salaries and emoluments as may seem requisite, and may dismiss or suspend, and appoint others in their places, and may reduce or increase such salaries and emoluments in such manner and at such times as such Council shall see fit, and shall pay and defray out of the rates, tolls, dues, or other funds at the disposal of such Municipal Council, such salaries or emoluments, and such expenses as may necessarily have been incurred in the due execution of their office as Members of the said Council, also all necessary sums expended by such Municipal Council in or about the election of any Members of such Council, and also of any public meeting called by such Council, as well as their necessary expenses incurred for the duly carrying out of the first election of Members of the said Council.

Power to make  
By-laws.

19. It shall be competent for the Council of any Municipal district to make By-laws for the regulation of their own proceedings, the collection of their rates, the prevention and extinguishing of fires, the suppression of nuisances and houses of ill-fame, compelling Residents to keep their premises free from offensive or unwholesome matters, the regulation and licensing of Porters, Watermen, Lightermen, public Carriers, Carters, and Waterdrawers, the regulation of markets, market dues, fairs, and sale, the preservation of public decency and public health, the restraining noisome and offensive trades, and the general good rule and good government of such Municipal district: Provided always, that no By-laws or Regulations so made, shall be deemed to interfere with any Ordinance of the Superintendent and Provincial Council.

To have care and  
management of roads,  
public works,  
and sanitary  
arrangements.

20. Every such Council shall have the care and management of the public roads, streets, squares, paths, wharves, jetties, piers, bridges, and thoroughfares, and all streams, watercourses, drains, ponds, ditches, and the like, not being private property, within such district, and shall adopt such means as may seem to them desirable for the preservation of the health of the public, the care and maintenance of the destitute poor and sick, the securing the necessary supply of water for domestic or sanitary purposes, and shall and may form, cleanse, repair, and maintain in effectual operation the sewers and drains of the district, and shall and may make such Regulations for the lighting of such district as shall to such Council seem fit, subject to the provisions hereinafter contained.

Expenses of  
repairs, &c., to  
be defrayed by  
a general rate.

21. The expenses of maintaining and repairing the streets, and of cleansing, repairing, and maintaining in effective operation the sewers and drains of the district, of the payment of Officers employed, and the

expenses incurred on account of, or inuring to the common benefit of the town or district, shall be defrayed by a general rate, and be called "The General Municipal District Rate."

22. The expenses of making any street, or making any new, or altering, improving, closing, or destroying any old sewer or drain, or effecting any other local work or improvement of a permanent nature for the benefit of the district, shall be defrayed by a special rate or rates, to be called "The Special Municipal District Rates," of such amount as will be sufficient to discharge the amount of such expenses, and interest thereon, within such period, not exceeding five years, as the Council shall in such case determine: Provided always, that in all cases in which any sum or sums of money shall have been or may be granted by the Superintendent and Provincial Council for or on account of any special work within the said district, the same shall be carried to account for such work, and the special rate or rates shall be levied for the balance only, if any, of such expenses aforesaid.

New works of local nature to be paid for by special rate inclusive of public funds voted.

23. The rates shall be assessed upon the net annual value of all land, buildings, tenements, or, that is to say, of rent at which the same might reasonably be expected to let from year to year: Provided that no such "general" rate or rates shall in any one year exceed the sum of one shilling in the pound of such annual value; or, in the case of a "special" rate, shall not exceed for a like period the sum of two shillings in the pound of such annual value.

Rates: how to be assessed, and their limitation.

24. The rate, whether "general" or "special," shall be paid by the Tenant or Occupier of the land or premises; or in case there be no Tenant, or Occupier, by the Proprietor thereof: Provided that it shall not be lawful for any Council to impose or levy any rate whatsoever on any land or premises belonging to and in the occupation of her Majesty or the Provincial Government, or any land or building reserved for public purposes or uses, or any places set apart for public worship.

Rates: by whom to be paid.

25. Previously to levying any rate, the Council shall cause a written or printed Statement to be posted in some conspicuous place within the district, setting forth the amount of rate to be levied, with a List of the names of the persons liable for the payment thereof, with the sum payable by each of such persons, and the property in respect whereof the same shall be payable, and to such Statement shall subjoin a notice that all objections thereto will be heard and determined by the Council, at a time and place to be in such notice mentioned, such time being not less than fourteen days from the date of such notice; and the Council shall hear and determine such objections accordingly.

Notice of rate to be given in Court, and List of persons liable. Objections: how to be heard.

Collectors of rates.

26. The Council shall appoint a fit person or persons to collect the rates, and shall take security from every Collector for the due execution of his office, which security shall be to the amount of the sum likely to be in the hands of the Collector at any one time, and shall be by bond or otherwise as the Council may determine.

Rates: how recoverable.

27. All rates shall be recoverable at the suit of any Collector by summary proceedings.

By-laws subject to the approval of the Superintendent.

28. No By-law, Rate, or Assessment shall have any force or effect until the Superintendent, with the advice of his Executive Council, shall, under his hand, have signified his assent thereto: and when such By-law, rate, or assessment shall have been assented to, the Superintendent shall cause publicity to be given thereto by Proclamation in the *Government Gazette* of the Province.

Penalties: how to be imposed and recovered. Council to have no power over public works of the Province.

29. Each By-law, so to be made as aforesaid by any such Council shall state some maximum penalty, not exceeding forty shillings, for any neglect or breach thereof, and such penalty shall be recoverable in a summary way. Nothing herein contained shall authorize the interference by any Municipal Council with any public road, market, wharf, aqueduct, or any other public work, place, or building of what description soever not erected, formed, or constructed by such Municipal Council, that may be excepted from the jurisdiction of such Municipal Council, by any Proclamation made or to be made by the Superintendent, or respecting which provision shall have been or shall be made by any Ordinance of the Provincial Council.

Property in certain cases to vest in Council.

30. All main or public sewers and drains within the town, whether existing at the time when the Council shall be constituted, or made at any time thereafter, and all materials thereof, and for making and repairing streets, and of works in progress of every description, or brought upon or near to any works in progress for the purpose of being used thereon, shall vest in, and belong to, and be under the management and control of such Council; neither shall anything herein contained be construed to authorize the Council contrary to, or inconsistently with any private right to use, injure, or interfere with any sewers or other works made or used for the purpose of draining, preserving, improving or irrigating land, or to use, injure, or interfere with any watercourse, stream, or river in which the Occupier or Owner of any lands, mills, or machinery shall have a right or vested interest, without consent, in writing, being first obtained.

Notice to be given of intended works and alterations.

31. Twenty-eight days at least before fixing the level of any street which shall not have been hitherto levelled, and before making any



sewer where none was before, or altering the level or course, or abandoning or stopping any sewer, the Council shall give notice of its intention to perform any such work by posting a printed or written notice on a conspicuous place at each end of every such street through or in which such work is to be undertaken; in which notice shall be set forth the name or situation of the street intended to be levelled, and the names of the places through or near which it is intended that the new sewer shall pass, or the existing sewer be altered or stopped up, and also the places of the beginning and the end thereof, and shall refer to plans of such intended work, name or place where such plans may be seen, and a time when and place where all persons interested in such intended work may be heard thereupon.

32. Before giving notice of its intention to construct any work of Plans to be prepared. which by this Ordinance it is required to give notice, the Council shall cause a plan and section of the intended work to be made on a scale not less for a horizontal plan than one inch to one hundred and ninety-eight feet, and for a vertical section not less than one inch to ten feet: and in case of a sewer, shewing the depth of such sewer below the surface of the ground, which plans shall be deposited in the office of the Council, or some other convenient place, and shall be open at all reasonable hours for the inspection of all persons interested therein during the time from which such notice is required to be given.

33. The Council shall meet at the time and place mentioned in the notice, to consider, in the presence of its Surveyor, any objections made Consideration of objections. Compensation, how to be regulated. against such intended work; and all persons interested therein, or likely to be aggrieved thereby, shall be entitled to be heard before the Council at such meeting, and thereupon the Council may, in its discretion, grant compensation for, abandon, or make such alterations in the intended work as it may judge fit: and no such work to which any objection is made at such meeting shall be executed unless the Surveyor of the Council, after the person making such objection or his Agent has been heard, shall certify that the work, in his judgment, ought to be executed: Provided always, that if the persons whose property may be affected by such decision shall object to the amount awarded by the Council in compensation for the injury he may sustain, he shall be entitled to demand that the damage shall be assessed in accordance with the provisions of "The Diversion of Roads Ordinance, Session XI., No. 3."

34. The Council shall, from time to time, subject to the restrictions Power of entry on to private lands for purposes of drainage or sewerage. herein contained as to the notice to be given and the plans and estimates to be prepared, cause to be made such main drain and other sewers as shall be necessary for the effectual drainage of the town, and also all such reservoirs, sluices, engines, and other works as shall be

necessary for cleansing such sewer; and, if needful, carry such sewers through and across all underground cellars and vaults under any of the streets, doing as little damage as may be, and making full compensation for any damage done; and if, for completing any of the aforesaid works, it be found necessary to carry them into or through any enclosed lands, the Council may carry the same in and through such lands accordingly, making full compensation to the Owners or Occupiers of any enclosed land. It may also cause such sewers to communicate with and empty themselves into the sea, or any public stream or river beyond the limits of the town, or cause the refuse of such sewers to be conveyed by a proper channel to the most convenient site for its collection and sale, for agricultural or other purposes, as may be deemed most expedient, but so that the same shall in no case become a nuisance: Provided always, that in making any such main and other sewers, or in repairing, re-constructing, or enlarging the same, or any existing drains or sewers, the contents at present carried into any existing outlet shall not be diverted therefrom to the prejudice of any actual existing legal right.

Alteration of sewers.  
Cases of want of drainage.

35. The Council shall from time to time repair, and as it sees fit enlarge, alter, arch over, or otherwise improve all or any of the sewers vested in it. It may demolish or discontinue any sewer which may appear to it to have become useless, provided it be so done as not to create a nuisance. In any case in which it may appear to the satisfaction of the Council that the levels of any town are not sufficiently removed above high-water mark, or where there may not be convenient access to the sea, or to any river, or when the effect of directing the refuse of any sewers into the sea, or into any river, may be injurious to the health of the Inhabitants of any town, it shall be lawful for such Council to direct that the refuse of every house, whether night-soil, dung, ashes, or other filth and rubbish, shall be periodically deodorised, and conveyed at least once in every three months to some convenient place provided for its deposit. It shall not be lawful for any cesspool to be constructed upon any gravel stratum.

Entry upon private lands.

36. The Council shall have power by itself or its Officers to enter at all reasonable hours in the day-time into and upon any land, buildings, and premises within the town, without being liable to any legal proceeding on account thereof: Provided always, that except when herein otherwise provided, the Council or its Officers shall not make any such entry, unless with the consent of the Occupier, until after the expiration of twenty-four hours' notice for that purpose given to the Owner or Occupier.

Stoppage of streets.

37. The Council may stop up any street, and prevent the same from being used as a common thoroughfare for a reasonable time during the execution of any work authorised by this Ordinance.

38. The Council shall, during the execution of any work, take every <sup>Prevention of accidents.</sup> proper precaution for guarding against accident, and every person who takes down, alters, or removes any bar, or chain, or other protection, or extinguishes any light placed at or near to any work for protection without the authority or consent of the Council, shall, for such offence, be liable to a penalty not exceeding Forty Shillings.

39. The Council may from time to time provide places <sup>Receptacles for filth.</sup> convenient for the deposit of night-soil, dung, ashes, and other filth and rubbish to be collected under the authority of this Ordinance.

40. Before any contract, for the execution of any works under the <sup>Estimate to be prepared.</sup> provisions of this Ordinance, to the amount of One Hundred Pounds, shall be entered into, the Council shall obtain from its Surveyor an Estimate, in writing, as well of the probable expense of executing the work in a substantial manner, as of the annual expense of repairing the same, and also a Report, as to the most advantageous mode of contracting, that is to say, whether by contracting for the execution of the work only, or for executing and maintaining the same in repair during a term of years or otherwise.

41. Before any contracts to the amount of One Hundred Pounds <sup>Notice of tenders being called for to be published.</sup> and upwards shall be entered into, fourteen days' notice, at least, shall be given in one of the Newspapers published in the town, or if no Paper be published in the town, then in one of the Newspapers published in the town of Christchurch, expressing the object and purpose of such contract, in order that any person willing to undertake the same may tender for that purpose to the Council at a certain time and place in such notice to be mentioned, and the Council shall take security for the due performance of such contracts.

42. The Council may compound and agree with any party who shall <sup>Power of compounding.</sup> have entered into any contract under the authority of this Ordinance, or against whom any action or suit may be brought for any penalty contained in any such contract, or in any bond or other securities for the performance thereof, or for or on account of any breach or non-performance of any such contract, bond, or security, for any sum of money or recompense as the Council may think proper.

43. If any person, by means of any enlargement, alteration, or discontinuance of any sewer or other proceeding of the Council, be <sup>Compensation for injury to drainage or sewerage.</sup> deprived of the use of any sewer or drain which such person was theretofore lawfully entitled to use, the Council shall provide some other sewer or drain equally effectual for such purpose; and if the Council refuse, or do not within seven days next after notice, in writing, served

upon it, begin, and thereupon diligently proceed to restore to its former effective state such drain or sewer, the use whereof has been affected by the acts of the Council, or to provide such other sewer or drain as aforesaid, it shall forfeit to the person aggrieved any sum not exceeding Forty Shillings for every day after the expiration of such seven days during which he is deprived of the use of the drain or sewer to which he was so entitled.

Penalty for making  
branch drains without  
permission.

44. Every person, not being employed for the purpose by the Council, who shall make any drain into any of the sewers or drains so vested in the Council, shall forfeit to the Council a sum not exceeding Five Pounds : and the Council may cause such branch drain to be re-made as it thinks fit, and all the expense incurred thereby shall be paid by the person making such branch drain, and shall be recoverable by the Council as damages.

Penalty for building  
over sewers without  
permission.

45. No building shall be erected over any sewer belonging to the Council without the consent of the Council first obtained in writing ; and all vaults, arches, and cellars shall be substantially made and so as not to interfere or communicate with any sewers belonging to the Council ; and if, after the operation of this Ordinance, any building is erected in any town, or any vault, arch or cellar be made therein contrary to the provisions herein contained, the Council may demolish or fill up the same, and the expense incurred thereby shall be paid by the person erecting such building, or making such vault, arch or cellar, and shall be recoverable as damages.

Traps over sewers.

46. All sewers or drains within the town, whether public or private, shall be provided by the Council or other persons to whom they severally belong with proper traps or other covering for means of ventilation, so as to prevent stench.

Drainage and sewerage  
beyond the limits of a  
town, in connection  
with Municipal works

47. Any person being the Owner or Occupier of any lands beyond the town, and in respect of which he would not be liable to the payment of the rates authorised to be levied under this Ordinance, may, with the consent of the Council first obtained, in writing, and upon payment to them of a reasonable sum of money to be agreed upon between them, at his own expense, and under the superintendence of the Surveyor of the Council, cause to branch into and communicate with any of the sewers belonging to the Council any sewer or drain in respect of the said property which may be lawfully made therefrom, of such size and in such manner and form of communication as the Council may approve of : Provided always, that nothing in this Ordinance contained shall affect any right theretofore acquired by such Owner or Occupier to use any of the sewers or drains belonging to the Council.

48. The Council may give notice to the Occupier of any house or building to remove or alter any porch, step, fence, or any other obstruction or projection erected, or placed against, or in front of any house or building within the town, and which is an obstruction to the safe and convenient passage along any street, or any encroachment thereupon, and such Occupier shall, within ten days after the service of such notice upon him, remove such obstruction, or alter the same in such manner as shall have been directed by the Council, and in default thereof shall be liable to a penalty not exceeding forty shillings; and the Council in such case may remove such obstruction, projection, or encroachment, and the expense thereof shall be paid to the Council by the Occupier so making default.

Obstructions and encroachments to be removed.

49. No cellar or vault shall, after the coming into operation of this Ordinance within any town, be made under any street, nor shall any opening be hereafter made in any street or footpath to make an entrance into any cellar or vault.

No cellar or entrance thereto to be made under any street.

50. The Council may order the Owner or Occupier of any house or building in, adjoining, or near to any street, to put up and keep in good condition a gutter-pipe or trough to convey the water from the roof thereof in such a manner that the water therefrom shall not fall upon the persons passing along the street or flow over the footpath, and in default of compliance with such Order within seven days after service thereof, such Owner or Occupier shall be liable to a penalty not exceeding Forty Shillings for every day that he shall so make default.

Gutter pipes and water troughs to be provided.

51. If any building, or wall, or anything affixed thereon within the town be deemed by the Surveyor of the Council to be in a state dangerous to Passengers or to the Occupiers of the neighbouring buildings, such Surveyor shall immediately cause a proper board or fence to be put up for the protection of Passengers, and shall cause a notice, in writing, to be given to the Owner of such building or wall if he be known and resident within the town; and shall also cause such notice to be put on the door or other conspicuous part of the said premises, or otherwise to be given to the Occupier thereof, if any, requiring such Owner or Occupier forthwith to take down, secure, or repair such building, wall, or other thing, as the case shall require; and if such Owner or Occupier do not begin to repair, take down, or secure such building, wall, or other thing, within the space of two days after any such notice has been so given or put up as aforesaid, and complete such repairs, or taking down and securing as speedily as the nature of the case will admit, or if no Occupier can be found on whom to serve such Order, the Council shall, with all convenient speed, cause all or so much of such building, wall, or other thing that shall be in a dan-

Buildings in a dangerous state to be removed or protected.

gerous condition, to be taken down or otherwise secured in such manner as it shall deem requisite; and all the expense of putting up such fence and of taking down or securing such building, wall, or other thing, shall be paid by the Owner thereof.

Materials to be sold to defray expenses. Balance to be paid to the Owner.

52. If any such house or building as aforesaid, or any part of the same be pulled down by virtue of the powers aforesaid, the Council may sell the materials thereof, or so much of the same as shall be pulled down, and apply the proceeds of such sale in payment of the expenses incurred in respect of such house or building, and restore any surplus to the Owner of such house or building on demand; nevertheless, the Council, although they sell such material for the purposes aforesaid, shall have the same remedies for compelling the payment of so much of the said expenses as may remain due after the application of the proceeds of such sale as are hereinbefore given to them for compelling the payment of the whole of the said expenses.

No house to be built on a lower level than will allow of drainage. Interpretation of word re-building.

53. No house or building within the town shall be built upon a lower level than will allow of the drainage of the waste and refuse of such house or building into some sewer belonging to the Council either then existing or marked out upon the map herein directed to be made by them, or into the sea or some public stream or river into which the Council is empowered to empty its sewers. And whenever any house is taken down to or below the roof of the floor commonly called the ground or street floor for the purpose of being built up again, such building shall be deemed a re-building within the meaning of this Ordinance.

Notice of intention to lay out a new street or build houses to be given the Council with Plans to shew levels, &c.

54. Before laying out any new street, beginning to build any house, or to re-build any existing house within the town, the person intending to lay out such streets, to build or re-build such house, shall give to the Council notice thereof, in writing, and shall accompany such notice with a Plan, showing the level at which such street or the foundation of such house is proposed to be laid, by reference to some level ascertained under the direction of the Council.

Within fourteen days after such notice, the Council to signify its disapproval of level proposed.

55. Within fourteen days after receiving such notice, the Council may signify its disapproval of the level at which it is proposed to lay such street or the foundation of any such house, and in case of such disapproval may, within the said fourteen days, fix the level at which the same is to be laid.

In default of sending such notice, course to be pursued by the Council.

56. In default of sending such notice and Plan, or if such new street or building be begun, or made at any level different from that fixed by the Council, within the said fourteen days, or in any other respect contrary to the provisions of this Ordinance, the Council may, if necessary, cause

such new street to be altered, or such building to be altered or demolished, as the case requires : and the expenses incurred by the Council in respect thereof shall be repaid to it by the person failing to comply with the provisions aforesaid, and shall be recoverable as damages.

57. Provided always, that if the Council fail to signify, in writing, its approval or disapproval of the level shewn on such Plan as aforesaid, within fourteen days after receiving such notice and Plan as aforesaid, the person giving such notice may, notwithstanding anything herein contained, proceed to lay out and make the street, or build or rebuild the house therein referred to, according to the level shewn on such Plan : Provided that such building or re-building be otherwise in accordance with the provisions of this Ordinance.

Provido in case the Council fail to regard the said notice.

58. The Owner or Occupier of any dwelling-house shall provide the same with a privy to the satisfaction of the Council within one month next after notice, in writing, for that purpose given by the Council to him, and, in default thereof, the Council shall cause such privy to be provided, and the expense incurred thereby shall be recovered from such Owner or Occupier.

Council to enforce the provisions for privies in any house

59. All drains, as well within as without the premises to which they belong, and all privies and cesspools within the town shall be under the survey and control of the Council, and shall be altered, repaired, and kept in proper order and cleansed at the costs and charges of the Owners or Occupiers of the premises to which the same belong, or for the use of which they are constructed : and it shall be lawful for the Council to make such provisions as it shall think fit for the due removal of the refuse of each house within the town by the Occupier of such house. And such Council is hereby empowered to cause the same to be repaired and cleansed, and to recover the expenses incurred thereby from the Owner or Occupier of such house, building, or ground.

All drains, privies, cesspools, &c., to be under the control of the Council.

60. In all cases where any house or building situate within the town shall at any time be found not to be drained by a sufficient drain communicating with a sewer and emptying itself into the same to the satisfaction of the Council, and if a sewer of a sufficient size, under the jurisdiction of the Council, shall pass within one hundred feet of any such house or building on a lower level than such house or building, the Council may, by notice in writing, require the Owner of such house or building forthwith, or within such reasonable time as shall be appointed by the Council to construct or make from such house or building into the nearest common sewer a covered drain of such materials, of such size, at such level, and with such fall as shall be adequate for the drainage of such house or building, and also, if required by the Surveyor, of its

In all cases where any house shall be found not to be drained by a sufficient drain communicating with a sewer, the Council shall require one to be constructed.

areas, water-closets, privies and offices, if any, and to carry and convey the soil, drainage and wash therefrom into the said sewer, and to provide a fit and proper trap affixed to the mouth of such drain to the satisfaction of the Council; and if the Owner of such house or building shall neglect or refuse, during twenty-eight days after the said notice shall have been delivered to such Owner, or left at such house or building, to construct such drain, or shall thereafter fail to carry it on and complete it with all reasonable dispatch, the Board may, and it is hereby empowered to cause the same to be constructed and made, and to recover the expense to be incurred thereby.

Removal of noxious matter upon Certificate of Officer of Council or qualified Medical Practitioner.

61. If at any time it shall be represented to the Council by any of its Officers, or by any duly qualified Medical Practitioner, that any stagnant water, or accumulation of dung, soil, or filth, or other noxious or offensive matter within the town ought to be removed, as being injurious to the health of the Inhabitants, the Clerk of the Council shall forthwith give notice to the Owner or Occupier of the land where the same may be, to remove it forthwith.

Council may borrow by way of mortgage.

62. Any such Municipal Council shall have power to borrow, by way of mortgage or otherwise, on the credit of land, funds, rates, or assessments to which it may be entitled, any sum or sums of money that may be required for the purpose of making, carrying on, or completing any permanent improvements that may directly benefit the Municipal district for which such Council has been elected: but in no case shall the sum or sums so borrowed exceed in the whole the estimated revenue of such Municipal Corporation for the period of three years: Provided that no money shall be borrowed by any such Municipal Council until the express sanction, in writing, of the Superintendent and Executive Council has been obtained not only for the amount to be borrowed, but also for the works or improvements upon which it is purposed to expend the sum or sums so to be raised.

Superintendent to have power to commit to the Council expenditure of sums appropriated for works, and to appoint an Engineer to inspect such works.

63. It shall be lawful for the Superintendent, with the consent of the Provincial Council, if he shall think fit to commit to the said Council the expenditure of any moneys appropriated, and the construction and maintenance of streets, bridges, drains, and public works within any district constituted under the provisions of this Ordinance, and to pay over the same to the Council, to be appropriated in such manner and for such purposes as the Council shall direct, the Plans and Specifications of all such works having first received the sanction of the Superintendent; and the Superintendent shall have authority to appoint any Engineer or other person to inspect all such works and improvements during their progress, and report thereupon; and in case it shall appear by any such Report that the works or improvements are not



being carried on in accordance with the Plans or Specifications so approved of as aforesaid, it shall be competent for the Superintendent to order such works or improvements to be forthwith stopped, and to make such further order in the matter as he may see fit.

64. Every mortgage shall be by Deed, and shall be passed under the common seal of the Council, and be signed by any five Members thereof: Provided always, that a Register of all such mortgages shall be kept by the Council, and every such Register shall be open to public inspection, during office hours, at the said office, without fee or reward.

Form of mortgage; Register to be kept open for public inspection.

65. Any person entitled to any such mortgage may transfer his right and interest therein.

Mortgages transferable.

66. Within thirty days after the date of every transfer, if executed within the Province, or otherwise, within thirty days after the arrival thereof in the Province, it shall be produced to the Council or their Clerk, and thereupon an entry or memorial thereof shall be made in like manner as in the case of the original Mortgagee; and for every such entry shall be paid a fee of Five Shillings, and after such entry every such transfer shall entitle the Transferee, his Executors, Administrators, or Assigns, to the full benefit of the original mortgage, and the principal and interest thereby secured, and such Transferee may in like manner transfer the same again *toties quoties*, and it shall not be in the power of any person, except the person to whom the same shall last have been transferred, his Executors, Administrators, or Assigns, to make void, release, or discharge the mortgage so transferred, or any money thereby secured.

Transfer to be produced to the Council within a certain time, entry thereof to be made.

67. Every work carried on by any Municipal district with any money so borrowed as aforesaid, shall be subject to the same Rules, Regulations, supervisions, and control as hereinbefore provided in regard to particular works carried on by any Municipal district after such district shall have received any Government aid or endowment specially appropriated as aforesaid.

Works carried on with money so borrowed as aforesaid, subject to certain Regulations.

68. Where, under this Ordinance, any notice is required to be given to the Owner or Occupier of any premises, such notice addressed to the Owner or Occupier thereof, as the case may require, may be served on the Occupier of such premises, or left with such inmate of his abode, or if there be no Occupier, may be put upon some conspicuous part of such premises; and it shall not be necessary in any such notice to name the Occupier or Owner of such premises: Provided always, that when the Owner of any such premises and his residence are known to the Council, it shall be the duty of the Council, if such Owner be resident within the

Notice to Owners and Occupiers: how to be served.

town, to cause every notice required to be given to the Owner to be served on such Owner or left with some inmate of his abode, and if such Owner be not resident within the town, but shall be resident with the Islands of New Zealand, it shall send every such notice by the post, addressed to the residence of such Owner.

Repayment of expenses incurred by the Council recoverable by summary proceedings.

69. If the Owner or Occupier of any premises made liable by this Ordinance for the repayment to the Council of any expenses incurred by it, do not, as soon as the same becomes due from him, repay all expenses, the Council may recover the same from such Owner by summary proceedings.

Council may determine whether expenses shall be defrayed by the Owner or Occupier.

70. Whenever any question shall arise as to whether the work required by the Council to be performed ought to be executed by the Owner or Occupiers of any premises, the Council may determine the matter; the Council may also order that the expenses of executing the required work shall be borne by both Owner and Occupier in such proportions as it may deem equitable.

In case the Owner of any premises shall prevent the Occupier thereof from carrying into effect any of the provisions of this Ordinance, the Council how to act.

71. If the Occupier of any premises prevent the Owner thereof from carrying into effect in respect of such premises any of the provisions of this Ordinance after notice of his intention so to do has been given by the Owner to such Occupier, the Council may make an Order, in writing, requiring such Occupier to permit the Owner to execute all such works with respect to such premises as may be necessary for carrying into effect the provisions of this Ordinance, and if, after the expiration of ten days from the date of such Order, such Occupier continues to refuse to permit such Owner to execute such work, such Occupier shall, for every day during which he so continues to refuse, be liable to a penalty not exceeding Forty Shillings, and every such Owner during the continuance of such refusal, shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such work.

Nothing in this Ordinance to affect any Agreement previously entered into for erecting or altering any building, &c. Protection from additional expense.

72. Nothing in this Ordinance contained shall extend to avoid any Agreement, in writing, entered into before the operation of this Ordinance for erecting or altering any building, but the same shall be performed with such alterations as may be rendered necessary by this Ordinance, as if such alteration had been stipulated for in such Agreement; and the difference between the cost of the work according to the Agreement, and the cost of such work as executed according to the provisions of this Ordinance, shall be ascertained by the parties to the respective Agreements, and paid for or deducted, as the case may require; and if the said parties do not agree upon the amount of such difference, the same shall, on the request of either party (notice being given to the other), be

decided by the Surveyor to the Board; and for his trouble in making such decision, each of the said parties shall pay to the said Surveyor such sum, not exceeding Twenty Shillings, and to be disposed of for such purposes of this Ordinance as the Council shall direct.

73. The Council shall, in books to be kept by them for that purpose, enter true Accounts of all sums of money by them received and paid, and of the several matters in respect whereof such sums shall have been received and paid. All such Accounts, with Vouchers and Papers thereto, together with a full Abstract or Balance Sheet thereof, signed by at least three of the Members of such Council, shall, yearly, at such meeting aforesaid, be submitted to such meeting, and shall (as soon thereafter as conveniently may be) be examined and audited by two or more persons to be appointed for that purpose by such meeting.

Statement of Accounts, &c., to be duly kept and submitted to meeting.

74. A copy of each Balance Sheet shall be posted up by such Council, at or before the commencement of such meeting as aforesaid, upon some conspicuous part of the place in which such meeting shall be held.

Balance-sheet of accounts to be posted at meeting.

75. All moneys found by the Auditors to be due from any retiring Council, together with all such Books of Accounts, Vouchers and Papers, shall be forthwith paid and delivered over to the Council for the time being.

Settlement of Accounts to be forthwith made by retiring Council with existing Council.

76. No Member of the Council shall, during the continuance of his office, become a Contractor, or hold any paid office in the gift of the Council.

No Member to contract with or to hold paid office under the Council.

77. If it shall be found necessary by any such Council to purchase any land, buildings, or other real estate for the purpose of carrying on any works or improvements in such Municipal district, and the amount of purchase money to be paid for such land, building, or other real estate cannot be mutually agreed upon between the said Council and the Owner of such property, it shall be competent for the Owner or Occupier, or for both, to cause such value to be determined in manner set forth in an Ordinance, entitled "The Diversion of Roads Ordinance, Session XI., No. 3."

In cases when such Council desire to purchase lands, &c., value of such to be determined in manner set forth in the "Diversion of Roads Ordinance, Session XI., No. 3."

78. If any Municipal Council, to whom moneys shall have been given or advanced out of the public revenue, or to whom a guarantee therefrom shall have been given, whether as a loan or otherwise, shall refuse at any time to perform their functions in observing the conditions required by the terms of such loan, or guarantee, or advance, and the Ratepayers of the district for which such Council may have been elected shall decline to elect Councillors to perform the duties required by this

If any Council to whom money shall have been advanced out of the public revenue fail to observe the conditions required by the terms of such loan, the Superintendent may transfer their power to a Board of Commissioners appointed, &c.

Ordinance with regard to such loan, guarantee, or advance within thirty days after they shall have been thereunto required by, or on behalf of the Superintendent, then it shall be lawful for the Superintendent to declare that the functions, powers and privileges of the said Municipal Council shall, from and after a day named by the Superintendent, and published in the *Gazette*, absolutely cease and determine; and their said functions, powers, liabilities, together with all their lands, tenements, and hereditaments, shall be transferred to and vest in a Board of Commissioners, of not more than five Members, appointed by the Superintendent, under such Rules and Regulations as he may prescribe; and the said Board shall exercise all the powers and discharge all the functions of the said Council, *mutatis mutandis*, as fully and effectually as if the said Board of Commissioners had been specially named in this Ordinance: Provided that the said Commissioners shall enter upon no fresh undertaking, and further that the powers and functions of such Commissioners shall cease and determine as soon as any loan, and all interest thereon, shall have been fully repaid and satisfied.

Vesting powers in the Superintendent, and execution in Non-corporate districts, except rating powers.

79. In all cases where public Grants shall have been made for the purpose of carrying into effect any of the provisions contained in this Ordinance, and where no Municipal district shall have been constituted, it shall be lawful for the Superintendent, acting by and with the advice of the Executive Council, to execute all the powers and duties herein vested in or imposed upon the Councils of any Municipal district, except those which empower, authorise, or enforce the levying of any rate or rates, and all such powers and duties executed by the Superintendent as aforesaid shall be as valid as though they had been executed and performed by a Corporate Body constituted under the provisions of this Ordinance.

No penalty to exceed One Hundred Pounds.

80. No penalty to be imposed on any one conviction under the provisions of this Ordinance shall exceed the sum of One Hundred Pounds.

Fines and penalties to be recovered in a summary way.

81. All fines and penalties imposed under this Ordinance shall be recoverable in a summary way.

Title.

82. This Ordinance shall be entitled and may be cited as the "Municipal Council Ordinance, Session XIV., No. 2."

WILLIAM SEFTON MOORHOUSE,  
Superintendent.

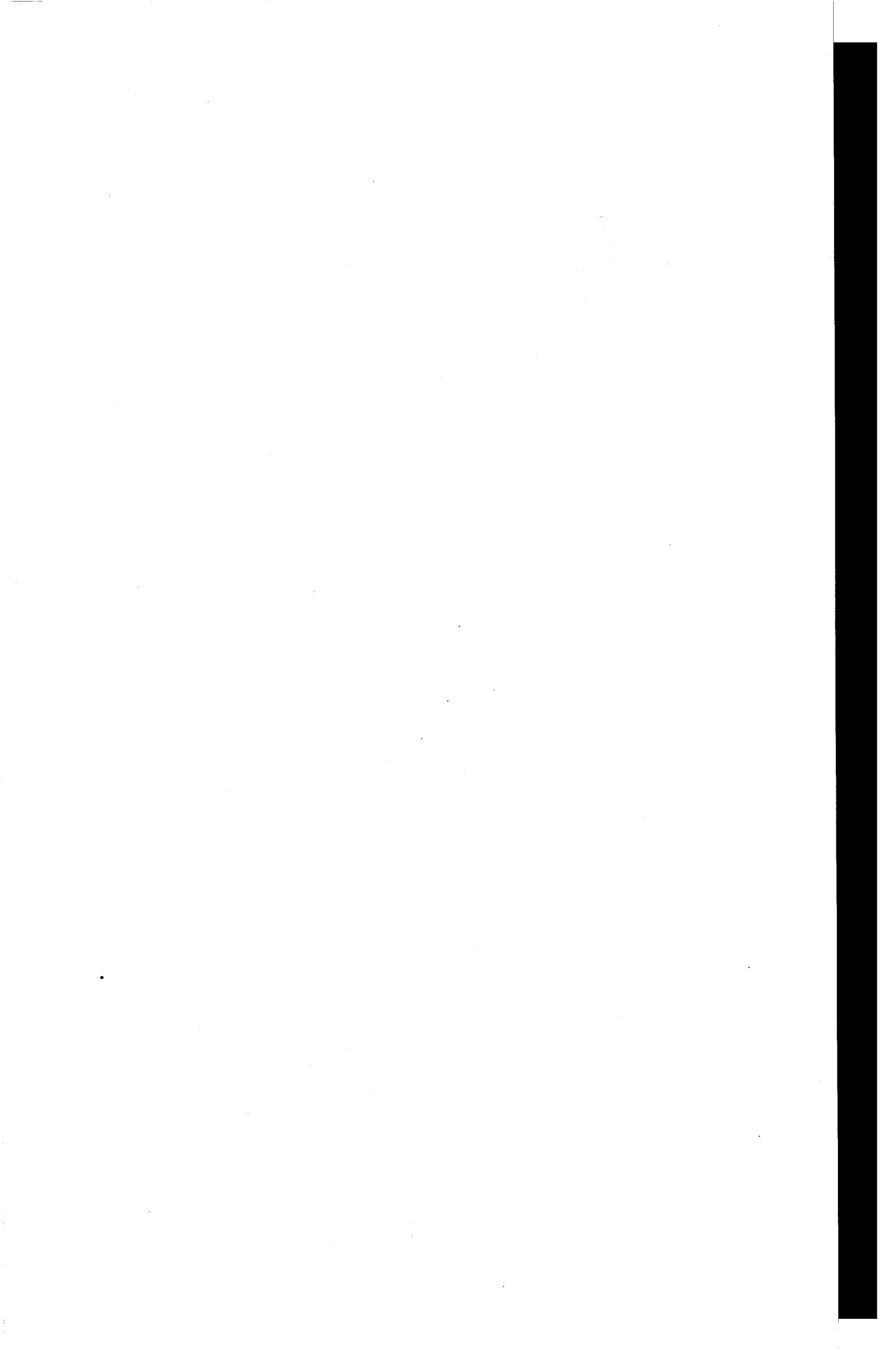
Passed the Provincial Council the Eighteenth day of December, in the year of our Lord one thousand eight hundred and sixty, and reserved for the assent of his Excellency the Governor.

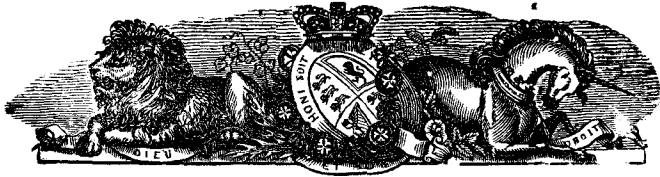
CHARLES BOWEN,  
Speaker.

HENRY BACON QUIN,  
Clerk to the Council.

*This Ordinance was assented to by his Excellency the Governor. See notification in "New Zealand Government Gazette," No. 16, 25th March, 1861, Page 90.*

*This Ordinance has been repealed, so far as regards the city of Christchurch, by the "Christchurch City Council Ordinance, 1862;" and has also been repealed, so far as regards the town of Lyttelton, by the "Lyttelton Municipal Council Ordinance, 1863."*





PROVINCE OF CANTERBURY.

ANNO VICESIMO QUARTO

VICTORIÆ REGINÆ.

SESSION XIV., No. 3.

The Gorse Ordinance.

Published by Authority.

ANALYSIS.

*Preamble.*

- 1. *Penalty not exceeding Twenty Pounds to be incurred on infringement of this Ordinance.*
- 2. *Occupier of any premises to be at liberty*

*to act according to the provisions of this Ordinance, provided that substitution be made for such gorse fence.*

- 3. *Term "town" defined.*
- 4. *Title.*

**W**HEREAS it is expedient that the practice of growing Gorse Preamble. within the limits of towns in the Province of Canterbury should be discouraged: Be it enacted by the Superintendent of the said Province, by and with the advice and consent of the Provincial Council thereof, as follows:—

1. Every Occupier of any land or premises within the limits of a town, who shall, after the First day of July, 1861, suffer any gorse to be planted, or suffer any gorse already planted to remain on such land or premises nearer than fifty links to any building occupied by himself or any other person, shall be liable to a penalty of not more than Twenty Pounds, to be recovered in a summary way; and every twenty-four hours during which such gorse shall be, or remain on any such land or premises, shall constitute a distinct offence. a Penalty not exceeding Twenty Pounds to be incurred on infringement of this Ordinance.

2. Every such Occupier shall (any terms of his tenure notwithstanding) be at liberty to cut down and remove so much gorse on such land or premises as may be necessary for his compliance with the first Section of this Ordinance, without incurring any liability to the Owner thereof in respect of any such cutting down or removal: Provided, that in Occupier of any premises to be at liberty to act according to the provisions of this Ordinance, provided that substitution be made for such gorse fence.

every case where the gorse so cut down shall have been used as a fence, and where such Occupier is Tenant under a term having five years or more from the First day of July, one thousand eight hundred and sixty-one, unexpired, the provision lastly hereinbefore contained shall not exempt such Occupier from liability, unless he shall, within such unexpired term, put up and erect, in lieu of such gorse, a fence which shall be one of the fences enumerated in the Schedule to this Ordinance. And every such fence so put up and erected as aforesaid, shall, as regards any covenants relating to such gorse fence on the part of the person removing the same, be construed and taken to be such gorse fence.

Term "town" defined. 3. The term "town" in this Ordinance shall include the towns described in Schedule B to this Ordinance, and all other towns or townships which have been hitherto or may be proclaimed by the said Superintendent, by and with the advice and consent of the said Provincial Council.

Title. 4. This Ordinance shall be entitled and may be cited as "The Gorse Ordinance, Session XIV., No. 3."

WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council the  
Third day of January, in the  
year of our Lord one thousand  
eight hundred and sixty-  
one, and assented to by his  
Honor the Superintendent, in  
the name of his Excellency  
the Governor, on the Fifteenth  
day of January, in the year of  
Our Lord one thousand eight  
hundred and sixty-one.

CHARLES BOWEN,  
Speaker.

HENRY BACON QUIN,  
Clerk to the Council.



## SCHEDULE A.

1. A post and rail fence, at least three feet six inches in height, of substantial materials, firmly erected, of not less than two rails, with no greater distance between the rails at any one point than one foot nine inches, and the posts not more than eight feet six inches asunder.
2. A substantial upright paling, at least three feet six inches in height.
3. A substantial wire fence, at least four feet in height, not having less than four wires tightly stretched, and kept painted of a white colour, and the posts of which are not further than twelve feet from each other.
4. A substantial iron hurdle, at least four feet in height, and kept painted of a white colour.
5. A bank or wall of substantial materials, at least four feet in height, of which the slope is not more than one foot from the perpendicular on the outer side thereof.
6. A close and sufficient live fence, at least four feet in height.
7. Any combination of fences of the above kind, at least four feet in height.

## SCHEDULE B.

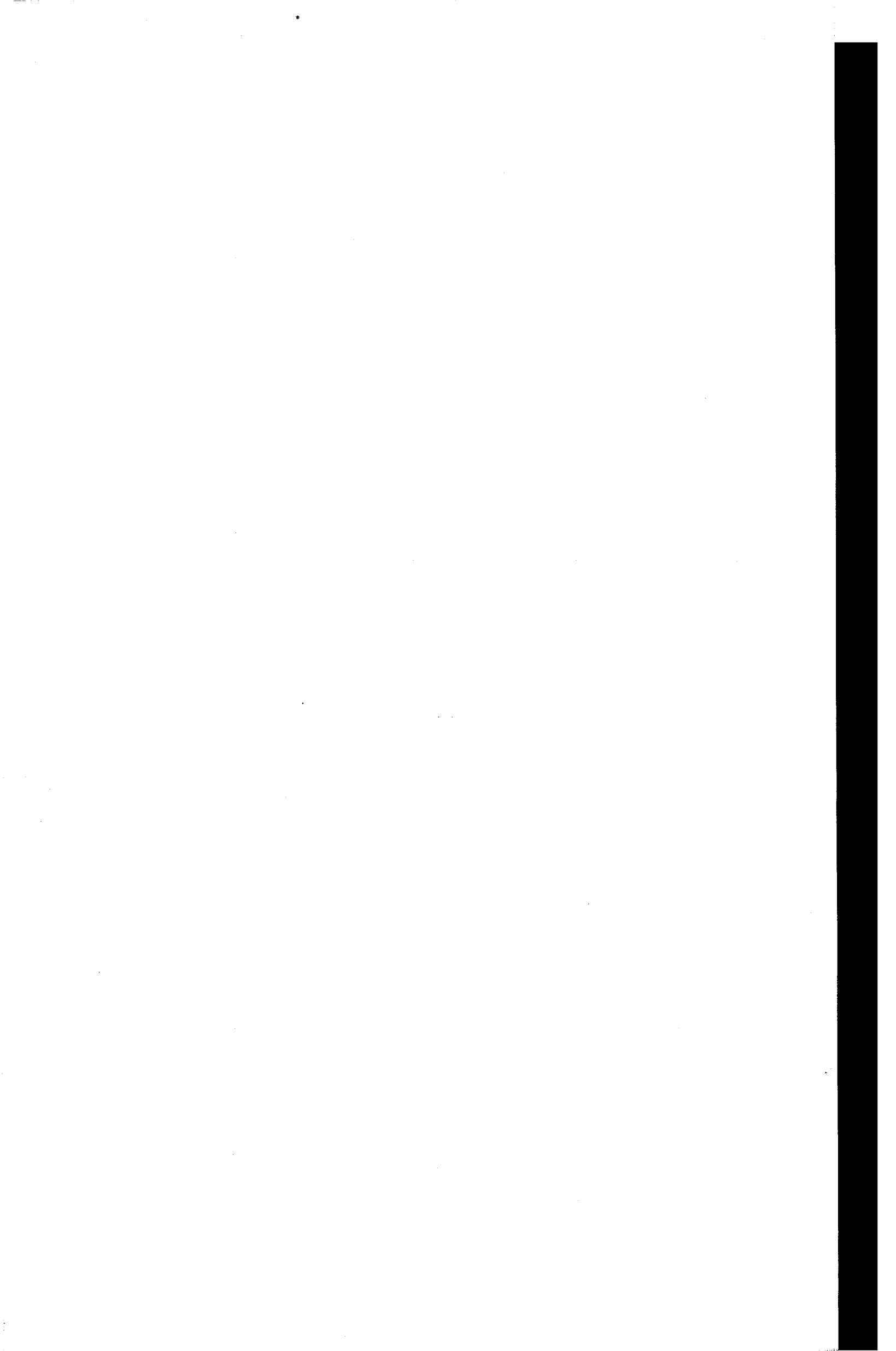
## LIST OF TOWNS TO WHICH THIS ORDINANCE REFERS.

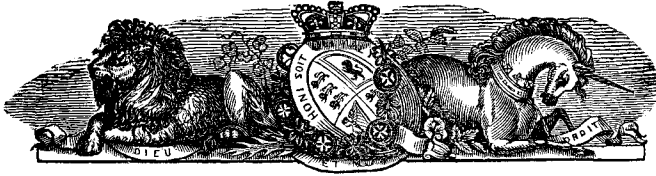
The town of Christchurch, as set forth in the Map of the Chief Surveyor of the Province of Canterbury, including the town reserves.

The town of Lyttelton, bounded on the north by the summit of the range of hills on the north side of Lyttelton Harbour; on the east and west by lines drawn due north and south through the easternmost and westernmost points respectively of the boundary of the said town, as shewn on the Map of the Chief Surveyor of the Province of Canterbury; and on the south by low-water mark, including also the town reserve.

The town of Akaroa, as set forth in the Proclamation of the Superintendent of the said Province, bearing date 1st of May, 1856.

The town of Kaiapoi, as set forth in the Schedule to "The Kaiapoi Town Ordinance, Session VII, No. 7."





PROVINCE OF CANTERBURY.

ANNO VICESIMO QUARTO

VICTORIÆ REGINÆ.

SESSION XIV., No. 4.

The Appropriation Ordinance.

Published by Authority.

ANALYSIS.

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| 1. <i>Appropriation of Provincial Revenue for the year ending 30th September, 1861.</i>     | 3. <i>Provincial Treasurer shall be allowed credit for certain sums expended up to 30th September, 1860.</i> |
| 2. <i>Provincial Treasurer shall issue and be allowed credit for the sums appropriated.</i> | 4. <i>Title.</i>   |

THIS Ordinance shall be entitled and may be cited as the “Appropriation Ordinance, 1860-61, Session XIV., No. 4.” <sup>Title.</sup>

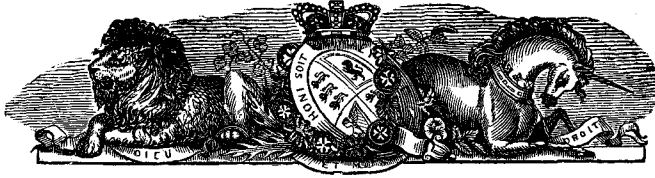
WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Fifteenth day of January, in the year of our Lord one thousand eight hundred and sixty-one.

CHARLES BOWEN,  
Speaker.

HENRY BACON QUIN,  
Clerk to the Council.

*Sum voted for year commencing 1st October, 1860, and ending 30th September, 1861, £100,281 5s. 7d. Sums paid in excess of "Appropriation Ordinance, 1860," £22,009 17s. 1d.*



PROVINCE OF CANTERBURY.

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ANNO VICESIMO QUARTO

VICTORIÆ REGINÆ.

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SESSION XV.

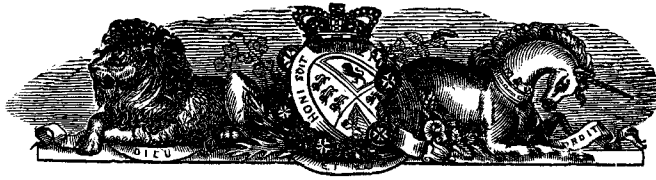
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Published by Authority.

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THERE were no Ordinances passed by the Provincial Council in this Session.





PROVINCE OF CANTERBURY.

ANNO VICESIMO QUARTO

VICTORIÆ REGINÆ.

SESSION XVI., No. 1.

Pleuro-Pneumonia Prevention Ordinance.

Published by Authority.

ANALYSIS.

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| <i>Preamble.</i>  |   |
| 1. All cattle brought into the Province of Canterbury to be destroyed.  | <i>make Rules; such Rules to be published in the "Gazette."</i>                       |
| 2. Superintendent to have power to proclaim "disease district." Cattle passing over such "disease district" to be destroyed without compensation. | 6. Superintendent in certain cases may grant Licenses for the introduction of cattle. |
| 3. Penalty on bringing in or removing cattle from "disease district."   | 7. Declaration to be made. Penalty for false Declaration.                             |
| 4. Destruction of all diseased cattle.  | 8. Interpretation Clause.   |
| 5. Superintendent to appoint Officers and   | 9. Penalties : how to be recovered.   |
|   | 10. Ordinance : when and how to be in force.  |
|   | 11. Title.  |

THIS Ordinance shall be entitled and may be cited as the "Pleuro-Pneumonia Prevention Ordinance, 1861, Session XVI., No. 1." Title.

WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Twenty-fourth day of July, in the year of our Lord one thousand eight hundred and sixty-one.

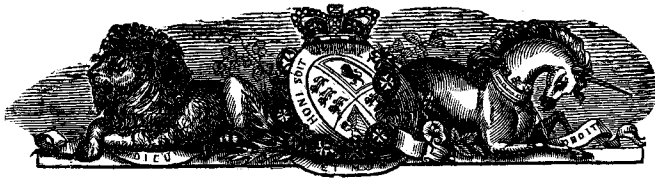
CHARLES BOWEN,  
Speaker.

HENRY BACON QUIN,  
Clerk to the Council.

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*This Ordinance was disallowed by his Excellency the Governor. See Proclamation in "New Zealand Government Gazette," No. 40, 7th September, 1861, page 233.*





PROVINCE OF CANTERBURY.

ANNO VICESIMO QUINTO

VICTORIÆ REGINÆ.

SESSION XVII., No. 1.

The Third English Agent's Ordinance.

Published by Authority.

ANALYSIS.

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| <p><i>Preamble.</i></p> <p>1. <i>Repeal former Ordinances.</i></p> <p>2. <i>English Agent constituted.</i></p> <p>3. <i>All Correspondence to be conducted by the Superintendent and laid before the Provincial Council.</i></p> | <p>4. <i>Agent to enter into Contracts, &amp;c., under Instructions.</i></p> <p>5. <i>Agent to appoint Successor in certain cases.</i></p> <p>6. <i>Agent to appoint Counsel.</i></p> <p>7. <i>Henry Selfe Selfe, Esq., to be the Agent.</i></p> <p>8. <i>Title.</i></p> |
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**W**HEREAS an Ordinance was passed by the Superintendent and Preamble. Provincial Council of the Province of Canterbury, entitled "The English Agent's Ordinance, Session II., No. 1:" And Whereas such Ordinance was amended by an Ordinance passed by the Superintendent and Provincial Council of the Province of Canterbury, entitled "The Second English Agent's Ordinance, Session VI., No. 1:" And Whereas it is expedient that the above recited Ordinances should be repealed, and that certain provisions therein contained should be amended, and should be consolidated into one Ordinance: Be it therefore enacted by the Superintendent of the said Province, with the advice and consent of the Provincial Council of the same, as follows:

1. The above recited Ordinances are hereby repealed.

Repeal former Ordinances.

2. There shall be an Agent in the United Kingdom for the Province of Canterbury, to be from time to time nominated and appointed by Ordinances of the Superintendent and Provincial Council of the said Province.

English Agent constituted.

All Correspondence to be conducted by the Superintendent and laid before the Provincial Council.

3. All Correspondence with the said Agent shall be conducted on the part of the Province by the Superintendent, with the advice and consent of the Executive Council; and all Communications from the Superintendent, or from the said Agent, shall be laid before the Provincial Council within ten days after the receipt or dispatch of the same; or, if the Provincial Council be not then sitting, within ten days after the opening of the next Session thereof.

Agent to enter into Contracts, &c., under Instructions.

4. It shall be lawful for the said Agent to enter into all such Contracts, and generally to do all such things on behalf of the said Province and of the Government thereof as he shall, from time to time, be authorised to enter into or to do, by Instructions, under the hand of the Superintendent, issued by the advice of the Executive Council of the said Province.

Agent to appoint Successor in certain cases.

5. It shall be lawful for the said Agent at any time to resign such his office, by writing, under his hand, addressed to the Superintendent of the said Province; or in case the said Agent shall be unable, by reason of illness or of continued absence from the United Kingdom, to fulfil the duties attached to the said office, it shall also be lawful for the said Agent to resign such his office, and, by writing, under his hand, to appoint some fit person in his stead; and such person shall be taken and deemed to be the Agent, as though he had been appointed by an Ordinance, as hereinbefore required: Provided that every such appointment shall cease and determine twelve months after the date thereof, unless it shall be allowed and confirmed by an Ordinance of the Superintendent and Provincial Council.

Agent to appoint Counsel.

6. It shall be lawful for the said Agent to appoint and employ Counsel, Attorneys, Solicitors, or Agents, to appear and act on behalf of the said Province in any matter pending before the High Court of Parliament, or any other Court of Judicature, or upon any other occasion whatsoever, in the United Kingdom, touching the affairs of the Province.

Henry Selfe Selfe, Esq., to be the Agent.

7. Henry Selfe Selfe, Esq., shall be, and he is hereby appointed the Agent in the United Kingdom for the Province of Canterbury.

Title.

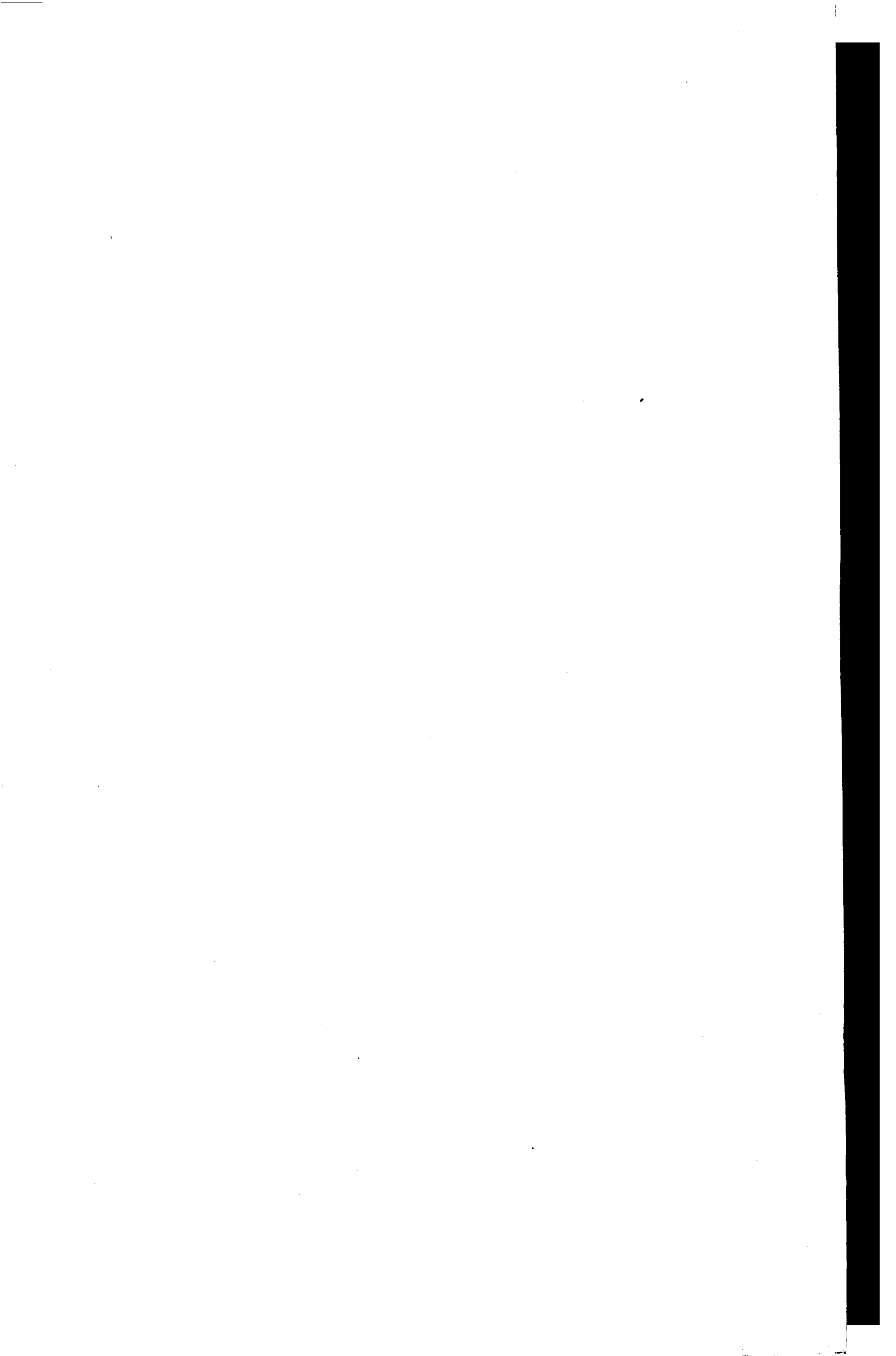
8. This Ordinance shall be entituled and may be cited as "The Third English Agent's Ordinance, Session XVII., No. 1."

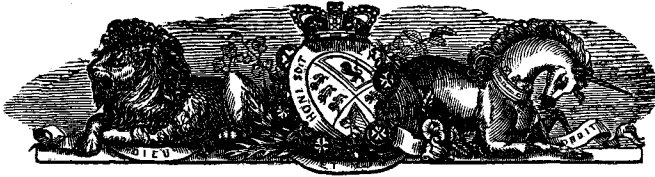
WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council on the Thirteenth day of October, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the First day of November, in the year of our Lord one thousand eight hundred and sixty-one.

CHARLES BOWEN,  
Speaker.

HENRY BACON QUIN,  
Clerk to the Council.





PROVINCE OF CANTERBURY.

ANNO VICESIMO QUINTO.

VICTORIÆ REGINÆ.

SESSION XVII., No. 2.

The Housekeeper's Ordinance.

Published by Authority.

ANALYSIS.

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| <p><i>Preamble.</i></p> <p>1. <i>It shall be lawful for the Housekeeper to sell liquors to Members and Servants</i></p> | <p><i>of the Provincial Council during Session.</i></p> <p>2. <i>Title.</i></p> |
|---|---|

**W**HEREAS it is expedient that the sale of Fermented and Preamble.  
 Spirituous Liquors by the Housekeeper for the time being  
 at the Provincial Government Buildings, in the city of Christchurch,  
 should be allowed at certain times: Be it therefore enacted by the  
 Superintendent of the said Province, with the advice and consent of the  
 Provincial Council thereof, as follows :

1. It shall be lawful for the Housekeeper, for the time being, resident  
 in the Provincial Government Buildings, in the city of Christchurch,  
 any Act or Ordinance to the contrary notwithstanding, to sell spirituous  
 or fermented liquors to any Member of the Provincial Council, or to  
 any Officer or Servant of the same, during a Session of the said Council,  
 but at no other time. It shall be lawful for the Housekeeper to sell liquors to Members and Servants of the Provincial Council during Session.

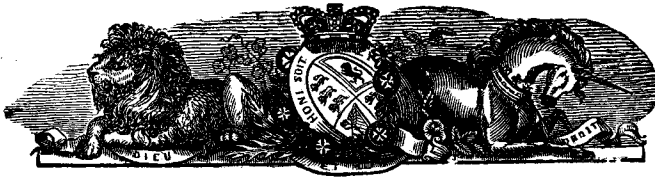
2. This Ordinance shall be entitled, and may be cited as "The Title.  
 Housekeeper's Ordinance, Session XVII., No. 2."

WILLIAM SEFTON MOORHOUSE,  
 Superintendent.

Passed the Provincial Council on the Thirtieth day of October, in the year of our Lord one thousand eight hundred and sixty-one, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Twenty-second day of January, in the year of our Lord one thousand eight hundred and sixty-two.

CHARLES BOWEN,  
Speaker.

HENRY BACON QUIN,  
Clerk to the Council.



PROVINCE OF CANTERBURY.

ANNO VICESIMO QUINTO  
VICTORIÆ REGINÆ.

SESSION XVII., No. 3.

The Dog Nuisance Ordinance.

Published by Authority.

ANALYSIS.

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| <p><i>Preamble.</i></p> <ol style="list-style-type: none"> <li>1. <i>Repealing Clause.</i></li> <li>2. <i>All dogs to be registered.</i></li> <li>3. <i>Fee for registration.</i></li> <li>4. <i>Entry to be made, and open for inspection in Registry Book.</i></li> <li>5. <i>Penalty for making or using counterfeit badge.</i></li> <li>6. <i>Penalty for possession of unregistered dog.</i></li> <li>7. <i>Penalty for using badge of any preceding year.</i></li> </ol> | <ol style="list-style-type: none"> <li>8. <i>Dogs in certain cases may be Destroyed.</i></li> <li>9. <i>Evidence as to character of dog not required in seeking damages, but may be pleaded in extenuation.</i></li> <li>10. <i>Onus of proof to lie upon Owner of the dog.</i></li> <li>11. <i>All fees to be paid to the Provincial Treasurer.</i></li> <li>12. <i>Fines and penalties are recoverable in a summary way.</i></li> <li>13. <i>Title.</i></li> </ol> |
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WHEREAS it is expedient to repeal “An Ordinance to Abate the <sup>Preamble.</sup> the Dog Nuisance,” passed by the Lieutenant Governor of New Munster and the Legislative Council thereof, in the first Session of the said Council, and numbered eleven, so far as regards the Province of Canterbury, and to make other provisions in lieu thereof: Be it enacted by the Superintendent of the said Province, with the advice and consent of the Provincial Council thereof as follows:—

1. The above-recited Ordinance is hereby, so far as regards the <sup>Repealing Clause.</sup> Province of Canterbury, repealed.

2. The Owner of any dog or dogs, three months old or upwards, shall, on the First day of May, one thousand eight hundred and sixty-two, and on the First day of May in every succeeding year, register the same in a book to be kept for that purpose, at such of the following places, viz.:—the Office of the Resident Magistrate at Christchurch, Lyttelton, <sup>All dogs to be registered.</sup>

*This Clause was repealed by the “Dog Nuisance Amendment Ordinance, 1862, Session XIX.”*

Kaiapoi, Timaru, the Police Office, Rangiora, or such other places as the Superintendent shall, from time to time, by Proclamation appoint, as may be nearest to his place of abode: Provided that the Owner of any dog or dogs shall be at liberty to register the same at any other period of the year.

Fee for registration.

3. For the registration of any such dog the sum of Ten Shillings shall be paid to such person as shall be duly authorized by the Superintendent in that behalf, by Proclamation in the *Government Gazette* of the said Province: And such person shall, in return for the registration fee, supply to each individual a registration badge, upon which the registered number shall be stamped, and which badge shall be attached to a collar to be worn upon the neck of the dog so registered.

Entry to be made, and open for inspection in Registry Book.

4. In the Registry Book shall be entered the name and designation of the Owner, the name and description of the dog, the number of the badge, and the date of registration; and the Registry Book shall be open to inspection at the offices above mentioned during office hours.

Penalty for making or using counterfeit badge.

5. If any person shall falsely make or counterfeit, or knowing the same to be false or counterfeit, purchase, use, or have in his possession any badge resembling the badge provided under the Third Clause of this Ordinance, he shall forfeit and pay for every such offence a sum not exceeding Ten Pounds, nor less than Five Pounds.

Penalty for possession of unregistered dog.

6. Any person maintaining or having in his following any dog, three months old, unregistered, shall be liable to a penalty of not less than One Pound, and not more than Five Pounds.

Penalty for using badge of any preceding year.

7. Any person having in his following any dog wearing a badge issued in any previous year, and which dog shall not have been registered for the then current year, shall be liable to a penalty of not exceeding Five Pounds.

Dogs in certain cases may be destroyed.

8. All unregistered dogs, or any dogs at large without the badge of registration, wheresoever found, and all dogs, whether registered or unregistered, which may be found molesting cattle, sheep, pigs, or other live stock, and which shall not be at the time at which they may be so found in the following or charge of any person, may be destroyed.

Evidence as to character of dog not required in seeking damages, but may be pleaded in extenuation.

9. In all cases where damages for injury done by a dog are sought to be recovered from the Owner, it shall not be necessary for the Plaintiff to prove that the Owner knew of the dog's propensity to commit the injury complained of, but the Defendant may bring evidence to show that he had no reason to believe that his dog was likely to commit such injury, and the evidence may go in mitigation of damages.



10. In any proceedings under this Ordinance, the onus of proof <sup>Onus of proof to lie upon Owner of the dog.</sup> shall lie upon the Owner of the dog.

11. All fees accruing under this Ordinance shall be paid to the <sup>All fees to be paid to the Provincial Treasurer.</sup> Provincial Treasurer of the said Province for the time being.

12. All fees, fines and penalties levied under this Ordinance, shall <sup>Fines and penalties are recoverable in a summary way.</sup> be recoverable in a summary way.

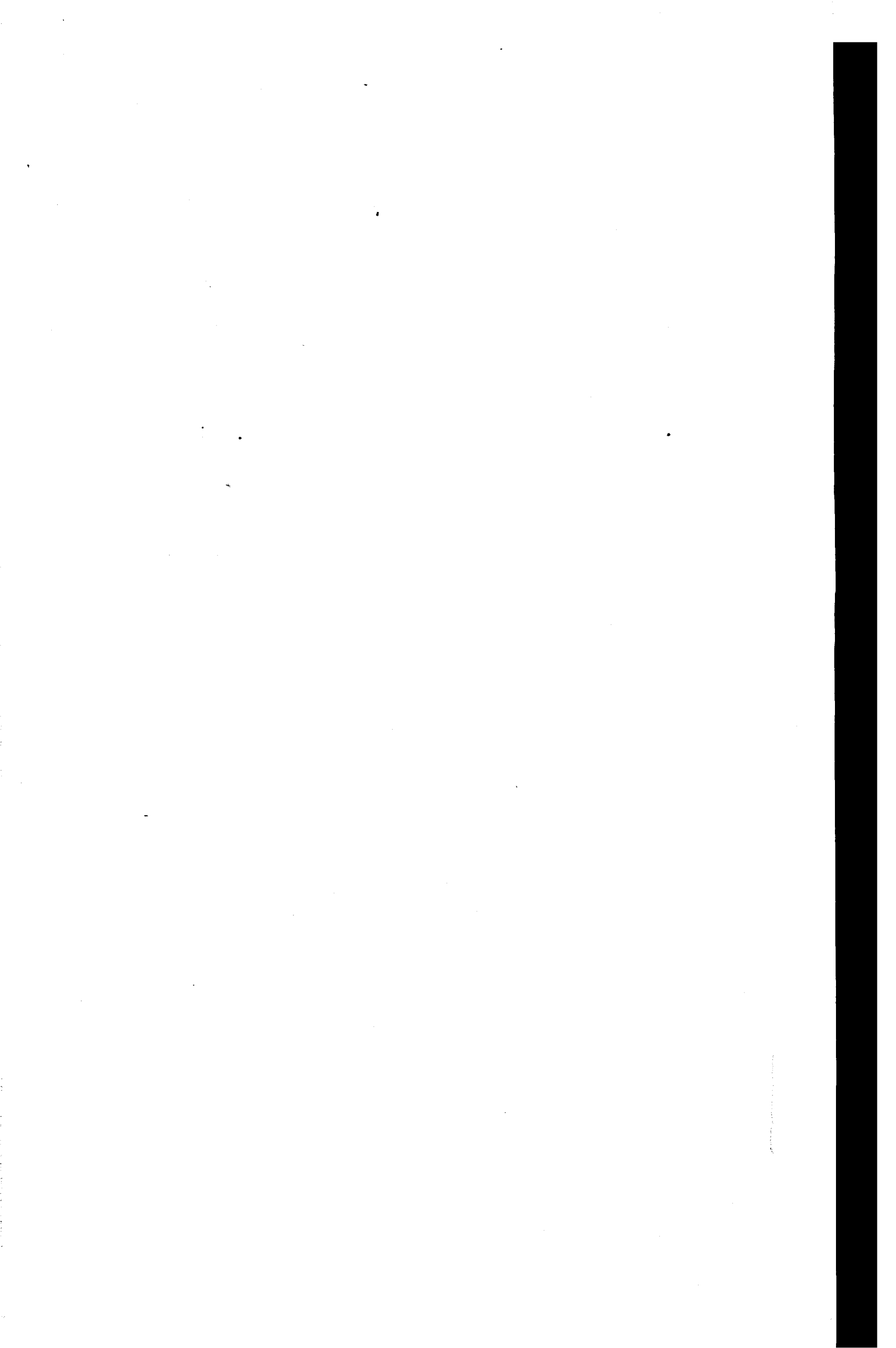
13. This Ordinance shall be entitled and may be cited as "The <sup>Title.</sup> Dog Nuisance Ordinance, Session XVII., No. 3."

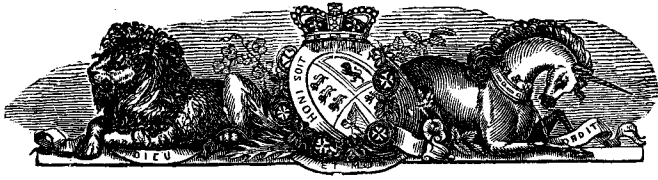
WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council on  
the Twelfth day of November,  
and assented to by his Honor  
the Superintendent, on behalf  
of his Excellency the Govern-  
or, on the Twelfth day of  
December, in the year of our  
Lord one thousand eight  
hundred and sixty-one.

CHARLES BOWEN,  
Speaker.

HENRY BACON QUIN,  
Clerk to the Council.





PROVINCE OF CANTERBURY.

ANNO VICESIMO QUINTO.

VICTORIÆ REGINÆ.

SESSION XVII., No. 4.

Provincial Council Extension Ordinance.

Published by Authority.

ANALYSIS.

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| <i>Preamble.</i>   | 3. <i>Province to be divided into twenty districts.</i>      |
| 1. <i>Repealing Clause.</i>  | 4. <i>Number of Members to be elected for each district.</i> |
| 2. <i>Certain provisions of Proclamation of his Excellency the Governor to be null and void.</i> | 5. <i>The Ordinance, when to come into force.</i>            |
|  | 6. <i>Title.</i>   |

WHEREAS by an Act of the Imperial Parliament, passed in the <sup>Preamble.</sup> 15th and 16th years of the reign of her Majesty Queen Victoria, entitled "An Act to grant a Representative Constitution to the Colony of New Zealand," it was enacted that it should be lawful for the Governor, by Proclamation, to constitute within each of the Provinces by the said Act established, convenient electoral districts for the election of Members for the Provincial Council, and of the Superintendent, and to appoint and declare the number of Members to be elected for each such district for the Provincial Council, and to make provisions for the registration and revision of Lists of all persons qualified to vote at the elections to be holden within such districts: And Whereas the then Governor of New Zealand did accordingly, by a Proclamation bearing date the fifth day of March, one thousand eight hundred and fifty-three, constitute certain districts for the election of the Superintendent and Members of the Provincial Council of the Province of Canterbury, and did appoint and declare the number of Members to be elected to serve in the Provincial Council for each of the said several districts, and did further make certain provisions for the registration and revision of the Lists of persons qualified to vote as aforesaid: And Whereas by an Ordinance of the Superintendent and Provincial Council of the said Province, entitled "The Provincial Council Extension Ordinance, Session III., No. 1," certain provisions of the said Proclamation were repealed, and certain other provisions enacted in lieu thereof: And Whereas by an Ordinance of the Superin-

tendent and Provincial Council, entitled "The Provincial Council Extension Ordinance, Session VIII., No. 8," the said last recited Ordinance was repealed, and certain other provisions were enacted in lieu thereof: And Whereas it is expedient that the said recited Ordinances should be repealed, and that the provisions of the said Proclamation should be further amended: Be it therefore enacted by the Superintendent of the Province of Canterbury, with the advice and consent of the Provincial Council thereof as follows:—

Repealing Clause.

1. The said recited Ordinances of the Superintendent and Provincial Council are hereby repealed.

Certain provisions of Proclamation of his Excellency the Governor to be null and void.

2. The provisions made in the said Proclamation by the Governor of New Zealand, under the authority of the said recited Act of the Imperial Parliament in respect to the number and extent of the said districts, the number of Members of the Provincial Council to be elected for each district, so far as the said provisions are repugnant to, or interfere with the operation of this Ordinance, shall be, and they are hereby declared to be void and of no effect.

Province to be divided into twenty districts.

3. The Province of Canterbury, for the election for the Superintendent and the Members of the Provincial Council thereof, shall be divided into twenty districts, to be named as follows:—

1. The Sefton district.
2. The Oxford district.
3. The Rangiora district.
4. The town of Kaiapoi district.
5. The Mandeville district.
6. The city of Christchurch district.
7. The Avon district.
8. The town of Lyttelton district.
9. The Heathcote district.
10. The Lincoln district.
11. The Port Victoria district.
12. The town of Akaroa district.
13. The Wainui district.
14. The Bays' district.
15. The Rakaia district.
16. The Ashburton district.
17. The Geraldine district.
18. The town of Timaru district.
19. The Waitangi district.
20. The Mount Cook district.

And the boundaries of the said districts shall be those particularly described in the Schedule hereunto annexed.

4. The Provincial Council shall consist of Thirty-five Members, and the number of Members to be elected for each of the said several districts shall be as follows :—

Number of Members to be elected for each district.

1. For the city of Christchurch, four Members.
2. For the town of Lyttelton, four Members.
3. For the town of Kaiapoi, one Member.
4. For the Mandeville district, two Members.
5. For the Rangiora district, one Member.
6. For the Avon district, four Members.
7. For the Heathcote district, three Members.
8. For the Lincoln district, two Members.
9. For the Port Victoria district, two Members.
10. For the town of Akaroa, one Member.
11. For the Wainui district, one Member.
12. For the Bays' district, one Member.
13. For the Oxford district, one Member.
14. For the Sefton district, two Members.
15. For the Rakaia district, one Member.
16. For the Ashburton district, one Member.
17. For the Geraldine district, one Member.
18. For the Waitangi district, one Member.
19. For the Mount Cook district, one Member.
20. For the town of Timaru, one Member.

5. This Ordinance shall come into operation on the day of the next dissolution of the Provincial Council.

The Ordinance, when to come into force.

6. This Ordinance shall be entitled and may be cited as "The Provincial Council Extension Ordinance, Session XVII., No. 4."

Title.

WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council the  
Twenty-ninth day of November,  
in the year of our Lord  
One thousand eight hundred  
and sixty-one, and reserved for  
the assent of his Excellency  
the Governor.

CHARLES BOWEN,  
Speaker.

HENRY BACON QUIN,  
Clerk to the Council.

## SCHEDULE.

1. **THE SEFTON DISTRICT** comprises that part of the Province bounded on the north by the Province of Nelson; on the east by the sea; on the south and west by the south bank of the river Ashley to its source at Ashley Head, the ridge of the hills, thence to Esk Head and Snowy peak, and a straight line thence to the saddle dividing the head waters of the Hurunui from those of the Teremakau.

2. **THE OXFORD DISTRICT** comprises that part of the Province bounded on the north and east by the Province of Nelson, the Sefton district, and a true north and south line drawn through trig. pole c. 30; on the south by the south bank of the river Waimakariri or Courtenay to the head waters of its westernmost source, and a true west straight line drawn thence to the West Coast, on the west by the sea.

3. **THE RANGIORA DISTRICT** comprises that part of the Province bounded on the north by the Sefton district; on the west by the Oxford district, on the south by the centre of the Harewood road from a point where it intersects the west boundary of the district to a point where it meets a road lying on the south-west boundary of section No. 1728, the middle of that road to the corner of section 1631, the middle of the road lying on the boundaries of sections 1631, 1539, and 1508, to the north-west corner of 1029, the west boundary of 1029 to a point where it meets South Brook, and the middle of South Brook to the west boundary of the native reserves; on the east by the boundary of the native reserve, the middle of a road lying on the south-west boundary of sections 1655, 355, 355A, and 431, the west boundary of 432 to the Harewood Road, the middle of that road to the south corner of 544, and the middle of the road lying on the east boundary of 544 to the point where the said road meets the river Ashley.

4. **THE TOWN OF KAIAPOI** comprises the title of town of Kaiapoi as described in the Schedule to the "Town of Kaiapoi Town Ordinance, Session VIII., No. 7," and the remainder of rural section No. 320.

5. **THE MANDEVILLE DISTRICT** comprises that part of the Province the town of Kaiapoi (not included as hereinbefore described) and bounded on the north by the Sefton district and the Rangiora district; on the west by the Oxford district, on the south by the south bank of the river Courtenay (Waimakariri), and a line drawn from trig. pole c. 19 on the south bank of that river to trig. pole c. 27 on the sea coast, on the east by the sea coast.

6. **THE CITY OF CHRISTCHURCH DISTRICT** comprises the site of the city of Christchurch, together with all the adjacent reserves lying between the said town and rural sections fronting upon such reserves.

7. **THE AVON DISTRICT** comprises that part of the Province bounded on the north by the southern boundary of the Mandeville district; on the west by a true north and south line drawn through trig. pole c. 30, on the east by the sea, on the south by the north bank of the River Avon, the city of Christchurch district, the south boundary of section No. 10, the south-east boundary of section No. 145, till it is crossed by a creek running easterly into the Heathcote, the middle of that creek till it meets a line in continuation of the south-east boundary of section No. 180, the line so continued to the south-east boundary of section

No. 180, the middle of the road lying on the north-west boundary of Section No. 156, as far as a point where that road first meets a branch of the River Heathcote, a line drawn thence due west to a point where it crosses the Great South Road, the Great South Road till it crosses the west boundary of the district.

8. THE TOWN OF LYTTTELTON DISTRICT comprises that part of the Province bounded on the north by the ridge of the hill lying on the north side of Lyttelton on the east by the spur of the hill running down to the sea, immediately on the east side of Gollan's Bay, on the south by the sea, on the west by a true north line drawn through the most western point of the town of Lyttelton as originally laid out by the Canterbury Association.

9. THE HEATHCOTE DISTRICT comprises that part of the Province bounded on the north by the Avon district and the city of Christchurch district, on the east by the sea, on the south by the town of Lyttelton district, the ridge of the Port Hills, as far as the highest of Cooper's Knobs, and a stream rising in Cooper's Knobs and falling into the River Halswell, on the west by the west boundary of the old river bed of the Courtenay and the middle of the River Halswell to its junction with the aforesaid stream.

10. THE LINCOLN DISTRICT comprises that part of the Province bounded on the north by the Avon district, the middle of the Great South Road as far as the north-west corner of section No. 967 and a direct line thence to the River Selwyn drawn through trig. pole L 15, on the east by the Heathcote district, on the south by the River Selwyn and Lake Ellesmere.

11. THE PORT VICTORIA DISTRICT comprises that portion of the Province bounded on the north and west by the sea and the town of Lyttelton, Heathcote, and Lincoln districts, on the south by Lake Ellesmere and the sea, on the east by a line drawn from a point on the sea-coast half-way between the east head of Port Levy and the west head of Pigeon Bay to the head of the Little River, the Little River, and Lake Forsyth, including the islands in Port Lyttelton.

12. THE TOWN OF AKAROA comprises the site of the town of Akaroa, as set forth in a Proclamation issued by the Superintendent of the Province on the 1st May, 1856, and published in the *Provincial Government Gazette*, dated May 12, 1856.

13. THE WAINUI DISTRICT comprises that part of the Province not included in the town of Akaroa as hereinbefore described, and bounded on the north by the highest ridge of the hills, and the ridge of the spur leading to Pulakolo Head, on the east and south by the sea, on the west by the Port Victoria district.

14. THE BAYS' DISTRICT comprises that part of the Province included between the Port Victoria district, the Wainui district, and the sea.

15. THE RAKAIA DISTRICT comprises that part of the Province bounded on the north by the Oxford district, on the east by the Avon

and Lincoln districts, and Lake Ellesmere, on the south and west by the north bank of the Rakaia to the source of its middle branch, and a true west line thence to the West Coast, on the west by the sea.

16. THE ASHBURTON DISTRICT comprises that part of the Province bounded on the north by the Rakaia district, on the east by the sea, on the south by the north bank of the Rangitata to the source of its north-west branch, and a true west line thence to the West Coast, on the west by the sea.

17. THE GERALDINE DISTRICT comprises that part of the Province bounded on the north by the Ashburton district, on the east by the sea, on the south by the south bank of the Opihi to its source near Burke's Pass, and a straight line thence to the summit of Burke's Pass, on the west by the ridge of the hills dividing the waters of the Opihi and Rangitata from the waters of the Tekapo.

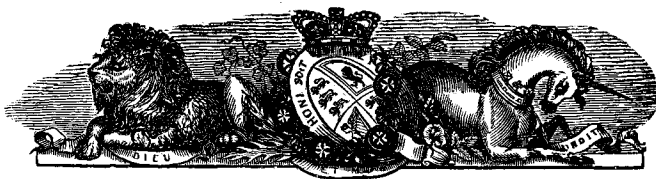
18. THE TOWN OF TIMARU comprises that part of the Province bounded on the north and east by the sea, on the south by the north boundary of section No. 1702, the north side of a road lying to the north of section No. 2367, the Cemetery Reserve 1706, and the north boundaries of sections 1706 and 1607, on the west by the east boundary of section No. 1606, the east and north boundary of section No. 707, the east boundary of section 1652, till it meets Whale's Creek, to the sea.

19. THE WAITANGI DISTRICT comprises that part of the Province not included in the town of Timaru hereinbefore described, and bounded on the north by the Geraldine district, on the east by the sea, on the south by the Province of Otago, on the west by the Hakateremea River to its source at the Hakateremea River Pass, and the ridge of the hills to Mackenzie Pass and Burke's Pass.

20. THE MOUNT COOK DISTRICT comprises that part of the Province bounded on the north by the Ashburton district, on the east by the Ashburton, Geraldine, and Waitangi districts, on the south by the Province of Otago, and on the west by the sea.

*Assented to by his Excellency the Governor. See Proclamation in "New Zealand Government Gazette," No. 10, 7th February, 1862, page 91.*





PROVINCE OF CANTERBURY.

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ANNO VICESIMO QUINTO  
VICTORIÆ REGINÆ.

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SESSION XVII., No. 5.

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The Superintendent's Salary Ordinance.

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Published by Authority.

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ANALYSIS.

- Preamble.*
- |  |  |   |
|--|--|---|
| 1. Superintendent's salary to be £700 per annum. |  | 2. Salary to be paid by the Provincial Treasurer. |
|  |  | 3. Title.   |

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**T**HIS Ordinance shall be entituled and may be cited as "The Superintendent's Salary Ordinance, Session XVII., No. 5." Title.

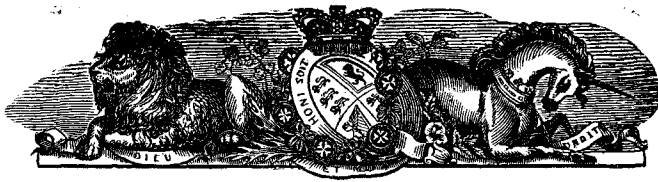
WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council on the Fifth day of December, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Twelfth day of December, in the year of our Lord one thousand eight hundred and sixty-one.

CHARLES BOWEN,  
Speaker.

HENRY BACON QUIN,  
Clerk to the Council.

*This Ordinance was repealed by the "Superintendent's Salary Ordinance, 1868, Session XX., No. 5."*



PROVINCE OF CANTERBURY.

ANNO VICESIMO QUINTO

VICTORIÆ REGINÆ.

SESSION XVII., No. 6.

Sheep Ordinance Amendment Ordinance,  
1861.

Published by Authority.

ANALYSIS.

- Preamble.*
1. *Any sheep introduced by sea to be kept within a distance of three miles from part at which introduced, until Certificate given by Inspector under penalty. Exception in cases of sheep landed at Port Lyttelton.*
  2. *Amendment of terms of Declaration specified in "The Sheep Ordinance, Session X., No. 9." Proviso in case of sheep imported within two months of passing of this Ordinance.*
  3. *Power of Inspector to refuse to grant Certificate.*
  4. *To call upon persons for evidence.*
  5. *Every Occupier of Sheep Run to give at least twenty-four hours' notice before mustering flock.*
  6. *Interpretation.*
  7. *Title.*

WHEREAS it is expedient to amend the Law relating to Sheep Preamble.  
within the Province of Canterbury: Be it therefore enacted  
by the Superintendent of the said Province, by and with the advice and  
consent of the Provincial Council thereof, as follows:—

1. When any sheep shall have been introduced by sea into the Province of Canterbury, it shall not be lawful for such sheep to be driven, depastured, or suffered to stray to, or at a greater distance within the said Province, than three miles from that part of the Province at which such sheep shall have been introduced, until such sheep shall have been effectually dressed to the satisfaction of the Inspector of Sheep with some reputed effective scab-destroying preparation, and until the Owner of such sheep shall have received from such Inspector Any sheep introduced by sea to be kept within a distance of three miles from part at which introduced until Certificate given by Inspector under penalty. Exception in case of sheep landed at Port Lyttelton.

a Certificate to that effect; and for every day during which any sheep shall be driven, depastured, or suffered to stray, in contravention of the provisions of this Section, the Owner of such sheep shall be liable to a penalty not exceeding One Hundred Pounds, and the before-mentioned Certificate shall, at any time within six months after the date thereof, be produced by the Owner of such sheep to any person demanding the same, under a penalty of Five Pounds: Provided always, that it shall be lawful for sheep landed at the Port of Lyttelton to be driven to a distance not exceeding twenty miles from the said port before being dressed as above provided, if they shall be so driven for the purpose of being dressed at some place specially appointed for the purpose by the Superintendent, by Notice in the Provincial *Government Gazette*.

Amendment of terms of declaration specified in "The Sheep Ordinance, Session X., No. 9." Proviso in case of sheep imported within two months of passing of this Ordinance.

2. In the Declarations specified in Sections 10, 17 and 20 of "The Sheep Ordinance, Session X., No. 9," there shall be omitted the words, "~~been subjected to any dressing for the cure of the scab;~~" and there shall be inserted in lieu thereof the following words, "had applied to any of them any reputed scab-destroying preparation:" Provided that with sheep imported into the Province by sea within two months subsequent to the passing of this Ordinance, it shall be lawful for the Inspector of Sheep by whom such sheep shall be inspected to authorize the omission from the said Declaration of the words, "nor had applied to any of them any reputed scab-destroying preparation," in case he shall be satisfied, by evidence produced by the Owner of such sheep, that they were perfectly free from scab at the time at which they were so dressed with any scab-destroying preparation.

Power of Inspector to refuse to grant Certificate.

3. It shall be lawful for any Inspector of Sheep before whom any of the Declarations referred to in the preceding Sections shall have been made, in any case in which he shall deem it necessary so to do, to call upon the person making such Declaration to furnish to such Inspector evidence corroborative of the truth of the statements made in such Declaration; and unless such evidence shall be produced as shall be satisfactory to such Inspector, and also unless such Inspector shall be satisfied that such sheep are entirely free from scab or catarrh, he shall refuse to grant the Certificates referred to in Sections 16 and 19 of the above recited Ordinance, or to make the Report referred to in Section 4 of "The Sheep Ordinance Amendment Ordinance, Session XI., No. 11."

To call upon persons for evidence.

4. It shall be lawful for any Inspector of Sheep to call upon all persons concerned in the charge, control, or management of any sheep, to give evidence before him as to facts within their knowledge relating to such sheep; and if any person, after being so called upon, shall refuse or neglect to give such evidence, or shall refuse or neglect to answer any enquiries put to him by such Inspector, under the authority

of this Ordinance, he shall be liable to a penalty not exceeding Twenty Pounds; and if any person, in giving such evidence, or in answering such enquiries, or in giving evidence under the preceding Section of this Ordinance, shall make any statement, knowing the same to be false, he shall, on conviction thereof before any two Justices of the Peace, be liable to a penalty of One Hundred Pounds, and to be imprisoned for a period not exceeding six calendar months.

5. Every Occupier of any sheep station or run who shall muster his flock or flocks shall, twenty-four hours at least before yarding the same, give notice to the Occupiers of all the adjoining runs or stations, and to all other sheep Owners not so adjoining, but whom he may have reason to believe have sheep in his flock, of his intention so to yard his sheep, such Notice being given in the manner prescribed for the service of Notices by Section 25 of "The Sheep Ordinance, Session X., No. 9;" and every person neglecting to give such Notice to any such Owner or Occupier shall be liable to a penalty not exceeding Twenty Pounds. In the interpretation of this Section, the word "muster" shall mean the gathering any flock or flocks for the purpose of docking or ear-marking, of washing for shearing, of dipping for the cure of the scab, or of drafting sheep for the purpose of sale or removal to any other station or run.

Every Occupier of sheep-run to give at least twenty-four hours notice before mustering flock.

6. This Ordinance shall be interpreted as, and considered a part of, and all proceedings under it shall be regulated by "The Sheep Ordinance, Session X., No. 9;" and all fines and penalties imposed under the authority of this Ordinance shall be recoverable in a summary way.

7. This Ordinance shall be entitled "The Sheep Ordinance Amendment Ordinance, 1861."

WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council on the Sixth day of December, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Twelfth day of December, in the year of our Lord one thousand eight hundred and sixty-one.

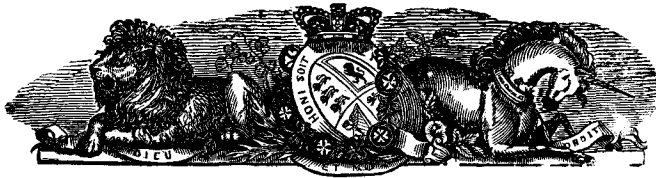
CHARLES BOWEN,  
Speaker.

HENRY BACON QUIN,  
Clerk to the Council.

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Christchurch : Printed under the authority of the Provincial Government of the Province of Canterbury, at  
the "Times" Office, Gloucester Street and Cathedral Square, by CHARLES LUCAS, Official Printer for  
the time being to the said Government.

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PROVINCE OF CANTERBURY.

ANNO VICESIMO QUINTO

VICTORIÆ REGINÆ.

SESSION XVII., No. 7.

An Ordinance to Provide Assistance for Arming and Training a Volunteer Force within the Province of Canterbury.

Published by Authority.

ANALYSIS.

- |   |  |
|---|--|
| <i>Preamble.</i>  |  |
| 1. Returns to be furnished by Commanding Officer of Volunteers.   | <i>new Corps, of which due Returns shall have been made.</i>   |
| 2. On Returns being furnished, certain payments to be made to Commanding Officers of Volunteers.                  | 5. Accounts to be furnished by Commanding Officer.   |
| 3. Money so received to be disbursed to the several Companies.  | 6. Nothing herein contained to affect the provisions of the "Militia Act, 1858," or the "Militia Act Amendment Act, 1860." |
| 4. Provided that Five Hundred Pounds shall not have been so expended in any one year, payments to be made for any | 7. Interpretation Clause.  |
|   | 8. Title.  |

WHEREAS in pursuance of the provisions of the "Militia Act, Preamble. 1858," and of the "Militia Act Amendment Act, 1860," of the General Assembly of New Zealand, and in conformity with certain Regulations made and issued by the Governor of New Zealand, on the Twenty-eighth day of June, one thousand eight hundred and fifty-nine, by virtue of the said Acts, and entitled "Regulations under which the Services of Volunteers shall be accepted in the District of Christchurch," a Volunteer Corps, called "The Canterbury Rifle Volunteers," has been embodied within the Militia District of Christchurch: And Whereas, by virtue of the same or similar authority, other Corps of Volunteers may from time to time hereafter be embodied: And Whereas it is desirable that encouragement should be given to the enrollment, training, and exercise of efficient men in any such corps as aforesaid: Be it

D D D

therefore enacted by the Superintendent of the Province of Canterbury, by and with the advice and consent of the Provincial Council thereof as follows :—

Returns to be furnished by Commanding Officer of Volunteers.

1. The Commanding Officer of Volunteers, within the Province of Canterbury, shall, in the month of September, in each year, cause to be furnished to the Superintendent a Return, certified under his hand, showing the number of men of all ranks enrolled in each Corps or Regiment of Volunteers within the said Province, and also the number in each Company or Troop of each such Corps or Regiment, and also the district in which each such Company or Troop is stationed.

On Return being furnished, certain payments to be made to Commanding Officer of Volunteers.

2. When such Return shall have been so made out and sent in, the Superintendent shall forthwith cause to be issued and paid out of the public revenues of the Province to the said Commanding Officer, or to such person as may be duly authorized by him in that behalf, if the total number of Volunteers certified to be then enrolled within the Province shall be not less than thirty nor more than fifty, the sum of Fifty Pounds, and for every man beyond fifty, the further sum of Thirty Shillings. Provided that the sum so issued shall not exceed Five Hundred Pounds in the whole in any one year. And the receipt of the said Commanding Officer or of the person duly authorized by him as aforesaid, shall be a good and sufficient discharge to the Provincial Treasurer for any moneys so issued and paid by him in accordance with the Warrant of the Superintendent under the provisions of this Ordinance.

Money so received to be disbursed to the several Companies.

3. The said Commanding Officer shall forthwith pay the said moneys so received by him to the Treasurer of the said Companies or Troops, for the training of the Volunteers enumerated, and for prizes for rifle shooting to be competed for by the said Volunteers : Provided that the whole amount in value so appropriated shall be divided among all the Companies or Troops enumerated in the said Return, rateably to each in proportion to the number of men certified in the aforesaid Return to be enrolled therein.

Provided that £500 shall not have been so expended in any one year, payments to be made for any new Corps of which due Returns shall have been made.

4. If, at any time prior to the Thirty-first day of August in any year, the whole sum of Five Hundred Pounds shall not have been issued for such year as hereinbefore provided, the Superintendent shall, on it being certified by the said Commanding Officer that a new Corps, Company, or Troop of Volunteers has been legally raised within the said Province, and upon receiving a Return, in the form and manner



prescribed in Clause 1, cause to be issued and paid out of the public revenues of the Province as hereinbefore provided, if the number of such new Corps, Company, or Troop shall not be less than thirty nor more than fifty, the sum of Fifty Pounds, and for every man beyond fifty, the further sum of Thirty Shillings, and all moneys so received by the Commanding Officer shall forthwith be applied to the equipment and training of such Corps, Company, or Troop, in such manner as the said Commanding Officer and the majority of the Commissioned Officers thereof may think fit: Provided always, that the sum so issued, together with any sum or sums previously issued during the same year under the authority of this Ordinance, shall not exceed in the whole the sum of Five Hundred Pounds.

5. The said Commanding Officer shall, on or before the Thirtieth day of September in each year, cause to be made out and furnished to the Provincial Secretary, a detailed Statement, in writing, certified under his hand, of all moneys received and expended by the Treasurer aforesaid during the year then last past, in pursuance of the provisions of this Ordinance, and of the manner of the expenditure of the same, and such Statement shall be laid before the Provincial Council as soon as possible thereafter.

Accounts to be furnished by Commanding Officer.

6. Nothing herein contained shall affect in any way the provisions of the "Militia Act, 1858," or of the "Militia Act Amendment Act, 1860," or any Regulations which are now or may at any future time be legally in force for the management of any Volunteer Corps in the Province of Canterbury.

Nothing herein contained to affect the provisions of the "Militia Act, 1858," or the "Militia Act Amendment Act, 1860."

7. In the interpretation of this Ordinance the words "Commanding Officer," shall mean the senior Officer for the time being in command of Volunteers within the Province. The word "year," shall mean twelve calendar months, commencing on every first day of September. The word "equipment," shall include arms, accoutrements, ammunition, stores, and necessaries of service of all kinds for the training or exercise of Volunteers.

Interpretation Clause.

8. This Ordinance shall be entitled and may be cited as "The Volunteer Service Ordinance, 1861, Session XVII., No. 7."

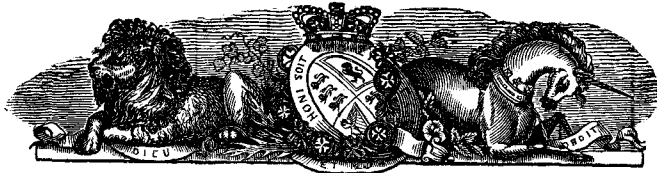
Title.

WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council on the Tenth day of December, in the year of our Lord one thousand eight hundred and sixty-one, and assented to on behalf of his Excellency the Governor, the Twelfth day of December, in the year of our Lord one thousand eight hundred and sixty-one.

CHARLES BOWEN,  
Speaker.

HENRY BACON QUIN,  
Clerk to the Council.



PROVINCE OF CANTERBURY.

ANNO VICESIMO QUINTO

VICTORIÆ REGINÆ.

SESSION XVII., No. 8.

Provincial Auditor and Deputy Auditor's  
Salaries Ordinance.

Published by Authority.

A N A L Y S I S .

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|--|---|
| <i>Preamble.</i>   | 2. <i>Salary of Deputy Auditor to be One Pound One Shilling per diem.</i> |
| 1. <i>Salary of Provincial Auditor to be Three Hundred Pounds per annum.</i> | 3. <i>Salaries, how to be paid.</i>                                       |
|  | 4. <i>Title.</i>  |

**T**HIS Ordinance shall be entitled and may be cited as "The <sup>title</sup> Provincial Auditor and Deputy Auditor's Salaries Ordinance, Session XVII., No. 8."

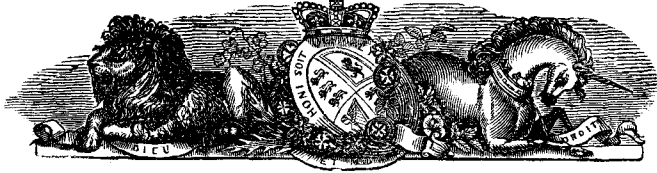
WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council on the Thirteenth day of December, in the year of our Lord one thousand eight hundred and sixty-one, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Twenty-second day of January, in the year of our Lord one thousand eight hundred and sixty-two.

CHARLES BOWEN,  
Speaker.

HENRY BACON QUIN,  
Clerk to the Council.

*This Ordinance was repealed by the "Provincial Auditor's and Deputy Auditor's Salaries Ordinance, 1863, Session XX., No. 6."*



PROVINCE OF CANTERBURY.

ANNO VICESIMO QUINTO

VICTORIÆ REGINÆ.

SESSION XVII., No. 9.

Lyttelton and Christchurch Railway Loan  
Appropriation Ordinance, 1861-62.

Published by Authority.

ANALYSIS.

- |  |   |
|--|---|
| <i>Preamble.</i>   |   |
| 1. Sums of money to be issued and applied as enumerated in Schedule A. | 3. Provincial Treasurer to be allowed credit for sums of money as enumerated in Schedule B. |
| 2. By the Provincial Treasurer under Warrant of the Superintendent.    | 4. Title.   |

**W**HEREAS by an Ordinance passed by the Superintendent and Preamble.  
Provincial Council of the Province of Canterbury, entitled  
“The Lyttelton and Christchurch Railway Loan Ordinance, Session  
XIII., No. 1,” the Superintendent of the said Province is empowered to  
raise, by way of loan, a sum not exceeding Three Hundred Thousand  
Pounds for the purpose of defraying the cost of constructing a railway  
between the towns of Lyttelton and Christchurch, in the said Province:  
And Whereas by the “Lyttelton and Christchurch Railway Act, 1860,”  
the Superintendent of the said Province is empowered to construct and  
maintain the said railway: Be it enacted by the Superintendent,  
with the advice and consent of the Provincial Council thereof as  
follows:—

1. Out of the revenues raised under the provisions of the said  
Ordinance there may be issued and applied for the purchase of site and Sums of money to be issued and applied as enumerated in Schedule A.  
the construction of the said railway works connected therewith, erection  
of stations and purchase of rolling stock for the year ending on the  
Thirtieth day of September, one thousand eight hundred and sixty-two,  
any sum or sums of money not exceeding the sums particularly set forth  
in the Schedule A to this Ordinance, amounting in the whole to the sum  
of Sixty Thousand Eight Hundred Pounds.

By the Provincial  
Treasurer under War-  
rant of the Superinten-  
dent.

2. The Provincial Treasurer shall issue from time to time any sum or sums of money not exceeding the sums in such Schedule severally specified to such persons, and in such portions as the Superintendent shall, by any Warrants under his hand, from time to time direct, and shall be allowed credit in his own Accounts for all sums so paid by him in pursuance of such Warrants, and the Receipts of the persons to whom such sums shall have been paid shall be a full discharge for the sum or sums for which such Receipts shall be given.

Provincial Treasurer to  
be allowed credit for  
sums of money as enu-  
merated in Schedule B.

3. And Whereas in defraying the charge of the cost of the said railway for the year ending Thirtieth September, one thousand eight hundred and sixty-one, certain sums of money, amounting in the whole to the sum of Sixteen Thousand Nine Hundred and Fifty Pounds, were issued and paid by the Provincial Treasurer, in pursuance of Warrants under the hand of the Superintendent, and such sums were paid in the manner and on account of the services particularly set forth in the Schedule B to this Ordinance, but were not included in any Bill for the appropriation of the proceeds of the said loan for the said year: Be it therefore enacted that the Provincial Treasurer shall be allowed credit in his Accounts for all sums of money so issued and paid by him on the several accounts set forth in the Schedule B hereunto annexed, and the receipts of the persons to whom such sums of money shall have been paid under such Warrants, shall be a complete discharge for the sum or sums of money for which such receipts shall have been given.

Title.

4. This Ordinance shall be entitled and may be cited as "The Lyttelton and Christchurch Railway Loan Appropriation Ordinance, 1861-62."

WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council on  
the Tenth day of January, and  
assented to by his Honor the  
Superintendent, on behalf of  
his Excellency the Governor,  
on the Twenty-second day of  
January, in the year of our  
Lord one thousand eight hun-  
dred and sixty-two.

CHARLES BOWEN,  
Speaker.

HENRY BACON QUIN,  
Clerk to the Council.

## SCHEDULE A.

ESTIMATED EXPENDITURE DURING FINANCIAL YEAR ENDING  
SEPTEMBER 30TH, 1862.

ENGINEER'S DEPARTMENT.	£	s.	D.	£	s.	D.	£	s.	D.
Resident Engineer ... ..	700	0	0						
Two Tunnel Inspectors ...	400	0	0						
Surveys, and occasional assistance in office ... ..	200	0	0						
Consulting Engineer, and inspection of permanent way materials... ..	500	0	0						
				1,800	0	0			
Payments to Contractors, estimated to average £4000 per month ... ..				48,000	0	0			
Land and compensation ...				10,000	0	0			
Erection of telegraph, and purchase of instruments from Melbourne ... ..				1,000	0	0			
							60,800	0	0

## SCHEDULE B.

LYTTELTON AND CHRISTCHURCH RAILWAY.

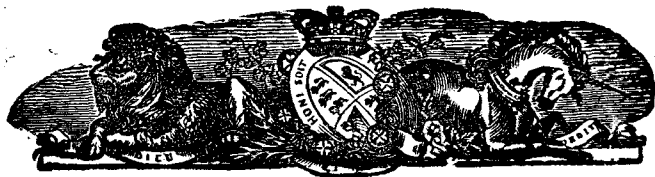
EXPENDITURE FROM OCTOBER 1ST, 1860, TO SEPTEMBER 30TH, 1861.

I.—PAYMENTS ON ACCOUNT OF LAND PURCHASES.	£	s.	D.	£	s.	D.
I. T. Cookson, 25 acres, including residential damages... ..	5000	0	0			
W. Morgan, 5a. 0r. 15p., rural land ...	400	0	0			
J. B. Lee, 8a. 2r. 14p., rural land, 8p. town land ... ..	950	0	0			
George Burrell, 0a. 1r. 39p. ... ..	300	0	0			
W. Wilson, 1a. 2r. 32p. ... ..	187	0	0			
W. Charlesworth, 2a. 2r. 34p. ... ..	95	0	0			
I. Luck, 3a. 1r. 2p. ... ..	146	16	3			
Trustees of Mrs. Bridge, 2a. 2r. 16p., including residential damages ... ..	1000	0	0			
				9728	16	3
II.—PAYMENTS ON ACCOUNT OF SURVEYS, PLANS, &C.						
J. Haast, geological survey of hills... ..	170	0	0			
Assistance to Mr. Haast from Public Works Department ... ..	39	18	0			
J. Marshman, surveys ... ..	90	15	0			
E. Dobson, Plans for Bill... ..	150	0	0			
Assistance from Public Works Department, setting out line, and surveying land, &c. ... ..	108	0	7			
Office assistance from ditto ... ..	76	19	0			
				635	12	7

LYTTELTON AND CHRISTCHURCH RAILWAY (*continued*).  
EXPENDITURE FROM OCTOBER 1ST, 1860, TO SEPTEMBER 30TH, 1861.

		£	s.	d.
III.—RESIDENT ENGINEER.				
Salary from 1st January to 30th September, 1861 ... ..		150	0	0
IV.—PAYMENTS ON ACCOUNT OF CONTRACTS.				
Smith and Knight ... ..	2530	3	8	
Holmes and Co... ..	3892	3	0	
		6422	6	8
V.—PAYMENT FOR WORKS NOT UNDER CONTRACT.				
Miners' gang, &c. ... ..		1202	16	7
VI.—MISCELLANEOUS PAYMENTS, &c.				
W. S. Moorhouse, expenses at Auckland and Melbourne ... ..	260	0	0	
Ditto, refund of fees paid by him ... ..	19	10	0	
Express to Pigeon Bay for Engineer ... ..	3	14	0	
Christchurch Band, attendance at opening of line ... ..	10	0	0	
Freight, on case of Debentures ... ..	1	15	6	
Printing account for Land Clauses Act ... ..	9	14	6	
Dale, gratuity for ferry on opening line...	25	0	0	
		329	14	0
VII.—STORES FROM GOVERNMENT STOCK.				
		130	17	3
Total expenditure, 1860 and 1861 ... ..		16,950	0	0





PROVINCE OF CANTERBURY.

ANNO VICESIMO QUINTO.

VICTORIÆ REGINÆ.

SESSION XVII., No. 10.

The Lyttelton Municipal Council Reserves  
Ordinance.

Published by Authority.

ANALYSIS.

*Preamble.*

*certain lands to the Lyttelton Municipal Council.*

1. *Lawful for the Superintendent to convey* | 2. *Title.*

THIS Ordinance shall be entitled and may be cited as "The <sup>Title.</sup> Lyttelton Municipal Council Reserves Ordinance, Session XVII., No. 10."

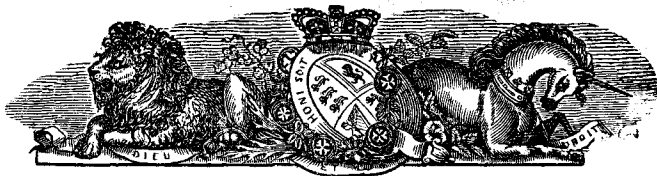
WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council on the Sixteenth day of January, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Twenty-second day of January, in the year of our Lord one thousand eight hundred and sixty-two.

CHARLES BOWEN,  
Speaker.

HENRY BACON QUIN,  
Clerk of the Council.

*This Ordinance was disallowed by his Excellency the Governor.  
See Proclamation in "New Zealand Government Gazette," No. 23,  
11th June, 1862, page 195.*



PROVINCE OF CANTERBURY.

ANNO VICESIMO QUINTO

VICTORIÆ REGINÆ.

SESSION XVII., No. 11.

The Railway Severance Ordinance, 1861.

Published by Authority.

ANALYSIS.

- Preamble.*
- |  |   |   |
|--|---|---|
| 1. Lawful for the Superintendent to sell or lease certain lands. | } | 3. Superintendent to execute all necessary Documents. |
| 2. All proceeds to be paid to the Provincial Treasurer.          |   | 4. Title.   |

**T**HIS Ordinance shall be entitled, and may be cited as the "Rail-<sup>Title.</sup> way Severance Ordinance, Session XVII., No. 11."

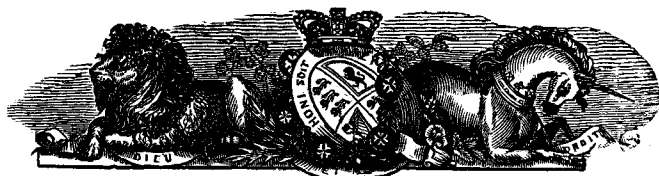
WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council on the Sixteenth day of January, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Twenty-second day of January, in the year of our Lord, one thousand eight hundred and sixty-two.

CHARLES BOWEN,  
Speaker.

HENRY BACON QUIN,  
Clerk to the Council.

*This Ordinance was disallowed by his Excellency the Governor.  
See Proclamation in New Zealand "Government Gazette," No. 23, 11th  
June, 1862, page 195.*



PROVINCE OF CANTERBURY.

ANNO VICESIMO QUINTO

VICTORIÆ REGINÆ.

SESSION XVII., No. 12.

Canterbury Police Amendment Ordinance,  
1862.

Published by Authority.

ANALYSIS.

*Preamble.*

- |   |   |
|---|---|
| 1. <i>All excavations in certain cases to be covered in or secured.</i>   | 3. <i>Clauses referred to "Canterbury Police Ordinance, 1858, Session X., No. 1."</i> |
| 2. <i>Bodies of animals in certain cases to be buried, under penalty.</i> | 4. <i>Title.</i>  |

**W**HEREAS it is expedient to amend the "Canterbury Police Preamble. Ordinance, 1858, Session X., No. 1:" Be it therefore enacted by the Superintendent of the Province of Canterbury, with the advice and consent of the Provincial Council thereof, as follows :

1. Every person who shall have a well, water-hole, or any dangerous excavation, situated between his dwelling-house or the appurtenances thereof, and any street or footway, or at the side thereof, or in any yard or place open and exposed to such street or footway, who shall not within the space of one calendar month from and after the coming into operation of this Ordinance, cause such well, waterhole, or dangerous excavation to be securely and permanently covered over or otherwise secured or fenced in to the satisfaction of any Resident Magistrate.
- All excavations in certain cases [to be covered in or secured.]

Bodies of animals in certain cases to be buried, under penalty.

2. Every person who, within any portion of the said Province, not being an agricultural district within the meaning of the "Trespass of Cattle Ordinance," now in force in the said Province, after request from any person, and every person who, in any agricultural district within the meaning of the said Ordinance, shall neglect to bury, or cause to be buried the body, or part of the body of any animal belonging to him, or in his charge or keeping, that may have died on his own land or premises, or that may have died while straying, or while being driven from one part of the Province to another, and every neglect to bury any animal, or part of an animal, shall be a separate offence.

Clauses referred to "Canterbury Police Ordinance, 1858, Session X., No. 3."

3. That Clause 1 hereof shall stand as the commencement of Sub-section 8, and Clause 2 hereof shall stand as the commencement of Sub-section 15, Section 4 of the aforementioned Ordinance.

Title.

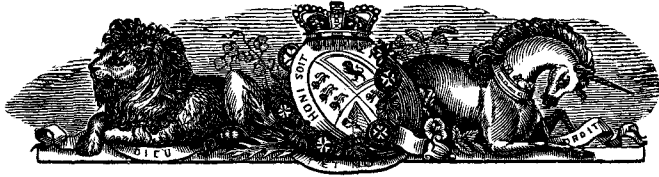
4. This Ordinance shall be entitled and may be cited as "The Canterbury Police Amendment Ordinance, 1862, Session XVII., No. 12."

WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council on the  
Twenty-first day of January,  
and assented to by his Honor  
the Superintendent, on behalf  
of his Excellency the Govern-  
or, on the Twenty-second  
day of January, in the year of  
our Lord one thousand eight  
hundred and sixty-two.

CHARLES BOWEN,  
Speaker.

HENRY BACON QUIN,  
Clerk to the Council.



PROVINCE OF CANTERBURY.

ANNO VICESIMO QUINTO.

VICTORIÆ REGINÆ.

SESSION XVII., No. 13.

Trespass of Cattle Ordinance, No. 2.

Published by Authority.

ANALYSIS.

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|---|--|
| <p><i>Preamble.</i></p> <p>1. Owners of any cattle found wandering within the limits of any town liable to a penalty.</p> | <p>2. Owners of any cattle found tethered in any public place liable to a penalty.</p> <p>3. Interpretation Clause.</p> <p>4. Title.</p> |
|---|--|

**W**HEREAS it is expedient that further provision should be made Preamble.  
 against the trespass of cattle within towns: Be it therefore  
 enacted by the Superintendent of the Province of Canterbury, by and  
 with the advice and consent of the Provincial Council thereof as  
 follows:—

1. If any cattle shall be found wandering at large within the Owners of any cattle found wandering within the limits of any town liable to a penalty.  
 limits of any town, the Owner thereof shall be liable to a fine of not  
 less than Five Shillings nor more than One Pound for every head of  
 cattle so trespassing.

2. If any cattle shall be found tethered in any street, thorough- Owners of any cattle found tethered in any public place liable to a penalty.  
 fare, or other public place within the limits of any town, or so  
 immediately adjoining to such street, thoroughfare, or public place as  
 to obstruct the same, it shall be lawful for any person to impound such  
 cattle, and the Owner thereof shall be liable to a fine of not less than  
 Five Shillings, nor more than One Pound for every head of cattle so  
 tethered.

3. This Ordinance shall be interpreted as, and considered a part of, Interpretation Clause.  
 and all proceedings under it shall be regulated by "The Trespass of  
 Cattle Ordinance, Session XIV., No. 1."

Title.

4. This Ordinance shall be entitled "The Trespass of Cattle Ordinance, No. 2, Session XVII., No. 13."

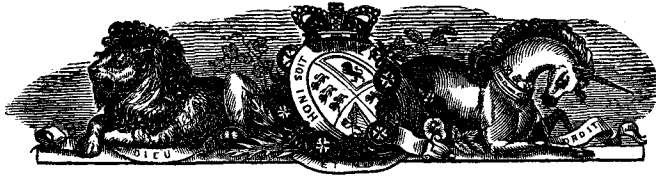
WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council, and  
assented to by his Honor the  
Superintendent, on behalf of  
his Excellency the Governor,  
on the Twenty-second day of  
January, in the year of our  
Lord one thousand eight  
hundred and sixty-two.

CHARLES BOWEN,  
Speaker.

HENRY BACON QUIN,  
Clerk to the Council.





PROVINCE OF CANTERBURY.

ANNO VICESIMO QUINTO

VICTORIÆ REGINÆ.

SESSION XVII., No. 14.

The Appropriation Ordinance.

Published by Authority.

ANALYSIS.

- |   |  |
|---|--|
| 1. <i>Appropriation of Provincial Revenue for the year ending 30th September, 1862.</i> | 3. <i>Provincial Treasurer shall be allowed credit for certain sums expended up to 30th September, 1861.</i> |
| 2. <i>Provincial Treasurer shall be allowed credit for sums appropriated.</i>           | 4. <i>Title.</i>   |

THIS Ordinance shall be entitled and may be cited as "The <sup>Title</sup> Appropriation Ordinance, 1861-2, Session XVII., No. 14."

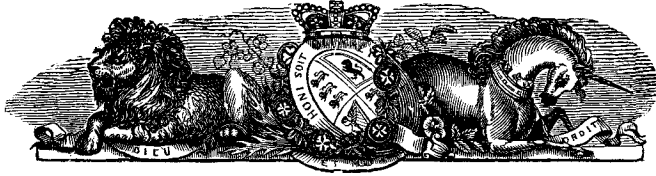
WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Twenty-second day of January, in the year of our Lord one thousand eight hundred and sixty-two.

CHARLES BOWEN,  
Speaker.

HENRY BACON QUIN,  
Clerk to the Council.

*Sum voted for year commencing 1st October 1861, and ending 30th September 1862, £218,995 8s. 7d. Sum paid in excess of "Appropriation Ordinance," 1861, £14,982 4s. 11d.*



PROVINCE OF CANTERBURY.

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ANNO VICESIMO SEXTO

VICTORIÆ REGINÆ.

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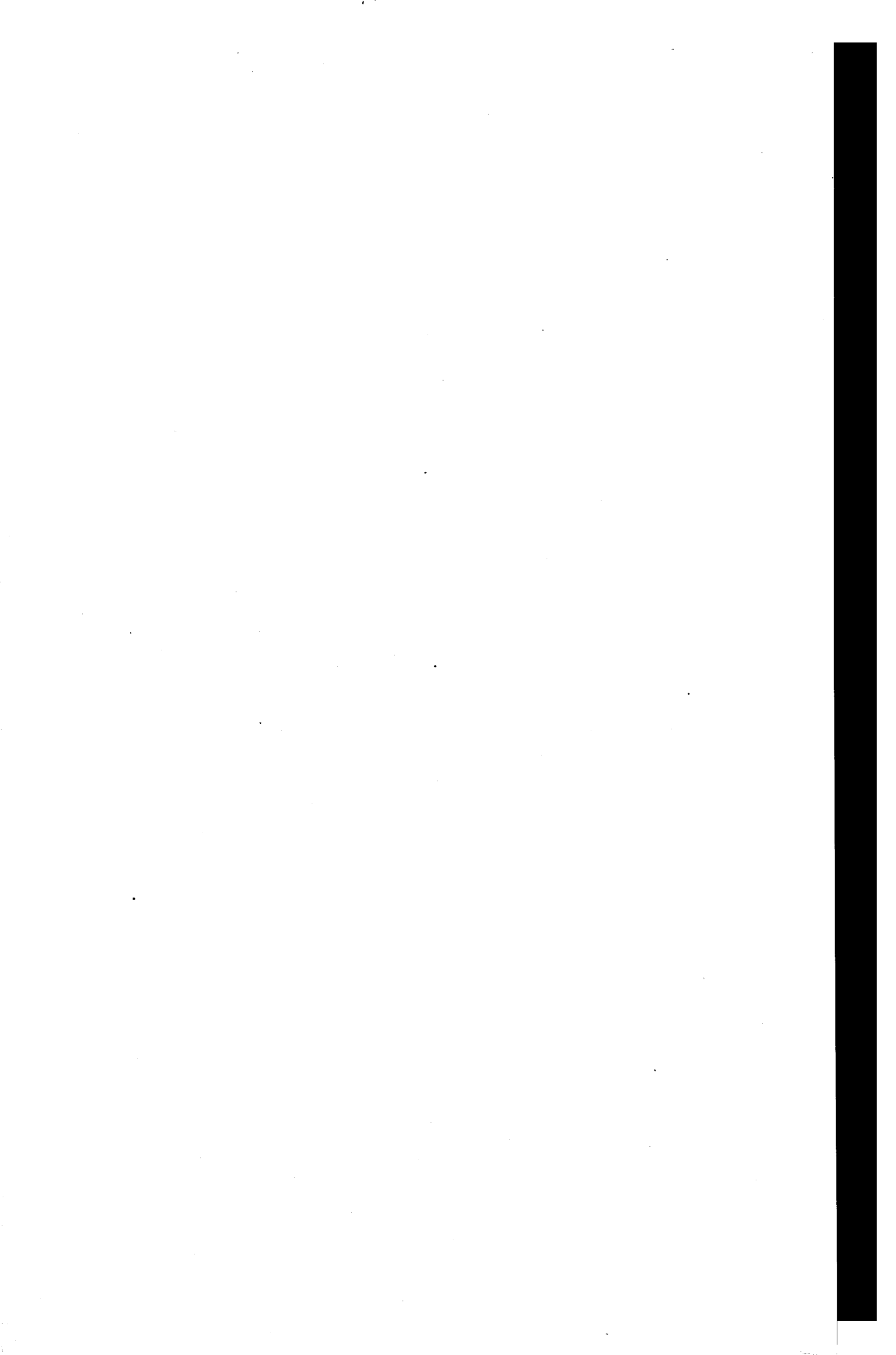
SESSION XVIII.

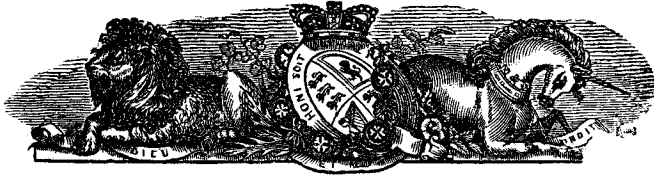
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Published by Authority.

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**T**HERE were no Ordinances passed by the Provincial Council in this Session.





PROVINCE OF CANTERBURY.

ANNO VICESIMO SEXTO

VICTORIÆ REGINÆ.

SESSION XIX., No. 1.

The Executive Government Amendment  
Ordinance, 1862.

Published by Authority.

ANALYSIS.

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|-----------------------------|--|
| <i>Preamble.</i>            | 2. <i>The Executive Council: how to consist.</i> |
| 1. <i>Repealing Clause.</i> | 3. <i>Title.</i>                                 |

**W**HEREAS an Ordinance was passed by the Superintendent and Preamble.  
Provincial Council of the Province of Canterbury, entitled  
“The Executive Government Ordinance, Session I., No. 3:” And  
Whereas it is expedient that the said Ordinance should be amended:  
Be it therefore enacted by the Superintendent of the Province of  
Canterbury, with the advice and consent of the Provincial Council  
thereof as follows:—

1. That the second section of the said Ordinance shall be and the Repealing Clause.  
same is hereby repealed.

2. The Executive Council shall consist of a President and not more The Executive Council: how to consist.  
than five nor less than three other persons, who shall be appointed by  
Warrant, under the hand of the Superintendent, and shall hold office  
during his pleasure: Provided always that any Member of the Executive  
Council may, by writing, under his hand, resign his seat in the same,  
and provided also that not more than four Members of the Provincial  
Council shall at the same time be members of the Executive Council.

Title.

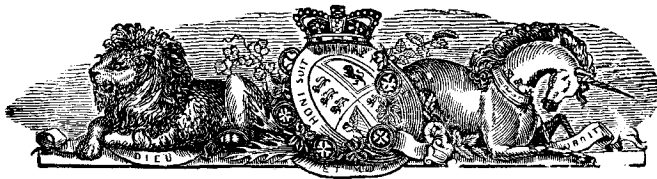
3. This Ordinance shall be entitled and may be cited as "The Executive Government Amendment Ordinance, 1862."

WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council on  
the Second day of December,  
and assented to by his Honor  
the Superintendent, on behalf  
of his Excellency the Govern-  
or, on the Third day of  
December, in the year of our  
Lord one thousand eight hun-  
dred and sixty-two.

CHARLES BOWEN,  
Speaker.

HENRY BACON QUIN,  
Clerk to the Council.



PROVINCE OF CANTERBURY.

ANNO VICESIMO SEXTO.

VICTORIÆ REGINÆ.

SESSION XIX., No. 2.

Immigrants' Barracks Ordinance, 1862.

Published by Authority.

ANALYSIS.

*Preamble.*

- |  |   |
|--|---|
| <ol style="list-style-type: none"> <li>1. <i>Immigration Officers to be appointed.</i></li> <li>2. <i>Rules may be issued for the management of Barracks.</i></li> <li>3. <i>Persons infringing such Rules may be removed from the Barracks.</i></li> <li>4. <i>Penalty may be inflicted upon any person communicating with Immigrants at certain hours contrary to rule.</i></li> </ol> | <ol style="list-style-type: none"> <li>5. <i>Penalty may be inflicted upon any person refusing to quit the Barracks.</i></li> <li>6. <i>All Rules issued to be published in the "Government Gazette."</i></li> <li>7. <i>Fines and penalties: how to be recovered.</i></li> <li>8. <i>Title.</i></li> </ol> |
|--|---|

WHEREAS it is expedient to make Regulations for the Order Preamble. and good management of Immigrants' Barracks within the Province of Canterbury: Be it therefore enacted by the Superintendent of the said Province, with the advice and consent of the Provincial Council thereof as follows:—

1. It shall be lawful for the Superintendent to appoint an Immigration Officer or Officers, who shall be charged with the control and custody of all buildings and property which now or hereafter may be proclaimed as Immigrants' Barracks, such Proclamation being duly published in the *Provincial Government Gazette*. Immigration Officers to be appointed.

2. It shall be lawful for the Superintendent, with the advice of his Executive Council, from time to time to issue any Rules or Orders for the good management of any such Barracks, and for the discipline of Immigrants temporarily residing within the same, and such Rules and Orders shall have the force of Law. Rules may be issued for the management of Barracks.

Persons infringing such rules may be removed from the Barracks.

3. It shall be lawful for any Immigration Officer, or other person duly authorised by him for any such purpose, to remove any person or persons found within the precincts of any such premises who may infringe the provisions of any Rules or Orders aforesaid.

Penalty may be inflicted upon any person communicating with Immigrants at certain hours contrary to rule.

4. Any person, excepting Immigrants or those duly authorised, who shall be found upon such premises, or who shall be found remaining near or about such premises for the purpose of communicating with the Immigrants or other inmates of the Barracks, contrary to any Rules that may, from time to time, be adopted on that behalf, between the hours of closing for the night and opening for the morning, may be forthwith taken into custody by the Immigration Officer, or by any person duly authorised by him, or by any Police Constable, and, as soon as conveniently can be done, be brought before any two Justices of the Peace, and upon conviction of having so offended, shall be punished either by fine not exceeding the amount of Five Pounds, or by imprisonment for any term not exceeding three months.

Penalty may be inflicted upon any person refusing to quit the Barracks.

5. It shall be lawful for any such Immigration Officer or other person duly authorised by him to remove from such Barracks any person refusing to quit the premises upon being required so to do, and such person may be given into the custody of a Police Constable, and by him taken before any two Justices of the Peace, and, upon conviction of having so offended, shall be liable to a penalty not exceeding Five Pounds.

All Rules issued to be published in the *Government Gazette*.

6. All Rules and Regulations which shall, from time to time, be issued by the Superintendent for the guidance of any such Immigration Officer, or for the control or management of any Immigrants' Barracks, shall be published in the Provincial *Government Gazette*, and shall afterwards be printed in a distinctly legible form, and be affixed in some conspicuous place within such Barracks.

Fines and penalties: how to be recovered.

7. All fines and penalties imposed by this Ordinance may be recovered in a summary way.

Title.

8. This Ordinance shall be entitled and may be cited as "The Immigrants' Barracks Ordinance, 1862."

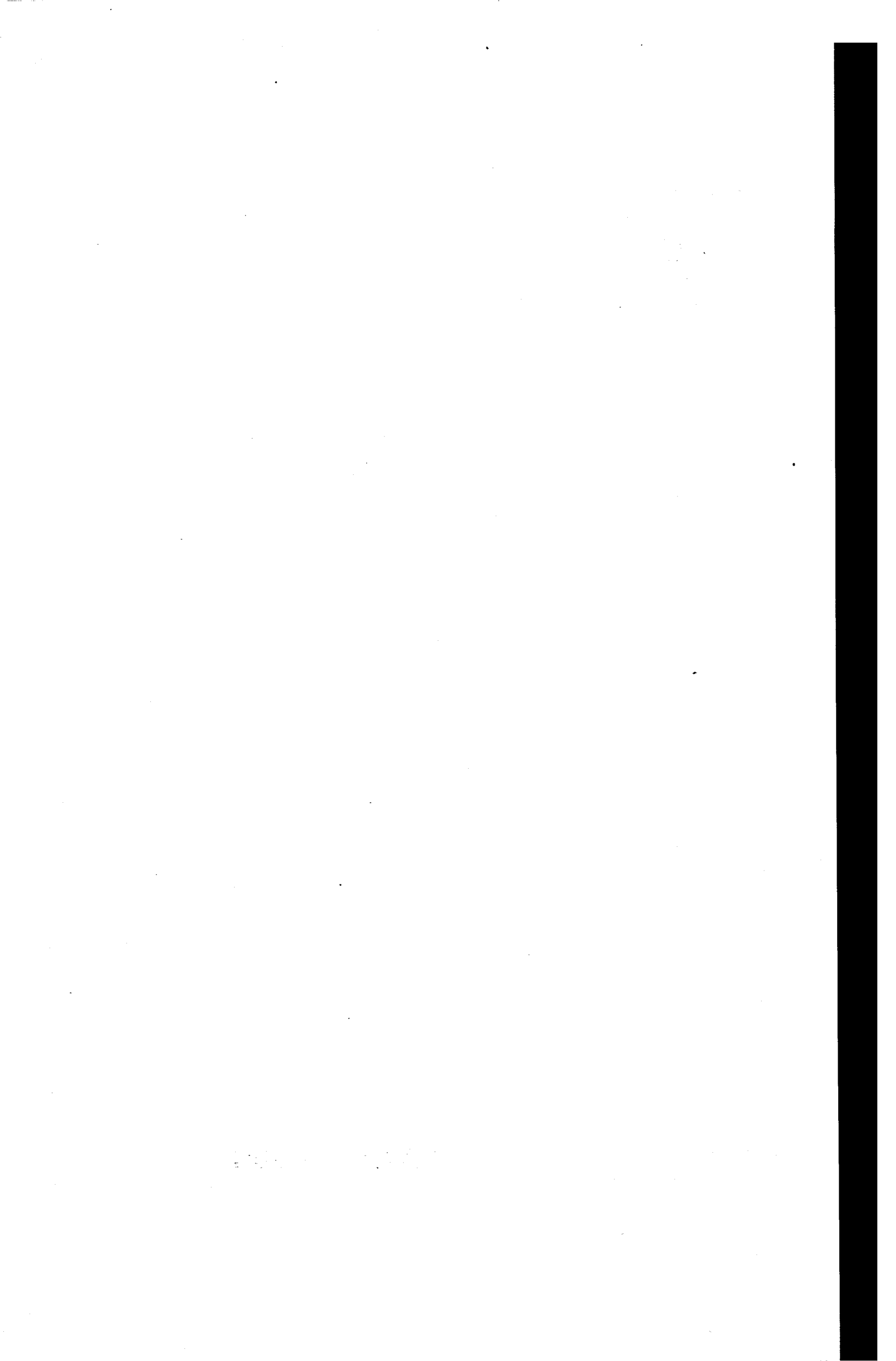
WILLIAM SEFTON MOORHOUSE,  
Superintendent.

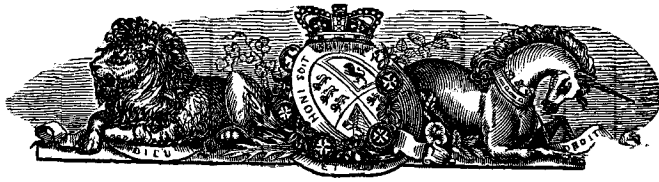


Passed the Provincial Council on the Nineteenth day of November, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Third day of December, in the year of our Lord one thousand eight hundred and sixty-two.

CHARLES BOWEN,  
Speaker.

HENRY BACON QUIN,  
Clerk to the Council.





PROVINCE OF CANTERBURY.

ANNO VICESIMO SEXTO

VICTORIÆ REGINÆ.

SESSION XIX., No. 3.

Electric Telegraph Ordinance, 1862.

Published by Authority.

ANALYSIS.

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|---|--|
| <p><i>Preamble.</i></p> <ol style="list-style-type: none"><li>1. <i>Telegraphic Officers to be appointed.</i></li><li>2. <i>Fees and dues to be fixed, and rules for management to be made and published in the Provincial "Government Gazette."</i></li><li>3. <i>Fees and dues to be paid over to the Provincial Treasurer.</i></li><li>4. <i>Order in which messages to be transmitted. Officers liable to a penalty for offence against this Section.</i></li><li>5. <i>Penalty for divulging matter transmitted.</i></li></ol> | <ol style="list-style-type: none"><li>6. <i>Penalty for severing telegraph wire.</i></li><li>7. <i>Penalty for injuring telegraph works.</i></li><li>8. <i>The amount of damage: how to be determined and recovered.</i></li><li>9. <i>The Superintendent may, by Proclamation, bring any future lines of telegraph under operation of this Ordinance.</i></li><li>10. <i>Maximum penalty.</i></li><li>11. <i>Penalties and fees: how to be recovered.</i></li><li>12. <i>Interpretation Clause.</i></li><li>13. <i>Title.</i></li></ol> |
|---|--|

**W**HEREAS an Electric Telegraph has been erected between the Preamble. city of Christchurch and the town of Lyttelton, in the Province of Canterbury, and it is expedient to provide for the maintenance, protection, management and working of the same, and other lines of communication by electric telegraph which may be erected in the said Province: Be it therefore enacted by the Superintendent of the said Province, with the advice and consent of the Provincial Council thereof as follows:—

1. It shall be lawful for the Superintendent, with the advice of the Executive Council, to appoint a proper person for superintending the maintenance, protection, management, and working the said electric telegraph, and also to appoint such other Officers as may be deemed necessary for carrying this Ordinance into execution. Telegraph Officers to be appointed.

Fees and dues to be fixed, and Rules for management to be made and published in the Provincial Government Gazette.

2. It shall be lawful for the Superintendent, with the advice aforesaid, to fix the fees and dues to be received for the transmission and delivery of every dispatch, message, or other communication by the said electric telegraph, and to make all necessary Rules respecting the same and the general management thereof; and all such fees and dues, and all such Rules shall respectively be published in the Provincial Government Gazette.

Fees and dues to be paid over to the Provincial Treasurer.

3. All fees and dues received under this Ordinance shall be paid over to the Provincial Treasurer, and be by him carried to the ordinary revenue of the Province.

Order in which messages to be transmitted. Officers liable to a penalty for offence against this Section.

4. All messages shall be transmitted and delivered in the order in which they are received by the Manager or other Officer in charge of the station at which they shall be received. Except that messages relating to the arrest of criminals, the discovery or prevention of crime, or any other matter connected with the administration of justice, and all Government Dispatches, when so required, shall have priority over all other messages; and any Officer offending against this Section shall be liable to a penalty not exceeding Twenty Pounds.

Penalty for divulging matter transmitted.

5. Every Officer, Clerk, or other person employed in working said line, who shall divulge the contents or substance of any dispatch, message, or other communication transmitted by the said line, except to the person or persons to whom the same shall be addressed, shall, on conviction, be liable for every such offence to a fine not exceeding One Hundred Pounds, or to be imprisoned, with or without hard labour, for any period not exceeding six months.

Penalty for severing telegraph wire.

6. Every person who shall wilfully cut or otherwise sever any wire or cord, or so damage any part of the works connected with the said Electric Telegraph, or prevent the passing of the electric current, shall, on conviction, be liable for every such offence to a fine not exceeding One Hundred Pounds, or to be imprisoned with or without hard labour, for any period not exceeding six months.

Penalty for injuring telegraph works.

7. Every person who shall wilfully obstruct or injure the works, or interrupt or impede the use of the said Electric Telegraph, or the transmission of any message along the same, shall, on conviction, be liable for every such offence to a fine not less than Five Pounds nor more than One Hundred Pounds, or to be imprisoned, with or without hard labour, for any period not exceeding six months.

The amount of damage: how to be determined and recovered.

8. Every person causing damage to any line of communication, or any works connected therewith, although he may have been fined or been sentenced to imprisonment under this Ordinance, shall also be liable to make good such damage, the amount whereof shall be determined by the Justices imposing the penalty or sentencing to the

imprisonment; and such amount of damages, if not paid on demand, may be recovered in a summary way.

9. It shall be lawful for the Superintendent, by Proclamation in the Provincial *Government Gazette*, to bring under the full operation of this Ordinance any lines of communication by electric telegraph hereafter made in the said Province. The Superintendent may, by Proclamation, bring any future lines of telegraph under operation of this Ordinance.

10. No penalty to be imposed on any one conviction under the provisions of this Ordinance shall exceed the sum of One Hundred Pounds. Maximum penalty.

11. All fines, penalties, fees and dues imposed under the authority of this Ordinance, shall be recoverable in a summary way. Penalties and fees; how to be recovered.

12. In the interpretation of this Ordinance, the word "works" shall be taken to mean any station, posts, insulators, wires, cords, galvanic apparatus, excavations, or other works in any way connected with the said electric telegraph, or line of communication thereby. Interpretation Clause.

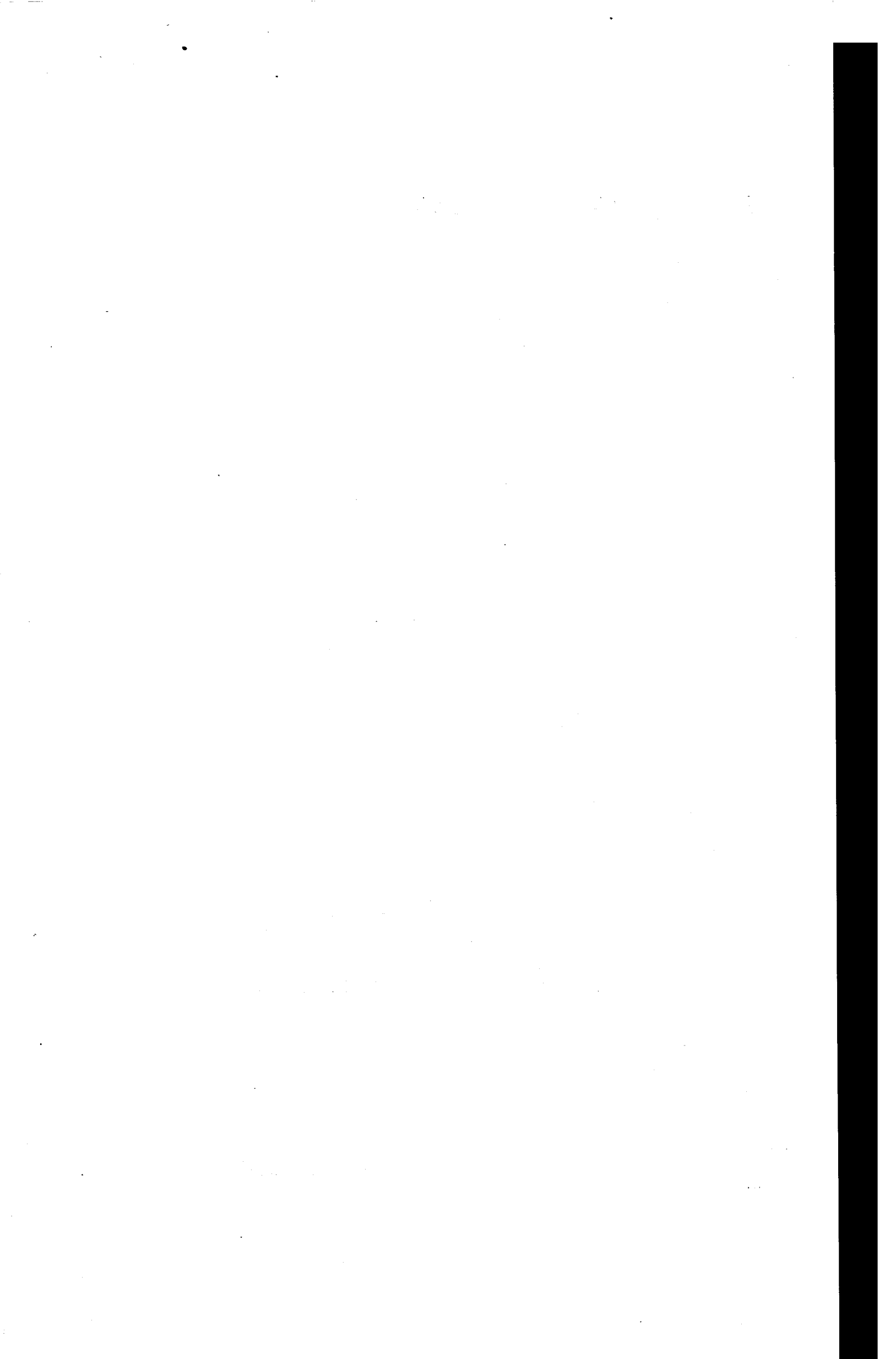
13. This Ordinance shall be entitled and may be cited as "The Electric Telegraph Ordinance, 1862." Title.

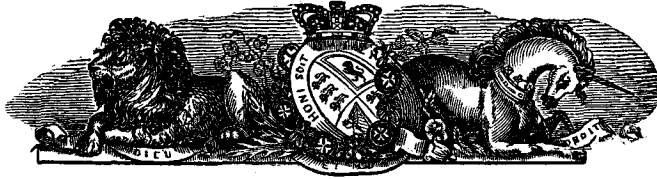
WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council on the Nineteenth day of November, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Third day of December, in the year of our Lord one thousand eight hundred and sixty-two.

CHARLES BOWEN,  
Speaker.

HENRY BACON QUIN,  
Clerk to the Council.





PROVINCE OF CANTERBURY.

ANNO VICESIMO SEXTO

VICTORIÆ REGINÆ.

SESSION XIX., No. 4.

The Dog Nuisance Amendment Ordinance,  
1862.

Published by Authority.

ANALYSIS.

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|-----------------------------|--|--------------------------------------|
| <i>Preamble.</i>            |  | 2. <i>All dogs to be registered.</i> |
| 1. <i>Repealing Clause.</i> |  | 3. <i>Title.</i>                     |

**W**HEREAS an Ordinance was passed by the Superintendent and Preamble.  
Provincial Council of the Province of Canterbury, entitled  
“The Dog Nuisance Ordinance, Session XVII., No. 3 :” And Whereas  
it is expedient to repeal part thereof and amend the same: Be it  
therefore enacted by the Superintendent of the said Province, with the  
advice and consent of the Provincial Council thereof as follows :—

1. That the second Section of the said Ordinance shall be and is Repealing Clause.  
hereby repealed.

2. The Owner of any dog or dogs, three months old or upwards, All dogs to be regis-  
tered.  
shall, on the First day of January, one thousand eight hundred and  
sixty-three, and on the First day of January, in every succeeding year,  
register the same in a book to be kept for that purpose at such places  
in the said Province as the Superintendent shall from time to time by  
Proclamation appoint: Provided that the Owner of any dog or dogs  
shall be at liberty to register the same at any other period of the year.

3. This Ordinance shall be entitled and may be cited as “The Dog Title.  
Nuisance Amendment Ordinance, 1862.”

WILLIAM SEFTON MOORHOUSE,  
Superintendent.

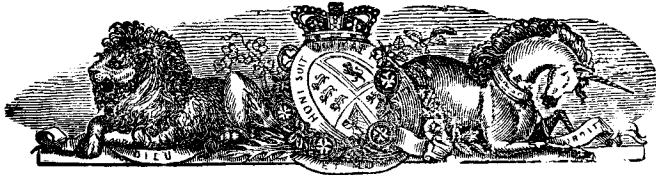
H H H

Passed the Provincial Council, on the  
Nineteenth day of November,  
and assented to by his Honor  
the Superintendent, on behalf  
of his Excellency the Governor,  
on the Third day of Decem-  
ber in the year of our Lord one  
thousand eight hundred and  
sixty-two.

CHARLES BOWEN,  
Speaker.

HENRY BACON QUIN,  
Clerk to the Council.





PROVINCE OF CANTERBURY.

ANNO VICESIMO SEXTO

VICTORIÆ REGINÆ.

SESSION XIX., No. 5.

White's Waimakariri Bridge Ordinance,  
1862.

Published by Authority.

ANALYSIS.

*Preamble.*

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| <p>1. <i>William White to erect a bridge over the main branch of the Waimakariri.</i></p> <p>2. <i>May collect tolls, according to Schedule. Officers on public service to be free of toll.</i></p> <p>3. <i>The Superintendent to take possession of the said bridge if the Conditions be not kept.</i></p> | <p>4. <i>Scale of payment by which it shall be lawful for the Superintendent to take possession of the said bridge.</i></p> <p>5. <i>The public traffic to be maintained.</i></p> <p>6. <i>Interpretation of words "William White."</i></p> <p>7. <i>Title.</i></p> |
|--|---|

**T**HIS Ordinance shall be entitled and may be cited as "White's Title. Waimakariri Bridge Ordinance, 1862."

WILLIAM SEFTON MOORHOUSE,

Superintendent.

Passed the Provincial Council on the Nineteenth day of November, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Third day of December, in the year of our Lord one thousand eight hundred and sixty-two.

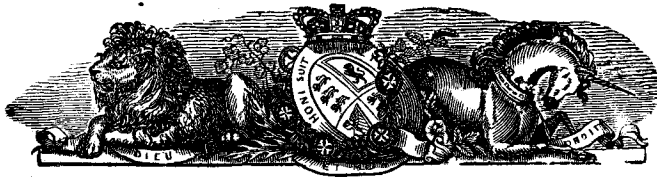
CHARLES BOWEN,

Speaker.

HENRY BACON QUIN,

Clerk to the Council.

*This Ordinance was disallowed by his Excellency the Governor. See Proclamation in "New Zealand Government Gazette," No. 14, 21st April, 1863, page 140.*



PROVINCE OF CANTERBURY.

ANNO VICESIMO SEXTO.

VICTORIÆ REGINÆ.

SESSION XIX., No. 6.

The Fencing Ordinance, 1862.

Published by Authority.

ANALYSIS.

*Preamble.*

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| <p>1. <i>Repealing Clause.</i></p> <p>2. <i>Interpretation of word "fence."</i></p> <p>3. <i>Notice to be given of intention to make fence.</i></p> <p>4. <i>Contract as to fence to be made by Giver and Receiver of notice within forty-four days.</i></p> <p>5. <i>Each Occupier to bear one-half of cost of fence.</i></p> <p>6. <i>Fence to be made or agreed upon as decided.</i></p> <p>7. <i>Penalty for default.</i></p> <p>8. <i>Cost of fence : when to be recovered from Owner by Occupier.</i></p> <p>9. <i>The same provisions to hold good with regard to maintaining of fences.</i></p> <p>10. <i>Value may be recovered of fence already made.</i></p> <p>11. <i>Power of entry given.</i></p> <p>12. <i>Upon notice given, live fence abutting may be trimmed, and costs recovered.</i></p> <p>13. <i>Sale of waste lands of the Crown provided for.</i></p> <p>14. <i>Power given upon default of Owner or Occupier to re-make or repair any fence brought under provisions of this Ordinance.</i></p> | <p>15. <i>Such fence to be repaired as apportioned.</i></p> <p>16. <i>Cost of repairing under this Ordinance to be recoverable.</i></p> <p>17. <i>Amount of default to be recovered from Owner, if no Occupier of land.</i></p> <p>18. <i>Disputes : how to be settled.</i></p> <p>19. <i>Notice to be published when no Owner or Occupier of land.</i></p> <p>20. <i>Two or more Justices then to decide and apportion.</i></p> <p>21. <i>Nothing herein contained to affect agreement already made.</i></p> <p>22. <i>Or Purchasers or Occupiers except from the Crown.</i></p> <p>23. <i>Decision of Magistrates to be final.</i></p> <p>24. <i>Moneys : how to be recovered.</i></p> <p>25. <i>Any amount of judgment not liquidated, to be first charge upon land in question.</i></p> <p>26. <i>Case of land held under lease abutting on land granted.</i></p> <p>27. <i>Reserves duly made to be dealt with as held under Crown Grant.</i></p> <p>28. <i>Ordinance : when to come into operation.</i></p> <p>29. <i>Title.</i></p> |
|---|--|

THE short title to this Ordinance shall be the "Fencing Ordinance, Title. 1862."

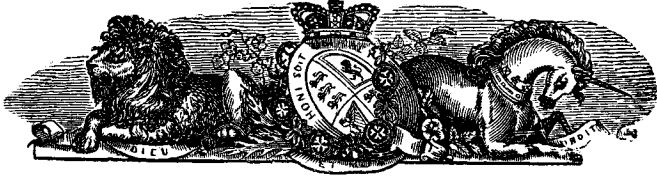
WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council on the Eighteenth day of November, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Third day of December, in the year of our Lord one thousand eight hundred and sixty-two.

CHARLES BOWEN,  
Speaker.

HENRY BACON QUIN,  
Clerk to the Council.

*This Ordinance was disallowed by his Excellency the Governor. See Proclamation in "New Zealand Government Gazette," No. 14, 21st April, 1863, page 140. See "The Fencing Ordinance, 1863."*



PROVINCE OF CANTERBURY.

ANNO VICESIMO SEXTO

VICTORIÆ REGINÆ.

SESSION XIX., No. 7.

The Heathcote Bridge Ordinance, 1862.

Published by Authority.

ANALYSIS.

*Preamble.*

- 1. *The Superintendent may construct a bridge over the Heathcote.*
- 2. *And collect tolls according to the Schedule.*

3. *The bridge may be let.*

- 4. *Tolls: how to be recovered.*
- 5. *Penalty for evasion of toll.*
- 6. *Title.*

WHEREAS by an Act of the General Assembly of New Zealand, Preamble.  
entituled "The Highways and Watercourses Diversion Act, 1858," it is enacted that it shall be lawful for the Superintendent of any Province, with the advice and consent of the Provincial Council thereof, by Ordinance to be made for that purpose, to build bridges over any river, stream, or creek in such Province: And Whereas it is expedient that a bridge be constructed over the River Heathcote, at a part thereof in continuation of the Sumner Road, in the Province of Canterbury, and to provide for the maintaining and keeping in repair the said bridge, and the approaches thereto: Be it therefore enacted by the Superintendent of the said Province of Canterbury, with the advice and consent of the Provincial Council thereof as follows:—

1. It shall be lawful for the Superintendent to construct a bridge The Superintendent may construct a bridge over the Heathcote. and make approaches thereto over the River Heathcote, at a part thereof in continuation of the Sumner Road: Provided that such bridge shall be so constructed as not to impede the navigation of said river.

2. The Superintendent shall, by Proclamation in the Provincial And collect tolls according to the Schedule. *Government Gazette*, notify that said bridge is open for public traffic, so soon as he shall have received a Certificate, under the hand

of the Provincial Engineer, to that effect, and thereupon it shall be lawful for the Superintendent to cause tolls to be levied at such rates not exceeding the sums set forth in the Schedule to this Ordinance annexed.

The bridge may be let.      3. It shall be lawful for the Superintendent, with the advice of the Executive Council, from time to time to let the said bridge and tolls for any term not exceeding three years, at such annual rent and on such conditions as he thinks fit.

Tolls: how to be recovered.      4. All tolls imposed under the authority of this Ordinance shall be recoverable in a summary way.

Penalty for evasion of toll.      5. Any person refusing, or evading, or attempting to evade the payment of any toll leviable under this Ordinance, shall forfeit and pay for every such offence any sum not exceeding Five Pounds, to be recoverable in a summary way.

Title.      6. This Ordinance may be entituled and cited as "The Heathcote Bridge Ordinance, 1862."

WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council on the Nineteenth day of November, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Third day of December, in the year of our Lord one thousand eight hundred and sixty-two.

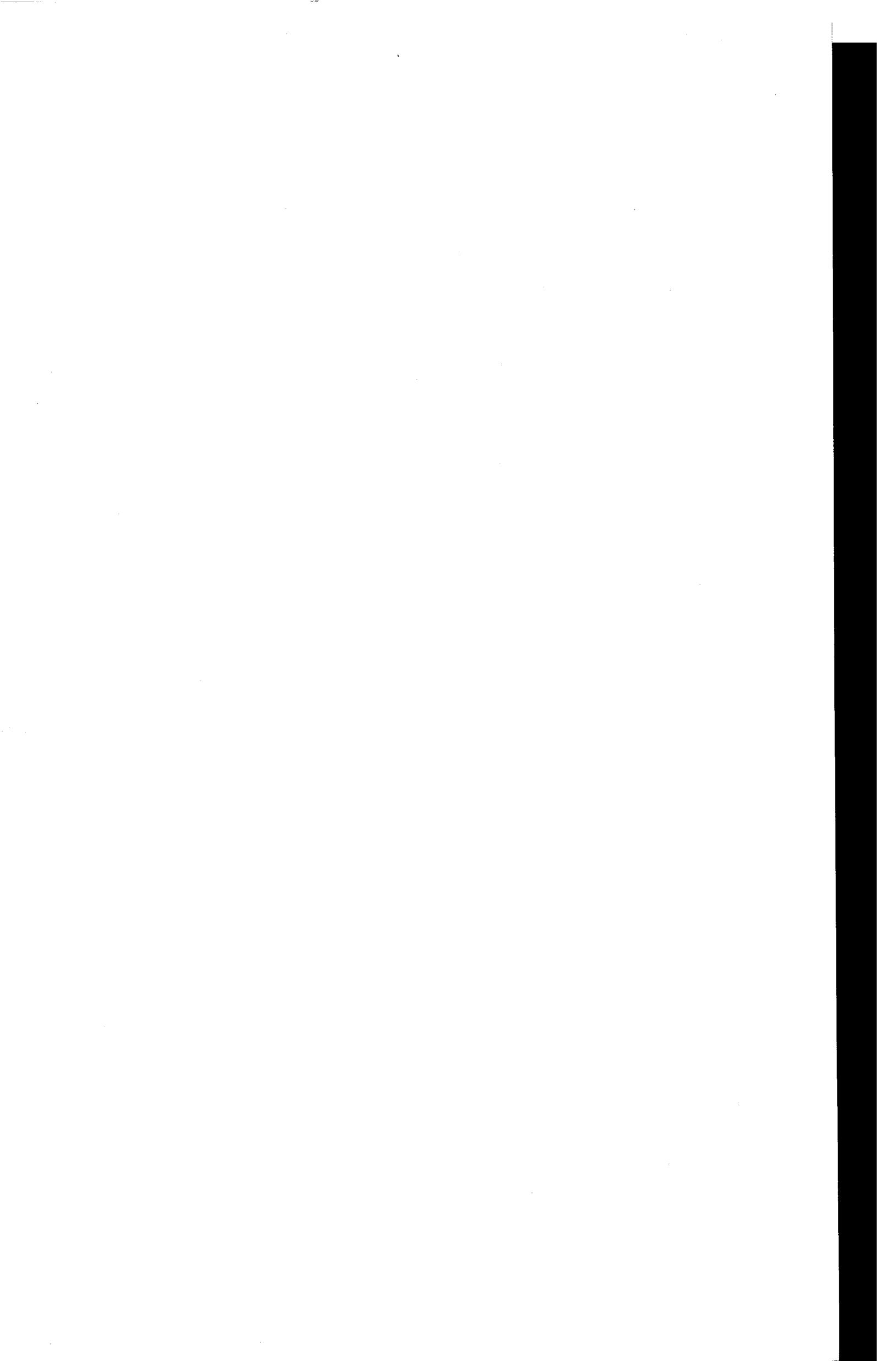
CHARLES BOWEN,  
Speaker.

HENRY BACON QUIN,  
Clerk to the Council.

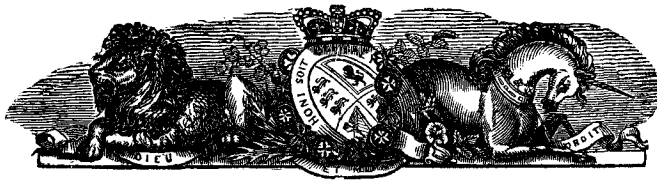
## SCHEDULE OF TOLLS ABOVE REFERRED TO.

For every horse, ass, or mule, ... ..	<i>Threepence.</i>
For every horse, ass, mule, or other beast with pack	<i>Threepence.</i>
For all horned cattle driven without packs, per head	<i>Twopence.</i>
For every wheeled vehicle drawn by one horse or other beast ... ..	<i>Sixpence.</i>
For every additional horse or other beast drawing such vehicle ... ..	<i>Threepence.</i>
For every sheep, lamb, goat, or pig, in one drove, not exceeding one hundred ... ..	<i>One half-penny.</i>
For every additional sheep, lamb, goat, or pig ...	<i>One farthing.</i>

Double the above tolls before the hours of six a.m., and after nine p.m.







PROVINCE OF CANTERBURY.

ANNO VICESIMO SEXTO

VICTORIÆ REGINÆ.

SESSION XIX., No. 8.

The Thistle Ordinance, 1862.

Published by Authority.

ANALYSIS.

*Preamble.*

1. *Noxious thistles to be destroyed under penalty.*
2. *Notice: how to be served.*
3. *Notice to be published if the land unoccupied.*
4. *Thistles to be destroyed at cost of Owner after lapse of time.*

5. *Provision for destroying thistles on waste lands of the Crown and public roads.*
6. *Power of entry upon land for action under this Ordinance.*
7. *Word "thistle" interpreted.*
8. *Title.*

**W**HEREAS great injury and loss may be occasioned to the Preamble. cultivated and waste lands of the Province of Canterbury by the growth and spread of noxious thistles, and it is expedient that provision be made to prevent the same: Be it therefore enacted by the Superintendent of the said Province, with the advice and consent of the Provincial Council thereof as follows:—

1. Every person who shall neglect to eradicate or destroy any Noxious thistles to be destroyed under penalty. noxious thistles growing upon land in his occupation or owned by him, or upon the half of any occupation road adjacent thereto, after seven days' notice, in writing, as hereinafter provided, shall, on conviction, be liable to be fined any sum not less than Five Shillings nor more than Thirty Shillings for every day that such thistles shall be permitted to grow: such fine or fines to be recovered in a summary way: Provided it shall be lawful for the Resident Magistrate or Justices of the Peace by whom such person is convicted, to suspend such conviction upon being satisfied that the person convicted has used and is using reasonable exertions to eradicate or destroy such thistles.

Notice: how to be served.

2. It shall be lawful for any person, either in his own behalf or appointed by the Superintendent for that purpose, to serve a notice in the form marked A in the Schedule hereto or to the effect thereof, by delivering the same personally, or leaving the same at the last known residence of the person occupying or owning the land whereon such thistles shall be growing.

Notice to be published if the land unoccupied.

3. In case such thistles shall be growing upon unoccupied land, the ownership of which cannot be discovered, or the Owner thereof is not resident in the Province, it shall be lawful for any person in his own behalf, or appointed by the Superintendent for that purpose, to cause a notice, in the form B in the Schedule hereto or to the effect thereof, to be published in the Provincial *Government Gazette*, and in two consecutive numbers of at least one Newspaper published within the Province.

Thistles to be destroyed at cost of owner after lapse of time.

4. If such thistles shall not be eradicated or destroyed within ten days from the first publication of such notice, any Resident Magistrate, or any two Justices of the Peace shall, on application made by the person at whose instance such notice was published, authorize the said thistles to be eradicated or destroyed, and all expenses incurred therein shall be defrayed by the Superintendent out of the ordinary revenue of the Province, and recoverable by him from the Owner of said unoccupied land when he is discovered and resident in the Colony, or from the first Occupant of the same.

Provision for destroying thistles on waste lands of the Crown and public roads.

5. It shall be lawful for the Superintendent to advance any sums of money out of any appropriation made for such purposes by the Provincial Council towards eradicating or destroying the said thistles growing upon—

1. Waste lands of the Crown.
2. Public roads, not being occupation roads, and lands held for the public uses of the Province.

Power of entry upon land for action under this Ordinance.

6. It shall be lawful for the Superintendent or any two Justices of the Peace to authorize any person or persons to enter upon any land for the purpose of ascertaining the existence of such thistles thereon, and eradicating or destroying the same, and no person when acting under such authority shall be deemed a trespasser.

Words "thistle" interpreted.

7. That in the construction of this Ordinance, the word "Thistle" shall be held to mean and include these three genera—"Carduus," "Cnicus," "Onopordum."

8. This Ordinance shall be entitled and may be cited as "The <sup>Title.</sup>  
Thistle Ordinance, 1862."

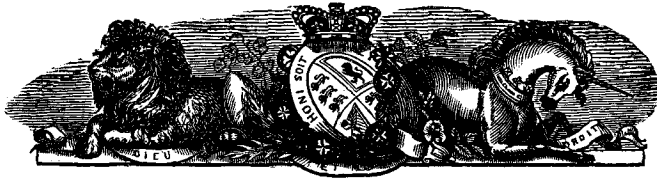
WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council on  
the Nineteenth day of Novem-  
ber, and assented to by his  
Honor the Superintendent, on  
behalf of his Excellency the  
Governor, on the Third day of  
December, in the year of  
our Lord one thousand eight  
hundred and sixty-two.

CHARLES BOWEN,  
Speaker.

HENRY BACON QUIN,  
Clerk to the Council.





PROVINCE OF CANTERBURY.

ANNO VICESIMO SEXTO

VICTORIÆ REGINÆ.

SESSION XIX., No. 9.

The Public House Ordinance, 1862.

Published by Authority.

ANALYSIS.

- Preamble.*
1. *Repealing Clause.*
  2. *Penalty for selling less than two gallons of any one kind of liquor at any one time.*
  3. *Liquors exposed for sale without License may be forfeited.*
  4. *Forfeited liquors to be sold or destroyed. Reward to Informer.*
  5. *In certain cases, License not needed.*
  6. *Licenses to be of three kinds.*
  7. *Application for License to be made on or before 1st March.*
  8. *List of applications to be affixed to the Court-house on or before 8th March.*
  9. *List and notice of licensing meeting to be published.*
  10. *General and adjourned meetings of Justices.*
  11. *Power given to Superintendent if there is no quorum at such annual meeting.*
  12. *Justices in certain cases disqualified from acting at such meetings.*
  13. *Licenses may be granted by a majority of Justices, or refused: Proceedings in case of refusal.*
  14. *Treasurer to issue Licenses.*
  15. *Lists of licensed persons and houses to be published.*
  16. *Licenses not applied for before 1st of July to be void.*
  17. *Conditional Licenses may be granted by the Superintendent.*
  18. *Licenses may be transferred on certain days.*
  19. *Executors may appoint a Representative.*
  20. *Holder of a License may transfer business from one house to another.*
  21. *Restrictions on the sale of liquors to other than Lodgers or Travellers.*
  22. *Exceptions.*
  23. *Penalty on Licensee for neglecting to affix his name and description of License, or a copy of the Conditions of License, in some conspicuous part of the house.*
  24. *Penalty for permitting gambling.*
  25. *Penalty for supplying liquor to any person in a state of intoxication.*
  26. *Penalty for taking anything in pledge for liquor supplied.*
  27. *Penalty for allowing wages to be paid on the premises.*
  28. *Penalty for not keeping a lamp burning.*
  29. *Justices may suspend License.*
  30. *Justices may declare License to be null and void; or inflict penalty on Licensee.*
  31. *Penalty for obstructing Constable.*
  32. *Penalty for drunkenness.*
  33. *Justices to publish the description of known Drunkards.*
  34. *Penalty for supplying any such Drunkard with liquor after notice given, except in certain cases.*
  35. *Penalties: how to be recovered.*
  36. *Title.*

Title.

**T**HIS Ordinance shall be entitled and may be cited as the "Public House Ordinance, 1862."

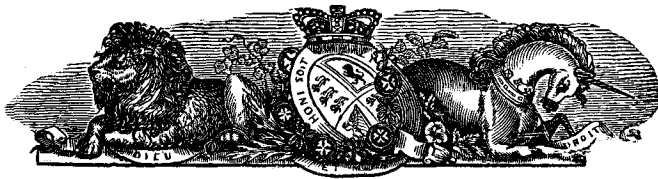
WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council on  
the Eleventh day of November,  
and assented to by his Honor  
the Superintendent, on behalf  
of his Excellency the Governor,  
on the Third day of December,  
in the year of our Lord one  
thousand eight hundred and  
sixty-two.

CHARLES BOWEN,  
Speaker.

HENRY BACON QUIN,  
Clerk to the Council.

*This Ordinance was repealed by the "Public House Ordinance,  
1863, Session XX., No. 8."*



PROVINCE OF CANTERBURY.

ANNO VICESIMO SEXTO

VICTORIÆ REGINÆ.

SESSION XIX., No. 10.

The Trespass of Cattle Ordinance, 1862.

Published by Authority.

ANALYSIS.

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| <p><i>Preamble.</i></p> <p>1. <i>In certain cases Cattle Trespassing may be driven to the Public Pound or residence of Owner: Damages and Charges for driving may be claimed.</i></p> | <p>2. <i>This Ordinance to be part of "Trespass of Cattle Ordinance, Session XIV., No. 1."</i></p> <p>3. <i>Title.</i></p> |
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**W**HEREAS it is expedient that further provision should be made Preamble.  
 against the trespass of cattle without the limits of a town :  
 Be it therefore enacted by the Superintendent of the Province of Canterbury, with the advice and consent of the Provincial Council thereof as follows :

1. If any cattle shall trespass upon any land without the limits of a town, but within the distance of ten miles from any Public Pound, it shall be lawful for the Occupier of such land, or of the pasturage thereof, thereupon to take such cattle and either to drive them to the residence of the Owner, or to the nearest Public Pound, as he shall think fit ; and such Occupier shall be entitled to recover from the Owner of such cattle charges for driving the same, according to the scale set forth in the Schedule to this Ordinance annexed. Provided that in no case shall the charges of driving exceed the sum of Five Pounds : Provided always that such Occupier, if claiming ordinary damages, may demand payment of such ordinary damages upon restitution of such cattle, but if such Occupier claims special damages, then such cattle shall not be detained, if application be made by the Owner for their restitution.

In certain cases cattle trespassing may be driven to the Public Pound or residence of Owner. Damages and charges for driving may be claimed.

This Ordinance to be  
part of "Trespass of  
Cattle Ordinance,  
Session, XIV., No. 1."

2. This Ordinance shall be interpreted as, and considered a part of, and all proceedings under it shall be regulated by "The Trespass of Cattle Ordinance, Session XIV., No. 1."

Title.

3. This Ordinance shall be entitled and may be cited as "The Trespass of Cattle Ordinance, 1862."

WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council on  
the Twelfth day of November,  
and assented to by his Honor  
the Superintendent, on behalf  
of his Excellency the Govern-  
or, on the Third day of De-  
cember, in the year of Our  
Lord one thousand eight hun-  
dred and sixty-two.

CHARLES BOWEN,  
Speaker.

HENRY BACON QUIN,  
Clerk to the Council.

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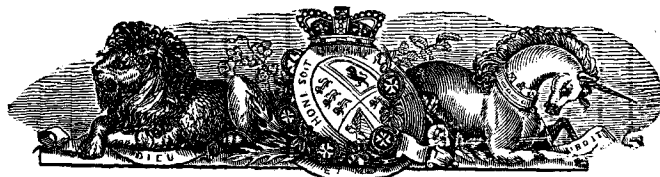
#### SCHEDULE.

##### CHARGES FOR DRIVING CATTLE.

For every head of cattle of any sort whatsoever not exceeding ten in number, *Sixpence* for every mile or fractional part of a mile from the residence of the person driving such cattle to the residence of the Owner of the same or to the Pound.

For every head above ten in number and less than one hundred	... ..	<i>Threepence.</i>
For every head above one hundred...	... ..	<i>One penny.</i>





PROVINCE OF CANTERBURY.

ANNO VICESIMO SEXTO

VICTORIÆ REGINÆ.

SESSION XIX., No. 11.

The Christchurch Hospital Ordinance, 1862.

Published by Authority.

ANALYSIS.

*Preamble.*

1. *Repealing Clause.*

2. *Superintendent may retain a site for Public Hospital.*

3. *Such site to be conveyed to Body Corporate herein created.*

4. *Board of Directors: how to consist:—*

*Chairman to be elected, and Regulations made by the said Board.*

5. *Treasurer and Officers to be appointed.*

6. *The Board to meet 1st May in each year: Accounts to be audited and published.*

7. *Penalty for infringement of Rules.*

8. *Title.*

**T**HIS Ordinance shall be entitled and may be cited as “The <sup>Title.</sup> Christchurch Hospital Ordinance, 1862.”

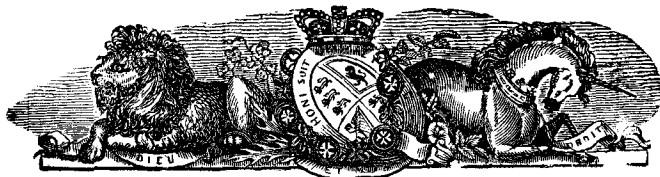
WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Third day of December, in the year of our Lord One thousand eight hundred and sixty-two.

CHARLES BOWEN,  
Speaker.

HENRY BACON QUIN,  
Clerk to the Council.

*This Ordinance was repealed by the "Christchurch Hospital Ordinance, 1863," Session XX., No. 18."*



PROVINCE OF CANTERBURY.

ANNO VICESIMO SEXTO  
VICTORIÆ REGINÆ.

SESSION XIX., No. 12.

The Cattle Driving Ordinance, 1862.

Published by Authority.

ANALYSIS.

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|--|---|
| <i>Preamble.</i>   | 4. <i>Penalties: how to be recovered. Maximum penalties.</i>                                      |
| 1. <i>Notice to be given by person driving cattle under penalty.</i>                                       | 5. <i>Notice to be given that any cattle-run may come under the provisions of this Ordinance.</i> |
| 2. <i>Herd of cattle may be inspected.</i>   | 6. <i>Interpretation of words "cattle" and "cattle-run."</i>                                      |
| 3. <i>Penalty for removing cattle from off cattle-run without consent of person in charge of such run.</i> | 7. <i>Title.</i>  |

THIS Ordinance shall be entitled and may be cited as "The Cattle <sup>title.</sup>  
Driving Ordinance, 1862."

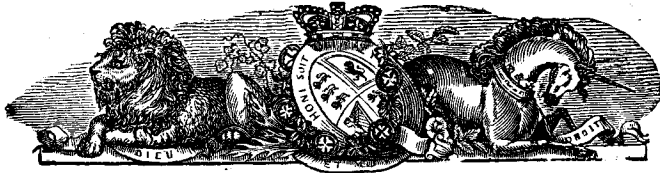
WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council on the Eighteenth day of November, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Third day of December, in the year of our Lord one thousand eight hundred and sixty-two.

CHARLES BOWEN,  
Speaker.

HENRY BACON QUIN,  
Clerk to the Council.

*This Ordinance was repealed by "The Cattle Driving Ordinance, 1863, Session XX., No. 12.*



PROVINCE OF CANTERBURY.

ANNO VICESIMO SEXTO

VICTORIÆ REGINÆ.

SESSION XIX., No. 13.

The Town of Sefton Ordinance, 1862.

Published by Authority.

ANALYSIS.

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|---|-------------------------|
| <p><i>Preamble.</i></p> <p>1. <i>The unsold sections in township of Sefton withdrawn from sale.</i></p> | <p>2. <i>Title.</i></p> |
|---|-------------------------|

**T**HIS Ordinance shall be entitled and may be cited as “The Town <sup>Title.</sup> of Sefton Ordinance, 1862.”

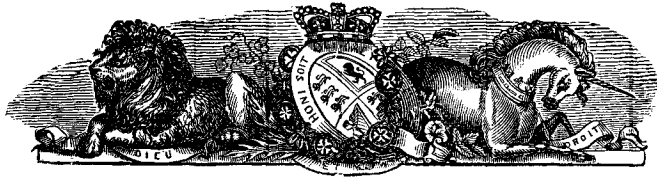
WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council on the Twenty-first day of November, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Third day of December, in the year of our Lord one thousand eight hundred and sixty-two.

CHARLES BOWEN,  
Speaker.

HENRY BACON QUIN,  
Clerk to the Council.

*This Ordinance was disallowed by his Excellency the Governor. See Proclamation in "New Zealand Government Gazette," No. 14, 21st April, 1863, page 140.*



PROVINCE OF CANTERBURY.

ANNO VICESIMO SEXTO

VICTORIÆ REGINÆ.

SESSION XIX., No. 14.

The Municipal Councils Reserves Ordinance,  
1862.

Published by Authority.

ANALYSIS.

*Preamble.*

1. *Lands described in Schedule A vested in Christchurch City Council.*
2. *Lands described in Schedule B vested in Lyttelton Municipal Council.*

3. *Lawful for the said Councils to manage the said lands under certain provisions.*
4. *Title.*

WHEREAS the lands, tenements, and hereditaments described in Preamble.  
the Schedules to this Ordinance annexed are vested in the Superintendent of the Province of Canterbury and his Successors, subject to the provisions of an Act passed by the General Assembly of New Zealand, entitled "The Public Reserves Act, 1854:" And Whereas under the provisions of an Ordinance passed by the Superintendent and Provincial Council of the said Province, entitled "The Municipal Councils Ordinance, Session XIV., No. 2," the city of Christchurch and the town of Lyttelton were respectively declared Municipal Districts, and Municipal Councils thereof constituted, and respectively created Bodies Corporate under the name and style of the "Christchurch Municipal Council," and the "Lyttelton Municipal Council:" And Whereas by an Ordinance passed by the Superintendent and Provincial Council of the said Province, entitled "The Christchurch City Council Ordinance, 1862," the last recited Ordinance was repealed so far as regards the said city of Christchurch, and the Christchurch Municipal Council was created a Body Corporate, under the name of "The Christchurch City Council:" And Whereas an Act was passed by the said General Assembly of New Zealand, entitled "The Public Reserves

Act Amendment Act, 1862," whereby the Superintendent and Provincial Council of any Province may, by any Ordinance duly passed in that behalf, direct and declare that any lands vested, or thereafter vested in the Superintendent of any Province under the provisions of "The Public Reserves Act, 1854," upon trust for any public purposes, shall be transferred to and vested in and held by any Corporation, Commissioners, or other person or persons having corporate succession, to be named in such Ordinance, in trust, for the like or any other public purposes to be specified and declared in such Ordinance, in such manner, and with such powers of lease, management, and disposition over the same, and over all rents, issues, profits, and proceeds thereof, and other powers, provisos and conditions as shall in such Ordinance be expressed or declared: And Whereas it is expedient that the lands, tenements, and hereditaments vested in the Superintendent of the said Province of Canterbury, and respectively described in the Schedules hereto annexed, should be respectively vested in "The Christchurch City Council," and "The Lyttelton Municipal Council:" Be it therefore enacted by the Superintendent of the said Province of Canterbury, with the advice and consent of the Provincial Council thereof as follows:—

Lands described in Schedule A vested in Christchurch City Council.

1. That the lands, tenements, and hereditaments described in the Schedule A to this Ordinance annexed, shall be and are hereby transferred to, vested in, and held by "The Christchurch City Council" and its Successors, as a Corporate Body, in trust, for the public uses and purposes of the said Province of Canterbury, in accordance with the provisions of "The Canterbury Association's Reserves Ordinance, Session V., No. 2."

Lands described in Schedule B vested in Lyttelton Municipal Council.

2. That the lands, tenements, and hereditaments described in the Schedule B to this Ordinance annexed, shall be and are hereby transferred to, vested in, and held by "The Lyttelton Municipal Council" and its Successors, as a Corporate Body, in trust, for the public uses and purposes of the said Province of Canterbury, in accordance with the last-mentioned Ordinances.

Lawful for the said Councils to manage the said lands under certain provisions.

3. That it shall be lawful for the said "Christchurch City Council" and "The Lyttelton Municipal Council" respectively, to lease and manage the lands, tenements, and hereditaments hereby transferred to them respectively, at such rents, issues and profits as they may deem expedient, subject to the provisions of the several Acts and Ordinances hereinbefore recited, so that such rents be rack rents, and such Leases be for any term not exceeding twenty-one years, to take effect from the time of the execution thereof.



4. This Ordinance shall be entitled and may be cited as "The <sup>Title.</sup> Municipal Councils Reserves Ordinance, 1862."

WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council on the Twentieth day of November, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Third day of December, in the year of our Lord one thousand eight hundred and sixty-two.

CHARLES BOWEN,  
Speaker.

HENRY BACON QUIN,  
Clerk to the Council.

#### SCHEDULE A.

RESERVE No. 9.—Containing sixteen perches, more or less, situate on Oxford Terrace West, having one chain frontage to the south side of Worcester-street, and extending back southerly in a rectangular block, a distance of one chain.

RESERVE No. 10.—Containing sixteen perches, more or less, situate on Oxford Terrace West, having one chain frontage to the north side of Worcester-street, and extending back northerly in a rectangular block, a distance of one chain, immediately north of and opposite Reserve No. 9.

RESERVE No. 15.—Containing one rood and eighteen perches, more or less, in two blocks, containing twenty-nine perches, each being situate in the Market Place, Christchurch. Block No. 1, extending three chains along the west side of Colombo-street, and extending westerly in a rectangular block a distance of sixty-one links. Block No. 2, extending three chains along the north side of Armagh-street, and extending northerly in a rectangular block a distance of sixty-one links.

#### SCHEDULE B.

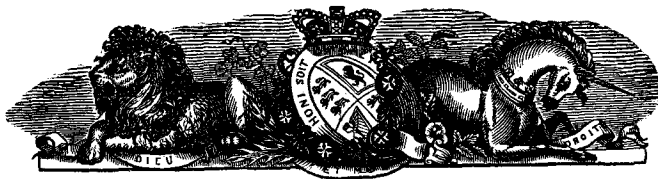
RESERVES NOS. 35 AND 36.—Two roods, more or less, situate in the Market Place, Lyttelton, being bounded on the north by the Market Place, three hundred and fifty-six links; on the east by St. David-street, one hundred and forty-three links; on the south by London-street, three hundred and fifty-six links; and on the west by

Oxford-street, one hundred and forty-three links, and numbered 35 and 36 (in red) on the Map of the Chief Surveyor of the Province of Canterbury, setting out and describing the town of Lyttelton.

RESERVE No. 34.—One acre two roods twenty-eight perches, more or less, situate in Oxford-street, Lyttelton, being bounded on the north by London-street, two hundred and forty-six links; on the north-east by Christchurch Road, one hundred and eighty links; on the east by St. David-street, three hundred and sixty-one links; on the south by Norwich Quay, three hundred and fifty-six links; and on the west by Oxford street, five hundred links; and numbered thirty-four (in red) on the Map of the Chief Surveyor of the Province of Canterbury, setting out and describing the town of Lyttelton.

RESERVE No. 101.—Fifty-two acres one rood and thirty perches, more or less, situate on the north of Lyttelton, commencing at a point on the north-western boundary of rural section No. 350, a distance of six chains twenty-five links from the south-western corner of the said section No. 350; thence to the north-eastward along the said north-western boundary of section No. 350, and on in the same direction, altogether a distance of twenty-three chains, to a point ten chains fifty links from the trigonometrical station on Mount Pleasant, and extending north-westerly in a rectangular block above, and adjoining rural section No. 501, a distance of twenty-two chains eighty links; subject, nevertheless, to a road one chain wide in through this reserve from the north-eastern boundary line of section No. 501, to the summit of the hill, as the same is more particularly delineated on the accompanying Plan, and numbered 101 (in red) on the Map of the Chief Surveyor of the Province of Canterbury, setting out and describing the town of Lyttelton.

RESERVE No. 68.—Ninety-six acres, more or less, in two blocks. Block I.—Eighty-five acres, situate at the eastern end of the town of Lyttelton, bounded on the north by rural sections Nos. 1 and 258, eleven chains thirty-three links, and twenty-two chains ten links respectively; on the eastward, south-eastward and southward by the reserve for the Sumner Road, a distance of forty-eight chains fifty links; and on the westward by town sections 176, 177, 178, 179, 180, 181, and 182, the Roman Catholic cemetery reserve, No. 45 (in red), the Dissenters' cemetery reserve No. 46, and town sections 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 315, 316, 317, 318, 319, 320, and 321. Block II. contains eleven acres, more or less, being bounded on the northward by the reserve for the Sumner Road and rural section No. 130, distances of thirty-five chains sixty links and five chains respectively; on the south-eastward and southward by the reserve of one chain above high-water mark a distance of forty-nine chains twenty links; and on the north-westward by town section No. 341, a distance of two hundred and ninety links.



PROVINCE OF CANTERBURY.

ANNO VICESIMO SEXTO

VICTORIÆ REGINÆ.

SESSION XIX., No. 15.

The Diversion of Roads Special Ordinance 2,  
1862.

Published by Authority.

ANALYSIS.

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| <i>Preamble.</i>   |  |
| 1. <i>The Superintendent may construct lines of road set forth in Schedules A and B.</i> | 2. <i>Compensation to be made for damage done to Owners by construction of said lines.</i> |
|  | 3. <i>Title.</i>   |

THIS Ordinance shall be entitled and may be cited as "The Title. Diverson of Roads Special Ordinance 2, 1862."

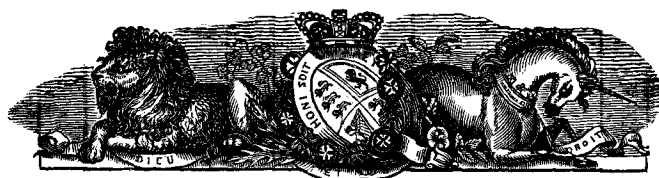
WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council on the Second day of December, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Third day of December, in the year of our Lord one thousand eight hundred and sixty-two.

CHARLES BOWEN,  
Speaker.

HENRY BACON QUIN,  
Clerk to the Council.

*This Ordinance was disallowed by his Excellency the Governor.  
See Proclamation in "New Zealand Government Gazette," No. 14, 21st  
April, 1863, page 140.*



PROVINCE OF CANTERBURY.

ANNO VICESIMO SEXTO

VICTORIÆ REGINÆ.

SESSION XIX., No. 16.

The Canterbury Local Marine Boards  
Ordinance, 1862.

Published by Authority.

ANALYSIS.

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| <i>Preamble.</i>   | 4. <i>The said Boards to be Bodies Corporate.</i>                          |
| 1. <i>Local Marine Boards to be constituted in Ports of Lyttelton, Akaroa, and Timaru.</i> | 5. <i>Empowering Clause.</i>   |
| 2. <i>Master Warden and Treasurer to be elected.</i>                                       | 6. <i>Interpretation of the words "Lyttelton," "Akaroa," and "Timaru."</i> |
| 3. <i>In certain cases any Warden's seat to be declared vacant.</i>                        | 7. <i>Title.</i>   |

THIS Ordinance shall be entitled and may be cited as "The Title.  
Canterbury Local Marine Boards Ordinance, 1862."

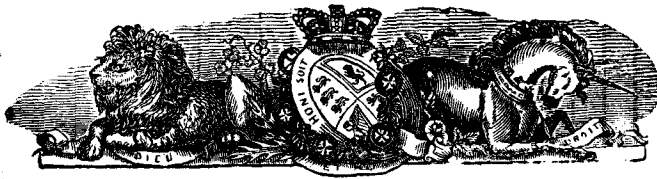
WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council on  
the Twenty-seventh day of  
November, in the year of our  
Lord one thousand eight  
hundred and sixty-two, and  
reserved for the assent of his  
Excellency the Governor.

CHARLES BOWEN,  
Speaker.

HENRY BACON QUIN,  
Clerk to the Council.

*His Excellency the Governor withheld his assent to this Ordinance. See notification in "New Zealand Government Gazette," No. 7, 23rd February, 1863, page 58.*



PROVINCE OF CANTERBURY.

ANNO VICESIMO SEXTO.

VICTORIÆ REGINÆ.

SESSION XIX., No. 17.

Bail for Petty Offences Ordinance, 1862.

Published by Authority.

ANALYSIS.

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|---|---|--|
| <i>Preamble.</i>  | } | 2. <i>Recognizance taken as above to be same as before Justice of the Peace.</i> |
| 1. <i>Bail to be taken by Constable in certain cases, under certain conditions.</i> |   | 3. <i>Title.</i>   |

**W**HEREAS it is desirable to provide a more convenient method <sup>Preamble.</sup> than now exists for admitting to bail persons in custody for petty offences: Be it enacted by the Superintendent of the Province of Canterbury, by and with the advice and consent of the Provincial Council thereof as follows:—

1. When any person charged with drunkenness or any other petty offence or misdemeanour, shall be brought, without the Warrant of a Justice of the Peace, into the custody of any Constable during his attendance at any watch-house or police-station, it shall be lawful for the said Constable in charge of the station or watch-house, if he shall deem it prudent to take bail by recognizance, with or without Surety or Sureties, as the said Constable in charge of the station or watch-house shall think fit, without any fee or reward from such person conditioned, that such person shall appear for examination before a Justice of the Peace at some time and place, to be specified in the recognizance, and the Constable shall enter in a book, to be kept for that purpose at every police-station or watch-house, the name, residence, and occupation of the party, and his Surety or Sureties (if any) entering into such recognizance, together with the conditions thereof, and the sums respectively acknowledged, and such entry shall be signed by the party and his Surety or Sureties (if any) entering into such recognizance, and shall be laid before such Justice as shall be present at the time and

place when and where the party is required to appear, and if the party does not then and there appear, the Justice shall require a record of such recognizance to be drawn up and signed by such Constable; and if the party not appearing shall apply, by any person on his behalf, to postpone the hearing of the charge, and the Justice shall consent thereto, the Justice shall be at liberty to enlarge the recognizance to such further time as he shall appoint, and on the party appearing at the time and place fixed, either originally or by enlargement or postponement, to answer to the charge brought against him, the recognizance shall be void; but if the party shall not so appear, such recognizance shall be estreated in the ordinary way.

Recognizance taken as above to be same as before Justice of the Peace.

2. Every recognizance taken as above provided, shall be of equal obligation on the parties entering into the same, and liable to the same proceedings for the estreating thereof as if the same had been taken before a Justice of the Peace.

Title.

3. This Ordinance shall be entituled and may be cited as "The Bail for Petty Offences Ordinance, 1862."

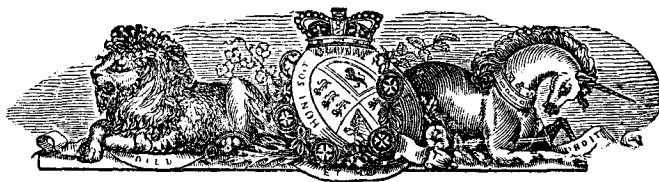
WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Third day of December, in the year of our Lord one thousand eight hundred and sixty-two.

CHARLES BOWEN,  
Speaker.

HENRY BACON QUIN,  
Clerk to the Council.





PROVINCE OF CANTERBURY.

ANNO VICESIMO SEXTO

VICTORIÆ REGINÆ.

SESSION XIX., No. 18.

The Appropriation Ordinance, 1862.

Published by Authority.

ANALYSIS.

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|--|--|
| 1. <i>Appropriation of Provincial revenue for the nine months ending 30th June, 1863.</i>                        | 3. <i>Provincial Treasurer to issue upon Warrant by his Honor the Superintendent.</i>                                  |
| 2. <i>Provincial Treasurer shall issue and be allowed credit for sums appropriated as per Schedules B and C.</i> | 4. <i>Provincial Treasurer shall be allowed credit for sums expended as per Schedule D up to 30th September, 1862.</i> |
|  | 5. <i>Title.</i>   |

**BE** it enacted by the Superintendent of the Province of Canterbury, with the advice and consent of the Provincial Council thereof as follows :—

1. Out of the public revenues of the said Province there may be issued and applied for the public service of the said Province, and for defraying the charge of the Government thereof, for the period commencing on the First day of October, one thousand eight hundred and sixty-two, and ending on the Thirtieth day of June, one thousand eight hundred and sixty-three, in the manner set forth in the Schedule A to this Ordinance, any sum or sums of money not exceeding the sums in such Schedule specified, amounting in the whole to the Sum of Two Hundred and Eighty-eight Thousand Five Hundred and Eighty-two Pounds Twelve Shillings and Eleven Pence.

Appropriation of Provincial revenue for the nine months ending 30th June, 1863.

2. Out of the public revenues of the said Province which shall have been raised by Debentures issuable under the authority of the "Lyttelton and Christchurch Railway Loan Ordinance, Session XIII., No. 1," there may be issued and applied for defraying the charges of the Lyttelton and Christchurch Railway Works, for the period commencing on the First day of October, One thousand eight hundred and sixty-two, and ending on the Thirtieth day of June, One thousand eight

Provincial Treasurer shall issue and be allowed credit for sums appropriated as per Schedules B and C.

hundred and sixty-three, in the manner set forth in the Schedule B to this Ordinance, any sum or sums of money not exceeding the sums in such Schedule specified, amounting in the whole to the sum of One Hundred Thousand Pounds, and out of the public revenues of the said Province, which shall have been raised by Debentures issuable under the authority of "The Canterbury Loan Ordinance, 1862," there may be issued and applied for defraying the charges of the works set forth in the Schedule C to this Ordinance, any sum or sums of money not exceeding the sums in such Schedule specified, amounting in the whole to the Sum of Fourteen Thousand Pounds.

Provincial Treasurer  
to issue upon Warrant  
by his Honor the  
Superintendent.

3. The Provincial Treasurer shall issue from time to time any sum or sums of money not exceeding the sums in such Estimates severally specified to such persons and in such portions as the Superintendent shall, by any Warrants under his hand, from time to time direct, and shall be allowed credit in his Accounts for all sums so paid by him in pursuance of such Warrants; and the Receipts of the persons to whom such sums shall have been paid shall be a full discharge for the sum or sums for which such Receipts shall be given.

Provincial Treasurer  
shall be allowed credit  
for sums expended as  
per Schedule D, up to  
30th September, 1862.

4. And Whereas, in defraying the charge of the Provincial Government and in the Public Service of the said Province for the year ending the Thirtieth September, One thousand eight hundred and sixty-two, certain sums of money, amounting in the whole to the sum of Nine Thousand Eight Hundred and Sixty-four Pounds Nine Shillings and a Penny, were issued and paid by the Provincial Treasurer, in pursuance of Warrants under the hand of the Superintendent; and such sums were paid in the manner and on account of the services particularly set forth in the Schedule D to this Ordinance, but were not included in any Bill for the appropriation of the Public Revenues of the said Province for the said year: Be it therefore enacted that the Provincial Treasurer shall be allowed credit in his Accounts for all sums of money so issued and paid by him on the several accounts set forth in the Scheule D hereunto annexed; and the Receipts of the persons to whom such sums of money shall have been paid under such Warrants, shall be a complete discharge for the sum or sums of money for which such Receipts shall have been given.

Title.

5. This Ordinance shall be entitled and may be cited as "The Appropriation Ordinance, 1862."

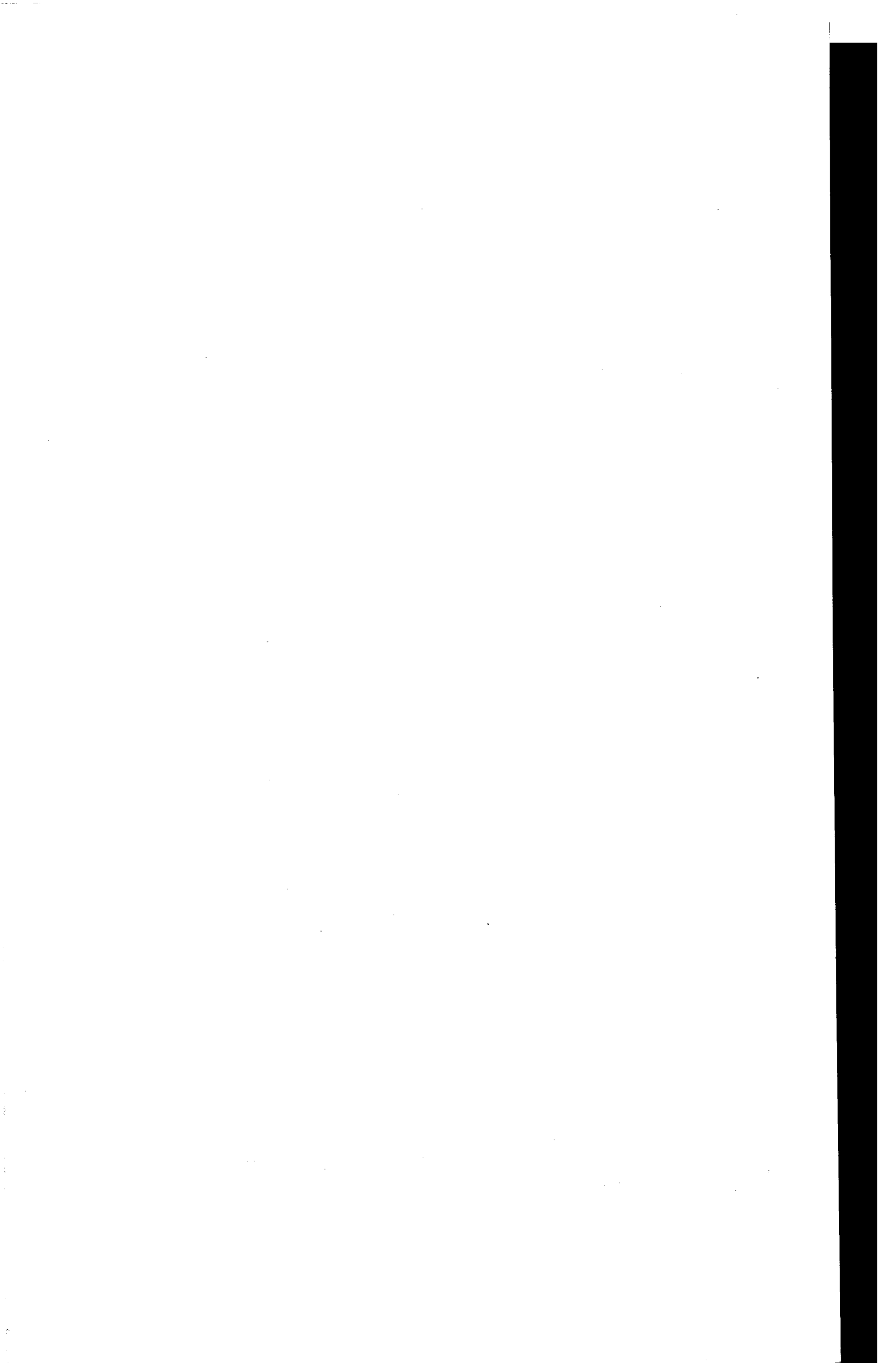
WILLIAM SEFTON MOORHOUSE,  
Superintendent.

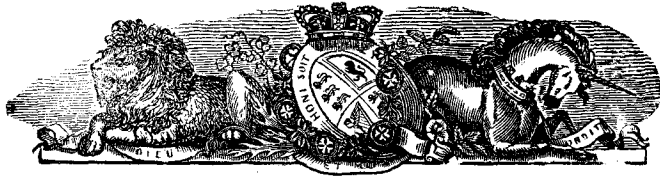
Passed the Provincial Council and  
and assented to by his Honor  
the Superintendent, on behalf  
of his Excellency the Governor,  
on the Third day of December,  
in the year of our Lord one  
thousand eight hundred and  
sixty-two.

CHARLES BOWEN,  
Speaker.

HENRY BACON QUIN,  
Clerk to the Council.

*Sum voted under Schedule A, £288,582 12s. 11d. Sum voted under  
Schedule B, £100,000. Sum voted under Schedule C, £14,000. Sum  
voted under Schedule D, £9864 9s. 1d.*





PROVINCE OF CANTERBURY.

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ANNO VICESIMO SEXTO.

VICTORIÆ REGINÆ.

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SESSION XIX., No. 19.

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The Beswick Wharf Ordinance, 1862.

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Published by Authority.

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ANALYSIS.

- Preamble.*
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|--|---|
| 1. <i>William Cockerill Beswick may construct a wharf on certain conditions.</i> | 2. <i>William Cockerill Beswick to collect tolls according to Schedule.</i> |
|  | 3. <i>Title.</i>  |
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**T**HIS Ordinance shall be entitled and may be cited as "The TITLE. Beswick Wharf Ordinance, 1862."

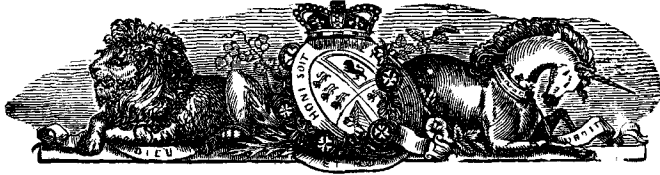
WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council on the Twelfth day of November, in the year of our Lord one thousand eight hundred and sixty-two, and reserved for the assent of his Excellency the Governor.

CHARLES BOWEN,  
Speaker,

HENRY BACON QUIN.  
Clerk to the Council.

*His Excellency the Governor withheld his assent from this Ordinance. See notification in "New Zealand Government Gazette," No. 17, 12th May, 1863, page 172.*



**PROVINCE OF CANTERBURY.**

ANNO VICESIMO SEXTO

**VICTORIÆ REGINÆ.**

SESSION XIX., No. 20.

**Canterbury Loan Ordinance, 1862.**

*Published by Authority.*

ANALYSIS.

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| <p><i>Preamble.</i></p> <p>1. <i>Power given to the Superintendent to raise £500,000 by way of loan.</i></p> <p>2. <i>Form of Debenture.</i></p> <p>3. <i>How to be issued.</i></p> <p>4. <i>To bear interest.</i></p> <p>5. <i>The principal, how to be paid.</i></p> | <p>6. <i>Payment to be made out of the public revenues of the province.</i></p> <p>7. <i>Sinking fund to be provided.</i></p> <p>8. <i>The money raised, how to be expended.</i></p> <p>9. <i>Public revenues defined.</i></p> <p>10. <i>Nothing herein contained to affect the Ordinances herein named.</i></p> <p>11. <i>Title.</i></p> |
|--|---|

**W**HEREAS it is expedient to make provisions for raising a **Loan** Preamble.  
of Five Hundred Thousand Pounds, for the purposes of Immigration to the Province of Canterbury, the construction of railways, wharves, bridges, electric telegraphs, and other large public works :  
Be it therefore enacted by the Superintendent of the said Province, with the advice and consent of the Provincial Council thereof as follows :

1. It shall be lawful for the Superintendent to raise, by way of loan, a sum not exceeding Five Hundred Thousand Pounds, and to issue Debentures to that amount, and such Debentures, when issued, shall be and are hereby charged upon the Public Revenues of the said Province. Power given to the Superintendent to raise £500,000 by way of loan.

2. Every such Debenture shall be in the form set forth in the Schedule to this Ordinance, and shall be numbered in order, and shall be signed by the Superintendent, and sealed with the public seal of the Province. Form of Debenture.

3. Such Debentures shall be issued, from time to time, at such times and at such places as the Superintendent shall, by Warrant, under his hand, direct. How to be issued.

To bear interest.

4. Every such Debenture shall bear interest, commencing from the date of issue, at the rate of not exceeding Six Pounds sterling per annum, and such interest shall be payable half-yearly, upon the Thirtieth day of June and the Thirty-first day of December in each year, at such place or places as the Superintendent shall, by Warrant, under his hand, direct.

The principal, how to be paid.

5. The principal of every such Debenture shall be payable, and shall be paid on demand, at the office in London of the banking Agents of the Province, upon the expiration of fifty years from the day of the issue thereof.

Payment to be made out of the public revenue of the province.

6. The Superintendent is hereby authorised and required to cause the interest and principal of the said loan to be paid out of the public revenues of the said Province.

Sinking fund to be Provided.

7. For the purpose of providing a sinking fund for the liquidation of the principal, there shall be paid yearly, out of the said public revenues of the Province, to such person or persons as the Superintendent shall appoint, such sum as shall be equal to One Pound sterling per centum per annum on the total of the principal from time to time borrowed, to be invested by such person or persons in the purchase of such securities as the Superintendent and Provincial Council shall from time to time direct, and shall be increased by accumulation in the way of compound interest or otherwise.

The money raised, how to be expended.

8. No portion of the said sum of Five Hundred Thousand Pounds shall be expended in any other way than in immigration, in the construction of railways, wharves, bridges, electric telegraphs, and other large public works in the said Province: Provided that no portion of the said sum shall be expended without the vote of the Provincial Council.

Public revenues defined.

9. For the purposes of this Ordinance, the "Public Revenues" shall be deemed and taken to include the revenue only which shall be payable from time to time to the said Province, under two Acts of the General Assembly of New Zealand, entitled respectively "The Surplus Revenue Act, 1858," and "The Land Revenue Appropriation Act, 1858," and all such revenue as shall become payable under any Ordinance of the Superintendent and Provincial Council.

Nothing herein contained to affect the Ordinance herein named.

10. Provided always that nothing in this Ordinance contained shall prejudice, vary, or affect any security granted under or by virtue of "The New Zealand Loan Act, 1856," an Act of the Imperial Parliament, passed in the Twentieth and Twenty-first years of the reign of her present Majesty, entitled "An Act to Guarantee a Loan for the Service of New Zealand," an Ordinance passed by the Superintendent and Provincial Council of Canterbury, entitled "The Lyttelton and





## \* COPY OF COUPON.

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 PROVINCE OF CANTERBURY, NEW ZEALAND.
 

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£500,000 LOAN.

DEBENTURE, £100 STERLING.

Three Pounds sterling will be paid to the Bearer of this Coupon at on the Thirtieth day of June, and the Thirty-first day of December, being six months' interest on Debenture, No.

Superintendent.

Keeper of Public Records.

Member of Executive Council.

*See the "Canterbury Loan Ordinance Amendment Ordinance, 1863, Session XX., No. 10," as to form of Coupon.*

*\* This part of the Schedule to this Ordinance, setting forth the Coupon, is repealed by the "Canterbury Loan Ordinance Amendment Ordinance, 1863," except as to Coupons issued before the passing of the first-mentioned Ordinance.*

*This Ordinance was assented to by his Excellency the Governor. See Letter appended.*

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 COPY.]

 COLONIAL SECRETARY'S OFFICE, AUCKLAND,  
 5th January, 1863.

SIR,

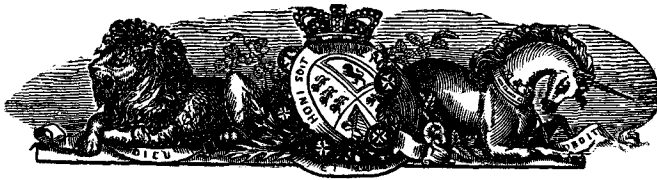
With reference to my letter of your Honor of the 23rd ultimo, respecting the "Canterbury Loan Ordinance, 1862,"

I have now the honor to inform you that his Excellency the Governor has been pleased to assent to that Ordinance, a copy of which I herewith return to your Honor.

I have, &amp;c., to be,

(Signed) ALFRED DOMETT.

His Honor  
 the Superintendent  
 of Canterbury.



PROVINCE OF CANTERBURY.

ANNO VICESIMO SEXTO

VICTORIÆ REGINÆ.

SESSION XIX., No. 21.

The Christchurch City Council Ordinance,  
1862.

Published by Authority.

ANALYSIS.

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|---|--|
| <p>1. <i>Repealing Clause.</i></p> <p>2. <i>Interpretation Clause.</i></p> <p>CONSTITUTION OF COUNCIL:</p> <p>3. <i>Christchurch City Council constituted.</i></p> <p>ELECTION OF COUNCIL.</p> <p>4. <i>By whom Council to be elected.</i></p> <p>5. <i>Meeting of annual election.</i></p> <p>6. <i>Proceedings at such election.</i></p> <p>7. <i>Retirement of Councillors in rotation.</i></p> <p>8. <i>Extraordinary vacancies: how occasioned.</i></p> <p>9. <i>Elections to fill extraordinary vacancies.</i></p> <p>10. <i>Payment of expenses of elections.</i></p> <p>DIVISION OF CITY INTO WARDS.</p> <p>11. <i>Superintendent may divide city into wards.</i></p> <p>PROCEEDINGS OF COUNCIL.</p> <p>12. <i>Council incorporated.</i></p> <p>13. <i>Election of Chairman.</i></p> <p>14. <i>Vacancy for Chairman: how occasioned, and how to be filled up.</i></p> <p>15. <i>Quorum.</i></p> <p>16. <i>Rules for conduct of business.</i></p> <p>RATES.</p> <p>17. <i>Power to levy rates.</i></p> <p>18. <i>Rates to be on annual value.</i></p> <p>19. <i>General city rate.</i></p> <p>20. <i>Special city rate.</i></p> <p>21. <i>Special local rate.</i></p> <p>22. <i>Rates: by whom to be paid</i></p> <p>23. <i>Joint Occupiers.</i></p> | <p>RATEPAYERS' ROLL.</p> <p>24. <i>Preparation of Ratepayers' Roll.</i></p> <p>25. <i>List open to inspection.</i></p> <p>26. <i>Notice of objection.</i></p> <p>27. <i>Objections: how to be heard and determined.</i></p> <p>28. <i>Council may correct trifling errors in Roll.</i></p> <p>29. <i>Roll for previous year may be adopted with alterations.</i></p> <p>30. <i>If no roll made by time of election, previous Roll to be used.</i></p> <p>MODE OF LEVYING RATES.</p> <p>31. <i>Rate: how to be made.</i></p> <p>32. <i>Objections to rate: how to be heard.</i></p> <p>33. <i>Rates due from Occupier having quitted may be recovered from Owner.</i></p> <p>34. <i>Rates may be remitted on account of poverty.</i></p> <p>35. <i>Rate Collectors to be appointed.</i></p> <p>36. <i>Rates recoverable at suit of Collectors.</i></p> <p>LOANS.</p> <p>37. <i>Power to borrow on mortgage.</i></p> <p>38. <i>Mortgage to be by Deed.</i></p> <p>39. <i>Mortgage may be transferred.</i></p> <p>40. <i>Transfer of mortgage to be registered.</i></p> <p>41. <i>Works executed by loan subject to supervision.</i></p> <p>GOVERNMENT WORKS IN THE CITY.</p> <p>42. <i>Superintendent may entrust Government works in the city to the Council.</i></p> |
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## ACCOUNTS.

43. *Accounts to be kept, and to be open to inspection.*  
 44. *Accounts and Balance-sheet to be laid before annual meeting.*

## OFFICERS.

45. *Power to appoint Officers.*  
 46. *Members of Council disqualified from being Contractors.*

## BY-LAWS.

47. *By-laws: on what subjects to be made.*  
 48. *Maximum penalty under By-law.*  
 49. *By-laws subject to Superintendent's approval.*

## MANAGEMENT OF STREETS, SEWERS, &amp;c.

50. *Streets, &c., under management of Council.*  
 51. *Sewers, materials of works, &c., vested in Council.*  
 52. *Council may provide for supply of water, lighting, and sanitary measures.*  
 53. *Council to give notice of alterations in sewers or levels of streets.*  
 54. *Plans of intended works.*  
 55. *Objections to proposed works: how to be dealt with.*  
 56. *Power to make new sewers.*  
 57. *Power to alter or stop up old sewers.*  
 58. *Remedy for injury to private individuals by alterations.*  
 59. *Council may require branch drains to be made.*  
 60. *Penalty for making branch drains without permission.*  
 61. *No building, cellar, &c., may interfere with sewers.*  
 62. *All sewers to be furnished with stench traps.*  
 63. *Use of city sewers outside the city.*

## PRIVIES, CESSPOOLS, NUISANCES, &amp;c.

64. *Council may require privies, &c., to be made and altered.*  
 65. *Council may regulate cleansing of privies, &c.*  
 66. *Council may provide receptacles for dung, rubbish, &c., and provide for its removal.*  
 67. *Council may require immediate removal of nuisances.*  
 68. *Council may fill up hollows on private property.*

## LEVELS OF NEW STREETS AND HOUSES SUBJECT TO APPROVAL OF COUNCIL.

69. *Private individuals about to build or lay out streets to give notice to Council.*  
 70. *Council may disapprove of levels and fix others.*  
 71. *In default of notice, Council may alter such streets or houses.*  
 72. *If Council does not object, works may proceed.*

## MISCELLANEOUS POWERS AND DUTIES OF COUNCIL.

73. *Protection and removal of dangerous buildings, &c.*  
 74. *Materials thereof may be sold to defray expenses.*  
 75. *Council may order removal of projections from buildings, &c.*  
 76. *No cellars to be made under, or openings in the streets.*  
 77. *Gutter pipes to be provided.*  
 78. *Boards may be erected indicating names of streets.*  
 79. *Power of entry on private lands.*  
 80. *Council may temporarily stop thoroughfares.*  
 81. *Protection against accident; penalty for interfering with barriers, &c.*  
 82. *Council may compromise suits.*  
 83. *Council may apportion certain expenses between Owner and Occupier.*  
 84. *Remedy if Occupier prevents Owner from executing works required.*  
 85. *Power to recover expenses incurred by Council.*

## PROTECTION TO OFFICERS.

86. *Members and Officers not personally liable.*  
 87. *Penalty for obstructing Officers, &c.*

## SERVICE OF NOTICES.

88. *Officers of Council may receive and give its notices.*  
 89. *Notices on Owners and Occupiers: how to be served.*

## POWER OF INTERFERENCE BY SUPERINTENDENT.

90. *Superintendent may dissolve Council if it does not fulfil terms of loan, &c.*  
 91. *If no Council elected, powers to pass to Superintendent.*

## MISCELLANEOUS.

92. *Limitation of Penalties.*  
 93. *Penalties recoverable summarily.*  
 94. *Title.*

**W**HEREAS it is expedient to make further provision than now exists for the improvement of the streets in the city of Christchurch, and for the preservation of the health of the Inhabitants thereof: Be it enacted by the Superintendent of the Province of

Canterbury, by and with the advice and consent of the Provincial Council thereof as follows :—

1. "The Municipal Council Ordinance, Session XIV, No. 2," shall Repealing Clause. be, and the same is hereby repealed so far as regards the city of Christchurch.

2. In the interpretation of this Ordinance, the words "city" and Interpretation Clause. "city of Christchurch" shall mean the city of Christchurch as described in Schedule A to this Ordinance; the words "the Council" shall mean the Christchurch City Council hereinafter constituted; the word "Ratepayer" shall mean every male person of full age liable to be rated under the provisions of this Ordinance, either as Owner or Occupier of property within the city, and whose name shall appear on the Ratepayers' Roll for the time being, and who shall have paid all rates due from and payable by him under this Ordinance; the words "Ratepayers' Roll" shall mean the Ratepayers' Roll prepared under the authority of this Ordinance. Provided, that until a Ratepayers' Roll shall have been so prepared, such words shall include any Ratepayers' Roll which may have been prepared by the authority of the Municipal Council of Christchurch; and the word "street" shall include all bridges, squares, roads, streets, lanes, paths, or other public places within the City.

#### CONSTITUTION OF COUNCIL.

3. For the purposes hereinafter mentioned, there shall be consti- Christchurch City Council constituted. tuted within the city of Christchurch, a Council, consisting of nine Members, to be called the Christchurch City Council, and to be elected in manner hereinafter prescribed. Provided that until the first election of such Council the existing "Municipal Council of Christchurch" shall be deemed and taken to be the Christchurch City Council.

#### ELECTION OF COUNCIL.

4. At the election of Members of the Council every Ratepayer shall By whom Council to be elected. be entitled to vote or to be elected a Member of the Council. If the property in respect of which such Ratepayer is liable to be rated shall not exceed One Hundred Pounds in annual value, he shall be entitled to one vote; if it shall exceed such annual value and not exceed the annual value of Three Hundred Pounds, then such Ratepayer shall have two votes, and if it shall exceed the annual value of Three Hundred Pounds then such Ratepayer shall have three votes.

5. A meeting of the Ratepayers shall be held on the second Tues- Meeting for annual election. day in January in every year, at the hour of noon, for the purpose of

the annual election of Members of the Council. The Chairman of the Council shall give fourteen days' public notice of such meeting, by advertisement, in one or more Newspapers circulating within the city, stating the time and place of holding such meeting. Provided that the first election under the authority of this Ordinance shall be held on the second Tuesday in the month of February next, instead of on the second Tuesday in the month of January next.

Proceedings at such election.

6. At such meeting of Ratepayers, the Chairman of the Council, if present, shall preside ; if not, then some person appointed by the meeting. Every Candidate shall be proposed and seconded by Ratepayers. If there be not more Candidates than vacancies, the Chairman shall declare such Candidates duly elected ; or if there be more Candidates than vacancies, such Chairman shall call for a show of hands for each Candidate, and shall declare the Candidate or Candidates in whose favour such show of hands was exhibited to be duly elected unless any Candidate or four Ratepayers shall demand a poll, in which case such Chairman shall proceed on the next day (not being a public holiday, and in that case on the day after) to hold a poll and to cause the votes of the Ratepayers to be recorded, and shall open such poll at Ten o'clock in the morning, and close it at Four o'clock in the afternoon of the same day, and shall, as soon as practicable after the closing of such poll, declare the numbers each Candidate respectively polled, and the names of the Candidate or Candidates who shall have been elected, and shall forthwith transmit the same, in writing, to the City Council. Such Chairman shall, at such election, make such arrangements for receiving and recording the votes of Electors, and otherwise for the due and equitable management of the election as to him shall seem most desirable. The decision of the Chairman in respect of any disputed vote shall be final and conclusive.

Retirement of Councillors in rotation.

7. At the first annual election which shall be held after the passing of this Ordinance, four Members of the Council shall retire (to be decided by ballot at a meeting of the Council to be held not less than thirty days previously), and four duly qualified persons shall be elected in manner herein provided to fill up the vacant seats : At the second annual election the five Members who were elected two years previously shall retire, and five duly qualified persons shall be elected to fill their seats, and so on ; every Member retiring from office at the expiration of two years from the date of his election. Any Member so retiring shall, if duly qualified, be eligible for re-election.

Extraordinary vacancies : how occasioned.

8. If any Member of the Council shall die, or, by writing, under his hand, delivered to the Chairman of the Council, shall resign his seat, or shall become insolvent, or be convicted of any felony, or shall become

of unsound mind, or shall, without the leave of the Council first obtained, absent himself from six consecutive meetings of the Council, the seat of such Member shall become *ipso facto* void.

9. Whenever, from any of the causes aforesaid, the number of the Members of the Council shall be reduced below seven, the Chairman shall, by notice, advertised in one or more Newspapers published within the Province of Canterbury, call a meeting of the Ratepayers, for the purpose of electing persons to fill the vacancies; and every person so elected shall hold office only until the time at which the person in whose room he may have been elected would regularly have gone out of office. The proceedings at any such election shall be conducted in the same manner as at the annual election.

Elections to fill extraordinary vacancies.

10. The Council may pay, out of any funds at its disposal, such expenses as may necessarily have been incurred in or about the election of any Members of such Council, and of any public meeting called by such Council.

Payment of expenses of election.

#### DIVISION OF CITY INTO WARDS.

11. It shall be lawful for the Superintendent, if he shall think fit, on the application of a majority of two-thirds of the Council, by Proclamation in the Provincial *Government Gazette*, to divide the city into wards, for the purpose of the election of Members of the Council, and by such Proclamation to fix the boundaries and names of such wards, the number of Members to be elected for each ward, to provide for the preparation of Lists of persons qualified to vote at such elections, and to make all other provision necessary for the proper conduct of such elections, and for giving effect to such division of the city for the purposes aforesaid.

Superintendent may divide city into wards.

#### PROCEEDINGS OF COUNCIL.

12. The Christchurch City Council shall be and is hereby created a Body Corporate, under the name of "The Christchurch City Council," and under such name shall have perpetual succession and a common seal, with power to alter, vary, break, and renew the same; and may sue and be sued, implead, and be impleaded, in any Court of Law or equity; and is hereby empowered to hold and enjoy property both real and personal, and to alienate or dispose of the same; and to enter into contracts, and enforce the fulfilment thereof, for the purposes of this Ordinance.

Council incorporated.

13. So soon after the election of the Members of the Council as conveniently may be, such Members shall elect from amongst themselves some one to be the Chairman of the Council, who shall continue

Election of Chairman.

in office until after the next annual election of Members of the Council. The Chairman of the Council, whenever present, shall preside, and if he be not present, then the Council shall choose, as in manner it may deem expedient, some other Member to preside. In case of an equality of votes at any meeting of the Council, the Chairman or presiding Member, besides his own vote, shall have a casting vote.

Vacancy for Chairman:  
how occasioned, and  
how to be filled up.

14. If the Chairman shall cease to be a Member of the Council, or shall, by writing, under his hand, addressed to the Council, resign such his office, the Council shall, at its next meeting thereafter, elect another Member to be Chairman in his stead, who shall hold office until the next annual election of Members of the Council.

Quorum.

15. Five members of the Council shall form a quorum, and the act of such quorum shall have the same force and effect, and shall be considered as the act of the whole Council. No proceeding of the Council shall be invalidated or be illegal in consequence of there being any vacancy in the number of its Members at the time of such proceeding, or in consequence of any defect in the appointment of, or of any incapacity in any of the Members present at the time of such proceedings.

Rules for conduct of  
business.

16. The Council shall, as soon as conveniently may be, make Rules for regulating the conduct of business at meetings of the Council.

#### RATES.

Power to levy rates.

17. The Council may make and levy rates on all lands, buildings or tenements within the city: Provided always, that no such rates shall be made or levied on any land or premises belonging to, and in the occupation of her Majesty, or of the Provincial Government of Canterbury, or on any land or building used exclusively for public, charitable, or literary, or scientific purposes, or on any building used exclusively for public worship, or for a public school or school house, provided it be inhabited only by the Master or Mistress of such school, or his or her family.

Rates to be on annual  
value.

18. The rates shall be levied on the net value of all such lands, buildings or tenements, that is to say upon the rent at which the same might reasonably be expected to let from year to year.

General city rate.

19. For the purpose of maintaining and repairing the streets, and of cleansing, repairing, and maintaining in effective operation the sewers and drains of the city, of the payment of Officers employed, and the ordinary expenses incurred on account of, or inuring to the common benefit of the city, it shall be lawful for the Council, from time to time to make and levy a rate or rates, to be called "the general



city rate." No such general rate or rates shall in any one year exceed the sum of One Shilling in the Pound on the annual value of the property rated.

20. For the purpose of defraying the expense of making any street, <sup>Special city rate.</sup> or making any new, or altering, improving, closing, or destroying any old sewer or drain, or effecting any other work or improvement of a permanent nature for the benefit of the city, the Council may, from time to time, make and levy a rate or rates to be called "the special city rate," of such amount as will be sufficient to discharge the amount of such expenses and interest thereon within such period, not exceeding five years, as the Council shall, in each case, determine. No such special rate or rates shall in any one year exceed the sum of Two Shillings in the Pound on the annual value of the property rated: Provided always, that in all cases in which any sum or sums of money shall have been or may be granted by the Superintendent and Provincial Council for or on account of any special work within the city, the same shall be carried to account for such work, and the special rate or rates shall be levied for the balance only, if any, of such expenses aforesaid.

21. If at any time the persons liable to the payment of rates in <sup>Special local rate.</sup> any street or part of any street shall, by a majority of two-thirds of their votes, as provided in this Ordinance, request the Council to impose a rate upon the rateable property in such street or part thereof, for the execution of any work of special benefit to that particular locality, it shall be lawful for the Council to impose such rate accordingly, and to apply the proceeds thereof to the execution of such work. Such rate, so imposed, shall be called a "special local rate," and shall not in any one year exceed the sum of Two Shillings in the Pound on the annual value of the property rated.

22. Except as hereinafter provided, the rate, whether general, <sup>Rates: by whom to be paid.</sup> special, or local, shall be paid by the Tenant or Occupier of the land, building, or tenement rated, or in case there be no Tenant or Occupier, then by the Owner thereof. Provided that the Owners of all rateable property of which the net annual value does not exceed the sum of Ten Pounds, or which is let to weekly or monthly Tenants, shall be rated to and pay the rates instead of the Occupiers thereof.

23. When any rateable property is jointly occupied, or if unoc- <sup>Joint occupation.</sup> cupied, is jointly owned by more persons than one, each of such persons shall be deemed to be the Occupier or Owner of rateable property of equal annual value to that of the whole of such first mentioned property divided by the number of such joint Occupiers or Owners thereof.

## RATEPAYERS' ROLL.

Preparation of Rate-  
payers' Roll.

*Astothis Clause  
see the "Christ-  
church City Coun-  
cil Ordinance,  
1863, Session XX.  
No. 14."*

24. The Council shall, every year forthwith, after the election of the Chairman, cause to be prepared a List, containing the names and residences of all persons liable to be rated as hereinbefore provided, together with a description of the land, buildings, or tenements in respect of which

every such person is liable to be rated, and a Statement of the rateable value of the same.

List open to inspec-  
tion.

25. The Council shall give public notice, by advertisement in one or more Newspapers published within the Province and circulating within the city, of the completion of such List, and of the time and place at which objections thereto will be heard and determined as hereinafter provided. A true copy of such List shall be kept in the custody of the Clerk of the Council, and shall be open to the inspection of all persons interested therein at all reasonable hours.

Notice of objection.

26. If any person shall object to such List on the ground of any error, omission, irregularity, or overcharge therein, or unfairness in the valuation of any property included therein, he shall, within Fourteen days from the publication of such notice of the completion of such List, give notice of such objection to the Clerk of the Council in the form set forth in Schedule B to this Ordinance, or to the effect thereof.

Objections: how to be  
heard and determined.

27. Every such objection shall be publicly heard and determined by two or more Justices of the Peace, at a meeting to be held at the time and place fixed by the Council in the notice abovementioned or at some adjournment thereof. It shall be lawful for such Justices to allow such objections in whole or in part, and to alter the List in conformity with such allowance, or to overrule such objections, and the List so altered or unaltered, as the case may be, shall be signed by two Justices present at such meeting, and shall thenceforth be binding and conclusive upon all persons whom it may concern, and shall be called the "Ratepayers' Roll." The production of such Ratepayers' Roll, so signed as aforesaid, shall be evidence in any legal proceeding, to all intents and purposes, that it has been duly made and confirmed according to the provisions hereof: Provided that if two Justices shall not be present at the time and place so appointed for any such meeting, the meeting shall stand adjourned to that day week, and so on, from time to time, until two Justices shall attend.

Council may correct  
trifling errors in Roll.

28. It shall be lawful for the Council, from time to time, to correct any error of name or description which may be proved to their satisfaction to exist in any such "Ratepayers' Roll," provided that such

correction shall not affect the amount of the rate payable in respect of any property described therein, nor the person liable to pay the same.

29. It shall be lawful for the Council in preparing, from time to time, the List of Ratepayers prescribed by Section 24 of this Ordinance, to adopt the "Ratepayers' Roll" theretofore in force, either in whole or with such alterations as may appear needful, and such Roll, when so adopted, shall be deemed to be a List of the Ratepayers made according to the provisions of the said Section 24, and shall be subject to revision, as provided in Section 27.

Roll for previous year may be adopted with alterations.

30. If, at the time of any election, the Ratepayers' Roll for the year in which such election is held shall not have been completed, the Roll for the previous year shall, for the purposes of such election, be considered to be in force.

If no Roll be made by time of election, previous Roll to be used.

#### MODE OF LEVYING RATES.

31. Previously to making or levying any rate, the Council shall cause a List to be prepared, setting forth the amount of the rate proposed to be made, the names of the persons liable to the payment thereof, the sum payable by each of such persons, and the property in respect whereof each such sum shall be payable; and the Council shall give not less than fourteen days' notice of the place where such List is deposited for inspection, and of the time and place at which objections thereto will be heard, as hereinafter mentioned.

Rate: how to be made.

32. If any person, whose name shall be on such list, shall object thereto on the ground that he has ceased to be liable to be rated in respect of any property for which in such list he is proposed to be rated, he shall give notice of such objection, and of the grounds thereof, to the Clerk of the Council, three clear days, at least, before the time appointed for hearing objections. At the time and place so appointed, or at any adjournment thereof, the Council shall hear and determine all such objections, and shall make all necessary alterations in such List, by striking thereout the name of any person who may have ceased to be liable to the payment of rates, and by inserting therein the name of any person who may, in the stead of the person first mentioned, have become liable to such payment. After all necessary alterations shall have been made in such List, the Council may, if it shall think fit, order the rate therein described to be made and levied, and the List to be sealed with the public seal of the Council, and signed by the Chairman thereof, and the production of such List, so signed and sealed, shall be evidence that the rate has been duly made by the said Council.

Objections to rate: how to be heard.

Rates due from Occupier having quitted, may be recovered from Owner.

33. When the Occupier of any rateable property shall have quitted the same without having paid all the rates to which he shall have become liable in respect thereof, and then payable by him, the Council may either recover such rates from the person so having quitted, or may elect to recover the same from the Owner of the property, who shall thereupon be liable to pay the same.

Rates may be remitted on account of poverty.

34. It shall be lawful for the Council, if it shall be represented to it by any person liable to pay any rate, that he is unable, by reason of poverty, to pay such rate, and if the Council shall be satisfied of the truth of such representation, to remit and excuse the payment of such rate or any part thereof.

Rate Collectors to be appointed.

35. The Council shall appoint a fit person or persons to collect the rates, and shall take security from every Collector for the due execution of his office, which security shall be to the amount of the sum likely to be in the hands of the Collector at any one time, and shall be, by bond or otherwise, as the Council may determine.

Rates recoverable at suit of Collectors.

36. All rates shall be recoverable at the suit of any Collector appointed by the Council.

#### LOANS.

Power to borrow on mortgage.

37. The Council shall have power to borrow, by way of mortgage or otherwise, on the credit of the rates which it may be entitled to levy, any sum or sums of money that may be required for the purpose of making, carrying on or completing any permanent improvements that may directly benefit the city, but in no case shall the sum or sums so borrowed exceed in the whole the estimated revenue of the Council for the period of five years: Provided that no money shall be borrowed by the Council until the express sanction, in writing, of the Superintendent and Executive Council shall have been obtained, not only for the amount to be borrowed, but also for the works or improvements upon which it is proposed to expend the sum or sums so to be borrowed.

Mortgage to be by Deed.

38. Every mortgage shall be by Deed, and shall be passed under the common seal of the Council, at a meeting of the Council, and be signed by the Chairman of the meeting. A Register of all such mortgages shall be kept by the Council, and shall be open to public inspection at all reasonable hours, without fee or reward.

Mortgage may be transferred.

39. Any person entitled to any such mortgage may transfer his right and interest therein.

40. Within thirty days after the date of Transfer, if executed within the Province, or otherwise within thirty days after the arrival thereof in the Province, such Transfer shall be produced to the Council, and thereupon an entry or memorial thereof shall be made in like manner, as in the case of the original Mortgagee; and for every such entry shall be paid a fee of Five Shillings, and after such entry every such transfer shall entitle the Transferee, his Executors, Administrators, or Assigns, to the full benefit of the original mortgage, and the principal and interest thereby secured; and such Transferee may, in like manner, transfer the same again *toties quoties*, and it shall not be in the power of any person, except the person to whom the same shall last have been transferred, his Executors, Administrators, or Assigns, to make void, release or discharge the mortgage so transferred, or any money thereby secured.

Transfer of mortgage to be registered.

41. Every work carried on by the Council with any money so borrowed as aforesaid, shall be subject to the same Rules, Regulations, supervision and control as are hereinafter provided in regard to particular works carried on by the Council after it shall have received any special Government aid for such works.

Works executed by loan subject to supervision.

#### GOVERNMENT WORKS IN THE CITY.

42. It shall be lawful for the Superintendent to commit to the Council the expenditure of any moneys appropriated for the construction and maintenance of particular streets, bridges, drains and public works within the city, and to pay over the same to the Council, to be expended in such manner as the Council shall direct; the Plans and Specifications of all such works having first received the approval of the Superintendent. The Superintendent shall have authority to appoint any Engineer or other person to inspect all such works as aforesaid, during their progress, and to report thereupon, and in case it shall appear by the Report of such Engineer or other person, that such works are not being carried on in accordance with the Plans and Specifications so approved of as aforesaid; it shall be competent for the Superintendent to order such works to be forthwith stopped, and to make such further order in the matter as he may see fit.

Superintendent may entrust Government works in the city to the Council.

#### ACCOUNTS.

43. The Council shall, in books to be kept by it for that purpose cause true Accounts to be kept of all sums of money by it received and paid, and of the several matters in respect whereof such sums shall have been received and paid: such Accounts shall be open to be inspected at all reasonable hours by any Ratepayer or by the Superintendent, or by any Officer appointed by him for that purpose.

Accounts to be kept, and to be open to inspection.

Accounts and Balance-sheet to be laid before annual meeting.

44. All such Accounts, with Vouchers and Papers thereto, together with a full Abstract or Balance-sheet thereof, signed by at least three Members of the Council, shall, at the annual meeting of Ratepayers, be submitted to such meeting, and shall (as soon thereafter as conveniently may be) be examined and audited by two or more persons to be appointed for that purpose by such meeting. A copy of such Balance-sheet shall be posted up by the Council at or before the commencement of such meeting as aforesaid, upon some conspicuous part of the place in which such meeting shall be held.

#### OFFICERS.

Power to appoint Officers.

45. The Council may appoint such Clerks, Surveyors, Engineers, Valuers, Collectors, and other Officers, as may be necessary for carrying this Ordinance into operation, with such salaries and emoluments as may seem reasonable, and may dismiss or suspend such Officers and appoint others in their stead, and may reduce or increase such salaries and emoluments in such manner and at such times as such Council shall see fit, and may pay such salaries or emoluments out of the funds at the disposal of the Council.

Members of Council disqualified from being Contractors.

46. No Member of the Council shall, during the time he shall continue a Member thereof, become a Contractor with or hold any paid office in the gift of the Council; and any person offending against the provisions of this Clause shall, upon conviction thereof before the Supreme Court, forfeit and pay a penalty not exceeding One Hundred Pounds. Provided that nothing herein contained shall be interpreted to apply to any Member of the Council who shall be a Shareholder in a Public Company which shall have entered into any contract with the said Council.

#### B Y - L A W S .

By-laws: on what subjects to be made.

47. It shall be lawful for the Council to make By-laws for—
- (a) The collection of rates:
  - (b) The prevention and extinguishing of fires:
  - (c) The suppression of nuisances:
  - (d) Regulating the traffic within the streets of the city, and preventing obstructions thereto:
  - (e) Preventing encroachments upon or injury to any streets, and for securing the cleanliness thereof:
  - (f) The preservation of the footpaths:
  - (g) Preserving all streams or watercourses from pollution, obstruction, or injury:
  - (h) Compelling all persons within the city to keep their premises free from offensive or unwholesome matters:

(i) Regulating and licensing Porters, Public Carriers, Carters, and Water-drawers :

(k) Regulating markets, market dues, fairs, and sales :

(l) The preservation of public decency, and public health :

(m) The restraining noisome and offensive trades :

(n) The general good rule and good government of the city :

Provided always that no such By-laws shall be repugnant to or interfere with any Ordinance of the Superintendent and Provincial Council.

48. Each By-law so to be made as aforesaid, shall impose some maximum penalty not exceeding Ten Pounds for any neglect or breach thereof, and in the case of a continuing offence, a further penalty not exceeding Five Pounds for each day after written notice of such neglect or breach given to the Offender. Maximum Penalty under By-law.

49. No such By-law shall have any force or effect until the Superintendent, with the advice of his Executive Council, shall, under his hand, have signified his assent thereto ; and when such By-law shall have been so assented to, the Superintendent shall cause publicity to be given thereto by Proclamation in the Provincial *Government Gazette*. By-laws subject to Superintendent's approval.

#### MANAGEMENT OF STREETS, SEWERS, &c.

50. The Council shall have the care and management of the public roads, streets, squares, paths, wharves, bridges and thoroughfares, and all streams, watercourses, ponds, ditches, and the like, not being private property, within the city : Provided that nothing herein contained shall authorise the Council contrary to, or inconsistently with any private right to use, injure, or interfere with any watercourse, stream or river in which the Occupier or Owner of any lands, mills, or machinery shall have a right or vested interest, without his consent, in writing, being first obtained. Streets, &c., under management of Council.

51. All main or public sewers and drains within the city, and all materials thereof, and all materials for making and repairing streets, and of works in progress of every description, or brought upon or near to any works in progress, for the purpose of being used thereon, shall vest in, and belong to, and be under the management and control of the Council. Sewers, Materials of Works, &c., vested in Council.

52. The Council shall adopt such means as may seem to it desirable for the preservation of the public health, for securing the necessary supply of water for domestic or sanitary purposes, and for cleansing and lighting the streets of the city, and shall and may form, cleanse, repair, and maintain in effectual operation the sewers and drains of the Council may provide for supply of water, lighting, and sanitary Measures.

city, as shall to such Council seem fit, subject to the provisions hereinafter contained.

Council to give notice of alterations in sewers or levels of streets.

53. Fourteen days, at least, before fixing the level of any street which shall not have been hitherto levelled, and before making any sewer where none was before, or altering the level or course of, or abandoning or stopping any sewer, the Council shall give notice of its intention to perform such work, by posting a printed or written notice on a conspicuous place, in every such street through or in which such work is to be undertaken, in which notice shall be set forth the name or situation of the street intended to be levelled, and the names of the places through or near which it is intended that the new sewer shall pass, or the existing sewer be altered or stopped up, and also the places of the beginning and the end thereof, and such notice shall refer to Plans of such intended work, and name the place where such Plans may be seen, and a time when, and place where all persons interested in such intended work may be heard thereupon.

Plans of intended works.

54. Before giving notice of its intention to construct any work, of which by this Ordinance it is required to give notice, the Council shall cause a Plan and Section of the intended work to be made, on a scale not less for a horizontal plan than one inch to one hundred and ninety-eight feet, and for a vertical section, not less than one inch to ten feet, and in case of a sewer, showing the depth of such sewer below the surface of the ground, which Plans may be deposited in the office of the Council or some other convenient place, and shall be open at all reasonable hours for the inspection of all persons interested therein during the time for which such notice is required to be given.

Objections to proposed works: how to be dealt with.

55. The Council shall, at the time and place mentioned in the notice, consider, either by itself or by some competent person appointed by it for that purpose, any objections made against such intended work, and all persons interested therein or likely to be aggrieved thereby shall be entitled to be heard thereupon. The Council may, in its discretion, grant compensation for, abandon, or make such alterations in the intended work as it may judge fit: Provided always, that if any person whose property may be effected by such decision shall object to the amount awarded by the Council in compensation for the injury he may sustain, he shall be entitled to demand that such compensation shall be assessed in accordance with the provisions of "The Diversion of Roads Ordinance, Session XI., No. 3."

Power to make new sewers.

56. The Council shall, from time to time, subject to the restrictions herein contained as to the notice to be given and the Plans and Estimates to be prepared, cause to be made such main drain and other



sewers as shall be necessary for the effectual drainage of the city, and also all such reservoirs, sluices, engines, and other works as may be necessary for cleansing such sewer. If, for completing any of the aforesaid works, it be found necessary to carry them into or through any land which is the property of private individuals, the Council may carry the same into or through such land accordingly, making full compensation to the Owners or Occupiers of any such land. The Council may also cause such sewers to communicate with and empty themselves into the sea or any public stream or river beyond the limits of the town, or cause the refuse of such sewers to be conveyed by a proper channel to the most convenient site for its deposit, collection, or sale for agricultural or other purposes, as may be deemed most expedient, but so that the same shall in no case be allowed to become a nuisance.

57. The Council shall from time to time repair, and, as it sees fit, enlarge, alter, arch over, or otherwise improve all or any of the sewers vested in it: It may demolish or discontinue any sewer which may appear to it to have become useless, provided it be so done as not to create a nuisance.

Power to alter or stop up old sewers.

58. If any person by means of any enlargement, alteration, or discontinuance of any sewer, or other proceeding of the Council, be deprived of the use of any sewer or drain which such person was theretofore lawfully entitled to use, the Council shall provide some other sewer or drain equally effectual for such purpose; and if the Council refuse, or do not within seven days next after notice, in writing, served upon it, begin and thereupon diligently proceed to restore to its former effective state such drain or sewer, the use whereof has been affected by the acts of the Council, or to provide such other sewer or drain as aforesaid, it shall forfeit to the person aggrieved any sum not exceeding Forty Shillings for every day after the expiration of such seven days during which he is deprived of the use of the drain or sewer to which he was so entitled.

Remedy for injury to private individuals by alterations.

59. In all cases where a sewer of a sufficient size under the jurisdiction of the Council shall pass within one hundred feet of any house or building on a lower level than such house or building, the Council may, by notice, in writing, require the Occupier of such house or building forthwith, or within such reasonable time as shall be appointed by the Council, to construct or make from such house or building into the nearest common sewer, a covered drain of such materials, of such size, at such level, and with such fall, as shall be adequate for the drainage of such house or building, and of its areas, water-closets, privies, and offices, if any, and to carry and convey the soil, drainage,

Council may require branch drains to be made.

and wash therefrom into the said sewer, and to provide a fit and proper trap affixed to the mouth of such drain to the satisfaction of the Council ; and if the Occupier of such house or building shall neglect or refuse, during twenty-eight days after the said notice shall have been delivered to him or left at such house or building, to construct such drain, or shall thereafter fail to carry it on and complete it with all reasonable dispatch, the Council may, and it is hereby empowered to cause the same to be constructed and made, and to recover the expense to be incurred thereby from such Occupier.

Penalty for making branch drains without permission.

60. Every person, not being employed or authorized for the purpose by the Council, who shall make any branch drain into any of the sewers or drains vested in the Council, shall forfeit to the Council such sum, not exceeding Twenty Pounds, as the Council may determine; and the Council may cause such branch drain to be stopped or re-made as it may think fit, and all the expense incurred thereby shall be paid by the person making such branch drain, and shall be recoverable by the Council from him.

No building, cellar, &c. may interfere with sewers.

61. No building shall be erected over any sewer belonging to the Council, without the consent of the Council first obtained, in writing. All vaults, arches, and cellars shall be substantially made, and so as not to interfere or communicate with any sewers belonging to the Council. If, after the coming into operation of this Ordinance, any building is erected in the city, or any vault, arch, or cellar be made therein contrary to the provisions herein contained, the Council may demolish or fill up the same, and the expense incurred thereby shall be paid by the person erecting such building, or making such vault, arch, or cellar, and shall be recoverable as damages.

All sewers to be furnished with stench traps.

62. All sewers or drains within the town, whether public or private, shall be provided by the Council or other persons to whom they severally belong, with proper traps or other covering for means of ventilation so as to prevent stench.

Use of city sewers outside the city.

63. Any person being the Owner or Occupier of any lands beyond the city, and in respect of which he would not be liable to the payment of the rates authorized to be levied under this Ordinance, may, with the consent of the Council first obtained, in writing, and upon payment to them of a reasonable sum of money, to be agreed upon between them, at his own expense, and under the superintendence of the Surveyor of the Council, cause to branch into and communicate with any of the sewers belonging to the Council any sewer or drain in respect of the said property which may be lawfully made therefrom, of such size and in such manner and form of communication as the Council may approve of.

## PRIVIES, CESSPOOLS, NUISANCES, &amp;c.

64. The Owner or Occupier of any dwelling-house within the city shall provide the same with a privy or privies, constructed in all things to the satisfaction of the Council, within one month next after notice, in writing, for that purpose given by the Council to him, and in default thereof the Council shall cause such privy or privies to be provided, and the expense incurred thereby shall be recovered by the Council from such Owner or Occupier.

Council may require privies, &c., to be made and altered.

65. All drains, as well within as without the premises to which they belong, and all privies and cesspools within the city, shall be subject to the survey and control of the Council, and shall be altered, repaired, and kept in proper order, and cleansed at the costs and charges of the Owners or Occupiers of the premises to which the same belong, or for the use of which they are constructed, and the Council may cause the same to be repaired and cleansed, and recover the expenses incurred thereby from the Owner or Occupier of such premises.

Council may regulate cleansing of privies, &c.

66. It shall be lawful for the Council to make such provision as it shall think fit for the periodical removal of the refuse of every house or other building within the city, whether night soil, dung, ashes, slops, or other filth and rubbish, and for its conveyance to some convenient place for its deposit, and also from time to time to provide places convenient for deposit.

Council may provide receptacles for dung, rubbish, &c., and provide for its removal.

67. If at any time it shall be represented to the Council by any of its Officers, or by any duly qualified Medical Practitioner, that any stagnant water or accumulation of dung, soil, or filth, or other noxious or offensive matter within the city ought to be removed, as being injurious to the health of the Inhabitants, the Council shall forthwith give notice to the Owner or Occupier of the land or premises where the same may be to remove it forthwith, and if such Owner or Occupier shall refuse or neglect to comply with such notice, he shall be liable to a penalty not exceeding Five Pounds.

Council may require immediate removal of nuisances.

68. If it shall appear to the Council that any gully, drain, or hollow place on any private property within the city is a receptacle for filth or stagnant water, which is or is likely to be offensive or injurious to the health of the Inhabitants, the Council may, by Order, in writing, require the Owner or Occupier of such property to fill up such gully, drain, or hollow place within a time to be specified in such Order, and if such Owner or Occupier shall not comply with such Order within the time so specified, the Council may, by its Officers, enter upon the said property, and cause such gully, drain, or hollow place to be filled, either with earth from any other part of the said property, or otherwise,

Council may fill up hollows on private property.

as it may deem fit, and may recover the expense of so doing from such Owner or Occupier.

#### LEVELS OF NEW STREETS AND HOUSES SUBJECT TO APPROVAL OF COUNCIL.

Private individuals about to build or lay out streets to give notice to Council.

69. Before any person shall lay out any new street, begin to build any house, or to re-build any existing house within the city, he shall give to the Council notice thereof, in writing, and shall accompany such notice with a Plan, showing the level at which such street or the foundation of such house is proposed to be laid, by reference to some level ascertained under the direction of the Council. Whenever any house is taken down to or below the roof of the floor, commonly called the ground or street floor, for the purpose of being built up again, such building shall be deemed a re-building within the meaning of this Ordinance.

Council may disapprove of levels and fix others.

70. Within fourteen days after receiving such notice, the Council may signify its disapproval of the level at which it is proposed to lay such street or the foundation of any such house, and in case of such disapproval, may fix the level at which the same is to be laid.

In default of notice, Council may alter such streets or houses.

71. In default of sending such notice and Plan, or if such new street or building be begun or made at any level different from that fixed by the Council within the said fourteen days, or in any other respect contrary to the provisions of this Ordinance, the Council may, if necessary, cause such new street to be altered, or such building to be altered or demolished, as the case requires, and the expenses incurred by the Council in respect thereof, shall be repaid to it by the person failing to comply with the provisions aforesaid, and shall be recoverable as damages.

If Council does not object, works may proceed.

72. If the Council fail to signify, in writing, its approval or disapproval of the level shown on such Plan as aforesaid, within fourteen days after receiving such notice and Plan as aforesaid, the person giving such notice may, notwithstanding anything herein contained, proceed to lay out and make the street, or build or re-build the house therein referred to, according to the level shewn on such Plan: Provided that such building or re-building be otherwise in accordance with the provisions of this Ordinance.

#### MISCELLANEOUS POWERS AND DUTIES OF COUNCIL.

Protection and removal of dangerous Buildings, &c.

73 If any building, or wall, or anything affixed thereon, within the city, be deemed by the Council, or any Surveyor appointed by it, to be in a state dangerous to Passengers, or to the Occupiers of the

neighbouring buildings, such Surveyor shall immediately cause a proper board or fence to be put up for the protection of Passengers, and shall cause a notice, in writing, to be given to the Occupier or Owner of such building or wall, if he be known, and resident within the city; and shall also cause such notice to be put on the door or other conspicuous part of the said premises, requiring such Owner or Occupier forthwith to take down, secure, or repair such building, wall, or other thing, as the case shall require; and if such Owner or Occupier do not begin to repair, take down, or secure such building, wall, or other thing, within the space of two days after any such notice has been so given or put up as aforesaid, and complete such repairs, or taking down and securing as speedily as the nature of the case will admit, or if no Owner or Occupier can be found on whom to serve such Order, the Council shall, with all convenient speed, cause all, or so much of such building, wall, or other thing as shall be in a dangerous condition to be taken down, repaired, or otherwise secured in such manner as it shall deem requisite; and all the expense of putting up such fence, and of taking down, repairing or securing such building, wall, or other thing, shall be paid by the Owner or Occupier thereof.

74. If any such building, wall, or other thing, as aforesaid, or any part of the same be pulled down by virtue of the powers aforesaid, the Council may sell the materials thereof, or so much of the same as shall be pulled down, and apply the proceeds of such sale in payment of the expenses incurred in respect of such building, wall, or other thing, and restore any surplus to the Owner thereof on demand; nevertheless the Council, although they may sell such material for the purposes aforesaid, shall have the same remedies for compelling the payment of so much of the said expenses as may remain due after the application of the proceeds of such sale, as are hereinbefore given to them for compelling payment of the whole of the said expenses.

75. The Council may give notice to the Owner or Occupier of any house or building to remove or alter any porch, step, fence, veranda, or any other obstruction or projection erected, or placed against, or in front of any house or building within the city, and which is an obstruction to the safe and convenient passage along any street, or any encroachment thereupon, and such Owner or Occupier shall, within ten days after the service of such notice upon him, remove such obstruction, or alter the same in such manner as shall have been directed by the Council, and in default thereof shall be liable to a penalty not exceeding Five Pounds, and the Council in such case may remove such obstruction, projection, or encroachment, and the expense thereof shall be paid to the Council by the Owner or Occupier so making default.

No cellars to be made under, or openings in the streets.

76. No cellar or vault may be made under any street within the city, nor shall any opening be made in any street or footpath to make an entrance into any cellar or vault. Every person so making any such cellar, vault, or opening, shall be liable to a penalty not exceeding Ten Pounds, and to a further penalty not exceeding Ten Pounds for every day, after he shall have received notice from the Council to fill up such cellar, vault, or opening, during which the same shall remain unfilled.

Gutter pipes to be provided.

77. The Council may order the Owner or Occupier of any house or building in, adjoining, or near to any street, to put up and keep in good condition a gutter-pipe or trough, to convey the water from the roof thereof, in such a manner that the water therefrom shall not fall upon the persons passing along the street, or flow over the footpath; and in default of compliance with such Order within seven days after service thereof, such Owner or Occupier shall be liable to a penalty not exceeding Forty Shillings for every day that he shall so make default.

Boards may be affixed in indicating names of streets.

78. The Council may, for the purpose of indicating the name of any street, or for other like purpose, affix a board, having the name of such street printed thereon, to any house, building, wall or fence within the city; and every person who shall wilfully remove, injure, or deface such board, shall be liable to a penalty not exceeding Five Pounds.

Power of entry upon private lands.

79. The Council shall have power, by itself or its Officers, to enter, at all reasonable hours in the day-time, into and upon any land, buildings and premises within the city, without being liable to any legal proceedings on account thereof: Provided always, that except when herein otherwise provided, the Council or its Officers shall not make any such entry, unless with the consent of the Occupier, until after the expiration of twenty-four hours' notice for that purpose given to the Owner or Occupier.

Council may temporarily stop thoroughfares.

80. The Council may stop up any street, and prevent the same from being used as a common thoroughfare for a reasonable time during the execution of any work authorized by this Ordinance.

Protection against accident: penalty for interfering with barriers, &c.

81. The Council shall, during the execution of any work, or the stoppage of any street, take proper precaution for guarding against accident; and if any person shall, without the authority or consent of the Council, take down, alter, or remove any bar, chain, or other protection, or extinguish any light placed at or near to any bar, chain, or work for protection, he shall, for every such offence, on conviction thereof before any Justice of the Peace, be liable to a penalty not exceeding Five Pounds, or to be imprisoned for any period not exceeding fourteen days.

82. The Council may compound and agree with any person who may have entered into any contract with the Council, or against whom it may bring any action or suit for any penalty contained in any such Contract, or in any Bond or other Securities for the performance thereof, or for or on account of any breach or non-performance of any such Contract, Bond, or Security for any sum of money or recompense, as the Council may think proper.

Council may compromise suits.

83. Whenever any question shall arise as to whether any work required by the Council to be performed ought to be performed by the Owner or Occupier of any premises, the Council may determine the matter, and may order that the expenses of executing any such work shall be borne by the Owner or Occupier, or by both, in such proportions as it may deem equitable.

Council may apportion certain expenses between Owner and Occupier.

84. If the Occupier of any premises shall prevent the Owner thereof from carrying into effect, in respect of such premises, any of the provisions of this Ordinance, after notice of his intention so to do has been given by the Owner to such Occupier, the Council may make an Order, in writing, requiring such Occupier to permit the Owner to execute all such works with respect to such premises as may be necessary for carrying into effect the provisions of this Ordinance; and if, after the expiration of ten days from the date of such Order, such Occupier continues to refuse to permit such Owner to execute such work, such Occupier shall, for every day during which he so continues to refuse, be liable to a penalty not exceeding Forty Shillings; and every such Owner, during the continuance of such refusal, shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such work.

Remedy if Occupier prevents Owner from executing works required.

85. If the Owner or Occupier of any premises made liable by this Ordinance for the repayment to the Council of any expenses incurred by it, do not, as soon as the same becomes due from him, repay all such expenses, the Council may recover the same from such Owner or Occupier by legal proceedings.

Power to recover expenses incurred by Council.

#### PROTECTION TO OFFICERS.

86. No act done by any Member or Officer of the Council, acting under the direction of the Council, and *bonâ fide* for the purpose of carrying into operation any of the provisions of this Ordinance, shall subject such Member or Officer personally to any action, suit, or demand whatever, but the responsibility of such act shall lie upon the Council.

Members and Officers not personally liable.

87. Any person who shall obstruct or attempt to obstruct any Member or Officer of the Council acting in the execution of this Ordinance, shall be liable to a penalty not exceeding Ten Pounds.

Penalty for obstructing Officers, &c.

## SERVICE OF NOTICES.

Officers of Council may receive and give its notices.

88. All Notices, Orders, or Instructions which the Council is by this Ordinance authorized or required to give or receive, may be given or received by any Officers of the Council duly authorized by it for that purpose.

Notices on Owners and Occupiers: how to be served.

89. Where by this Ordinance any notice is required to be given to the Owner or Occupier of any land or premises, such notice, addressed to such Owner or Occupier, as the case may require, may be served by delivering the same to the Occupier, or by leaving the same for him with some inmate of his usual place of abode; if there be no Occupier, such notice may be served by posting the same upon some conspicuous part of such land or premises: Provided always, that when such Owner and his residence are known to the Council, it shall be the duty of the Council, if he be resident within the city, to cause every notice addressed to him to be served by delivering the same to him, or by leaving it for him with some inmate of his usual place of abode, and if such Owner be not resident within the city, but be resident within the Colony of New Zealand, the Council shall serve such notice by sending the same by the Post, addressed to the residence of such Owner, and by publishing the same in one or more Newspapers of the Province. It shall not be necessary in any such notice to name such Occupier or Owner otherwise than by describing him as the Occupier or Owner of such land or premises.

## POWER OF INTERFERENCE BY SUPERINTENDENT.

Superintendent may dissolve Council if it does not fulfil terms of loan, &c.

90. If the Council, after any money shall have been given or advanced to it out of the public revenues of the Province, whether as a loan or otherwise, or after a guarantee shall have been given in respect of any loan, shall refuse at any time to observe the conditions required by the terms of such loan or guarantee, then it shall be lawful for the Superintendent to declare that the functions and powers of the Council shall, from and after a day to be named by him and published in the Provincial *Government Gazette*, absolutely cease and determine, and its functions, powers and liabilities, together with all its property, real or personal, shall thereupon be transferred to, and vest in a Board of Commissioners, consisting of not more than Five Members, to be appointed by the Superintendent, and such Board shall, under such Rules and Regulations as the Superintendent may prescribe, exercise all the powers and discharge all the functions of the Council *mutatis mutandis* as fully and effectually as the Council could do. Provided that such Board shall enter upon no new work within the city, and that its powers and functions shall cease and determine as soon as any such loan, and all interest thereon, shall have been fully repaid and satisfied, or any such guarantee shall have expired or been otherwise determined.



91. If at any time the persons duly qualified to elect Members of the Council shall refuse or neglect so to do, or to elect a sufficient number of such Members to form a quorum, all the powers and duties herein vested in or imposed upon the Council (except the power to levy a rate) shall be transferred to and vest in, and be imposed upon the Superintendent.

If no Council elected, powers to pass to Superintendent.

#### MISCELLANEOUS.

92. No penalty to be imposed on any one conviction under the provisions of this Ordinance shall exceed the sum of One Hundred Pounds.

Penalties recoverable summarily.

93. All fines and penalties imposed under this Ordinance or under any By-laws made by authority thereof shall be recoverable in a summary way.

Limitation of penalties.

94. This Ordinance shall be entitled "The Christchurch City Council Ordinance, 1862."

Title.

WILLIAM SEFTON MOORHOUSE,  
Superintendent.

Passed the Provincial Council on  
the Eighteenth day of No-  
vember, in the year of our  
Lord one thousand eight hun-  
dred and sixty-two.

CHARLES BOWEN,  
Speaker.

HENRY BACON QUIN,  
Clerk to the Council.

## SCHEDULE A.

The City of Christchurch shall be bounded on the north by the south boundaries of rural sections Nos. 46, 206, 257, 243B, 263, 286, 287, and part of No. 6, from the North Road to the River Avon, a distance of 11 chains 30 links; on the east by the west boundary of rural section No. 33, the River Avon, the west boundaries of rural sections Nos. 26, 175, 69, and part of No. 13: on the south by part of the north boundary of rural section No. 13, and by the north boundaries of rural sections, Nos. 176, 79, 17, 66, and No. 72; bounded on the north-west by the south-east side of the Lower Lincoln Road; and on the west by the west side of Antigua Street and the River Avon; and containing 1062 acres.

## SCHEDULE B.

*To the Christchurch City Council.*

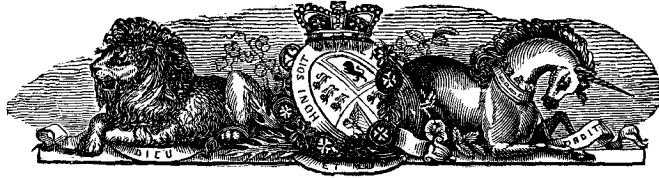
I hereby give you notice that I object to the following portion of the List of Ratepayers for the City of Christchurch now deposited for inspection at the office of the Clerk to the Council [*here recite the part objected to*], that the following are the grounds of my objection [*here state the grounds of objection*], and that I shall appear in support of such objection at the meeting of Justices to be held on the

Signature of Objector .....

Description.....

Address .....

*This Ordinance was assented to by his Excellency the Governor. See notification in "New Zealand Government Gazette," No. 3, 31st January, 1863, page 34.*



PROVINCE OF CANTERBURY.

ANNO VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

SESSION XX., No. 1.

The Canterbury Marine Boards Ordinance,  
1863.

Published by Authority.

ANALYSIS.

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| <p><i>Preamble.</i></p> <p>1. <i>Marine Boards to be constituted in Ports of Lyttelton, Akaroa, and Timaru.</i></p> | <p>2. <i>Distinguishing names of Boards. Superintendent to define limits.</i></p> <p>3. <i>Title.</i></p> |
|---|---|

**W**HEREAS it is expedient that under the provisions of an Act Preamble. passed by the General Assembly of New Zealand, entitled "The Marine Boards Act, 1862," Marine Boards should be constituted for the respective ports in the Province of Canterbury: Be it therefore enacted by the Superintendent of the said Province, with the advice and consent of the Provincial Council thereof as follows:—

1. There is hereby constituted for the Port of Lyttelton a Marine Marine Boards to be constituted in ports of Lyttelton, Akaroa, and Timaru. Board, to consist of five Wardens; and there are hereby constituted for the Ports of Akaroa and Timaru respectively Marine Boards, to consist of three Wardens each.

2. The said Boards shall be distinguished by the respective names Distinguishing names of Boards. Superintendent to define limits. of "The Port of Lyttelton Marine Board," "The Port of Akaroa Marine Board," and "The Port of Timaru Marine Board." It shall be lawful for the Superintendent, by Proclamation in the Provincial *Government Gazette* to define the limits of jurisdiction of any such Boards.

Title.

3. This Ordinance shall be entitled and may be cited as "The Canterbury Marine Boards Ordinance, 1863."

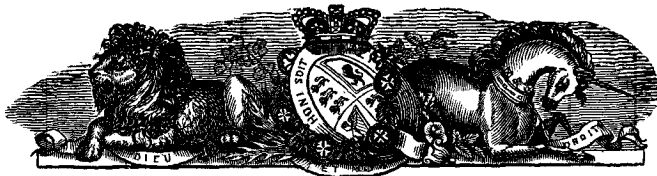
SAMUEL BEALEY,  
Superintendent.

Passed the Provincial Council the  
Twenty-eighth day of July, in  
the year of our Lord One  
thousand eight hundred and  
sixty-three, and reserved for  
the assent of his Excellency  
the Governor.

CHARLES BOWEN,  
Speaker.

HENRY BACON QUIN,  
Clerk to the Council.

*This Ordinance was assented to by his Excellency the Governor.  
See notification in the "New Zealand Government Gazette," No. 50,  
24th September, 1863, page 424.*



PROVINCE OF CANTERBURY.

ANNO VICESIMO SEPTIMO.

VICTORIÆ REGINÆ.

SESSION XX., No 2.

Superintendent's Corporate Powers Ordinance.

Published by Authority.

ANALYSIS.

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| <i>Preamble.</i>   | 4. <i>Administration to be with advice of Executive Council.</i> |
| 1. <i>Land to vest in Superintendent for the time being.</i>         | 5. <i>Land not to be alienated.</i>                              |
| 2. <i>Superintendent to be a Body Corporate.</i>                     | 6. <i>Exception.</i>   |
| 3. <i>To hold land conveyed, upon trust, for the public service.</i> | 7. <i>Interpretation.</i>  |
|  | 8. <i>Short Title.</i>   |

WHEREAS land has been and may be hereafter conveyed or Preamble. assigned to the Superintendent of the Province of Canterbury for public purposes, and it is expedient that the expense and inconvenience of conveying or assigning such land from a retiring Superintendent or the Heirs, Executors, or Administrators of a deceased Superintendent to his Successors should be avoided: Be it therefore enacted by the Superintendent of the said Province, by and with the advice and consent of the Provincial Council thereof as follows:—

1. All land which may have been heretofore conveyed or assigned by any Deed or Instrument to any person who at the time of the execution of such Deed or Instrument was Superintendent of the Province of Canterbury, and which land was by such Deed or Instrument expressed to be conveyed or assigned to such person by any form of words indicating an intention that such land should be held by the person to whom it was conveyed in his capacity as Superintendent, shall be and Land to vest in Superintendent for the time being.

is hereby vested in the Superintendent of the Province of Canterbury, and his Successors, for the residue, now unexpired, of such estate or interest as was limited to such person by such Deed or Instrument.

Superintendent to be a Body Corporate.

2. The Superintendent and his Successors shall, as to all such land, and as to all other land hereafter to be conveyed or assigned to him or them for any purpose of public utility, be deemed and taken to be a Body Corporate, and shall take and bear the name of the Superintendent of the Province of Canterbury, and by that name shall have perpetual succession, and shall be capable in Law to do and suffer, in respect of the land vested or to be vested in him by virtue of this Ordinance, whatever may be lawfully done and suffered by a Body Corporate.

To hold land conveyed upon trust for the public service.

3. Every Superintendent in whom any such land shall be or become vested, shall hold the same, upon trust, for the public service of the Province for the purposes for which it was conveyed, with as full power to dispose of and manage the same for such purposes as if the same were vested absolutely in such Superintendent, subject to the provisions hereinafter contained.

Administration to be with advice of Executive Council.

4. The management and administration of all land vested or to be vested in the Superintendent for the time being by virtue of this Ordinance, shall be carried on and conducted by such Superintendent, with the advice of the Executive Council.

Land not to be alienated.

5. No land so vested or to be vested shall be alienated by way of sale, or mortgage, or by Lease, for any longer term than three years, except by the authority of an Ordinance of the Provincial Council to be passed in that behalf.

Exception.

6. Nothing in this Ordinance enacted shall refer to any land vested, or to become vested in the Superintendent and his Successors by any Act of the General Assembly of New Zealand, or Ordinance of the Provincial Council now in force and unrepealed.

Interpretation.

7. The word "land" in this Ordinance shall mean any estate or interest in any land situate in the Province of Canterbury.

Short title.

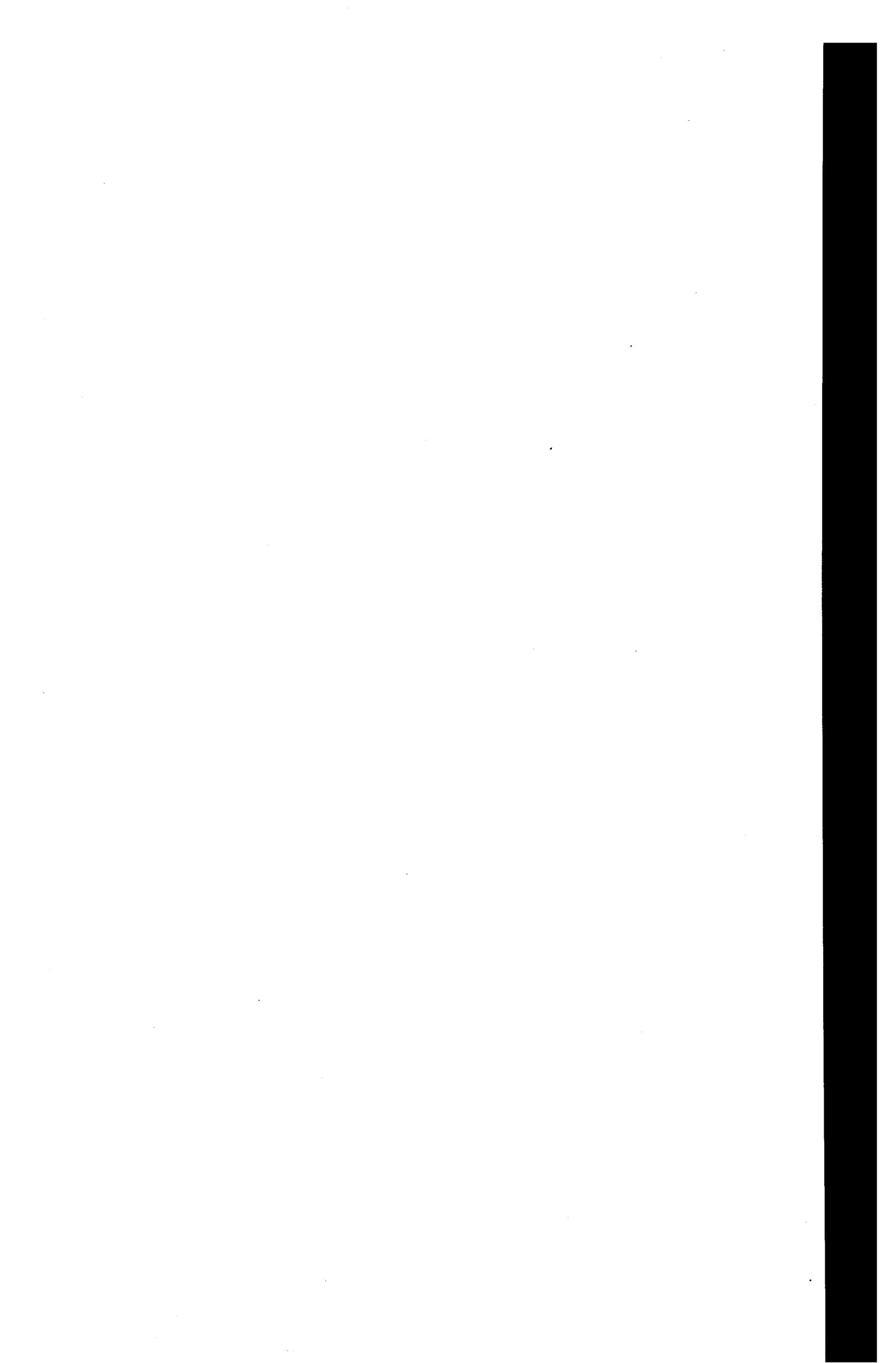
8. This Ordinance shall be entitled and may be cited as the "Superintendent's Corporate Powers Ordinance, 1863."

SAMUEL BEALEY,  
Superintendent.

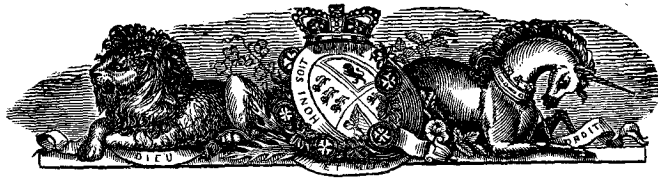
Passed the Provincial Council on the Twenty-second day of July, in the year of our Lord one thousand eight hundred and sixty-three, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Fourth day of August, in the year of our Lord one thousand eight hundred and sixty-three.

CHARLES BOWEN,  
Speaker.

HENRY BACON QUIN,  
Clerk to the Council.







PROVINCE OF CANTERBURY.

ANNO VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

SESSION XX. No. 3.

Kaiapoi Bridge Ordinance, 1862.

Published by Authority.

ANALYSIS.

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| <i>Preamble.</i>  | 3. <i>The bridge may be let.</i>       |
| 1. <i>The Superintendent may construct a bridge over the north branch of the Waimakariri, at Kaiapoi.</i> | 4. <i>Tolls: how to be recovered.</i>  |
| 2. <i>And collect tolls according to the Schedule.</i>  | 5. <i>Penalty for evasion of toll.</i> |
|   | 6. <i>Title.</i>                       |

**W**HEREAS by an Act of the General Assembly of New Zealand, <sup>Preamble.</sup> entitled "The Highways and Watercourses Diversion Act, 1858," it is enacted that it shall be lawful for the Superintendent of any Province, with the advice and consent of the Provincial Council thereof, by Ordinance to be made for that purpose, to build bridges over any river, stream, or creek in such Province: And Whereas it is expedient that a bridge be constructed over the north branch of the River Waimakariri, at Kaiapoi, at a part thereof in continuation of the North Road, in the Province of Canterbury, and to provide for the maintaining and keeping in repair the said bridge and the approaches thereto: Be it therefore enacted by the Superintendent of the said Province of Canterbury, with the advice and consent of the Provincial Council thereof as follows:—

1. It shall be lawful for the Superintendent to construct a bridge, and make approaches thereto, over the north branch of the river Waimakariri, at Kaiapoi, at a part thereof in continuation of the North Road: Provided that such bridge shall be so constructed as not to impede the navigation of the said river.
- The Superintendent may construct a bridge over the north branch of the Waimakariri.

And collect tolls according to the Schedule.

2. The Superintendent shall, by Proclamation in the *Provincial Government Gazette*, notify that the said bridge is open for public traffic so soon he shall have received a Certificate, under the hand of the Provincial Engineer, to that effect; and thereupon it shall be lawful for the Superintendent to cause tolls to be levied at such rates, not exceeding the sums set forth in the Schedule to this Ordinance annexed: Provided that not more than one toll be levied on the same beast or vehicle between the hours of twelve o'clock at night and twelve o'clock at following night.

The bridge may be let.

3. It shall be lawful for the Superintendent, with the advice of the Executive Council, from time to time to let the said bridge and tolls for any term not exceeding three years, at such annual rent and on such conditions as shall think fit.

Tolls: how to be recovered.

4. All tolls imposed under the authority of this Ordinance shall be recoverable in a summary way.

Penalty for evasion of toll.

5. Any person refusing or evading, or attempting to evade the payment of any toll leviable under this Ordinance, shall forfeit and pay for every such offence any sum not exceeding Five Pounds, to be recoverable in a summary way.

Title.

6. This Ordinance shall be entitled, and may be cited as "The Kaiapoi Bridge Ordinance, 1863."

SAMUEL BEALEY,  
Superintendent.

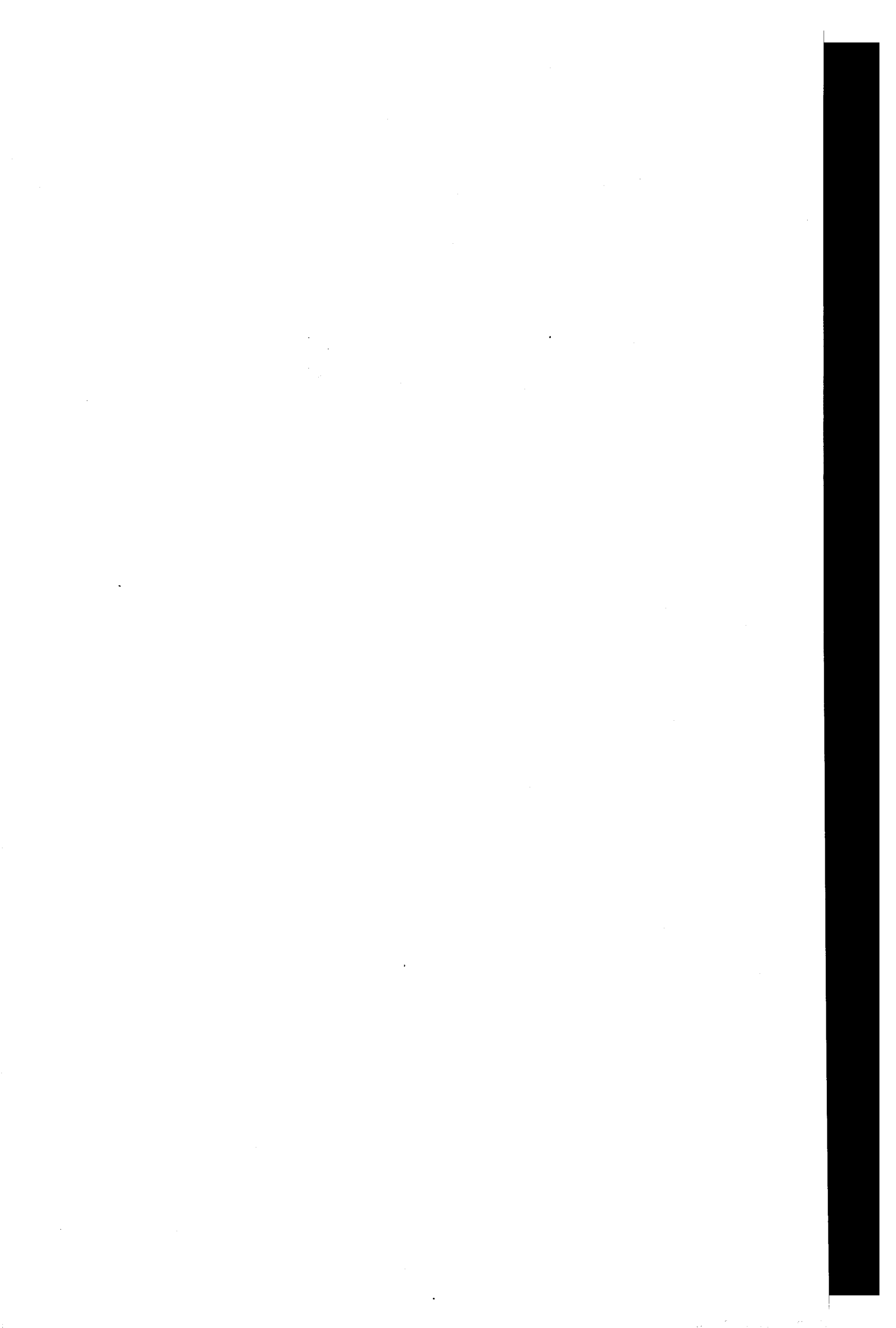
Passed the Provincial Council on the Fifth day of August, in the year of our Lord one thousand eight hundred and sixty-three, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Twenty-second day of August, in the year of our Lord one thousand eight hundred and sixty-three.

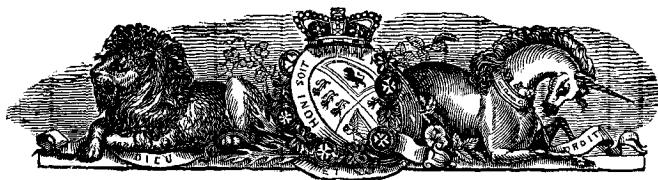
CHARLES BOWEN,  
Speaker.

HENRY BACON QUIN,  
Clerk to the Council.

## SCHEDULE OF TOLLS ABOVE REFERRED TO.

For every horse, ass, or mule	... ..	<i>Threepence.</i>
For every horse, ass, mule, or other beast with pack	... ..	<i>Threepence.</i>
For all horned cattle driven without packs, per head	... ..	<i>Twopence.</i>
For every wheeled vehicle drawn by one horse or other beast	... ..	<i>Sixpence.</i>
For every additional horse or other beast drawing such vehicle	... ..	<i>Threepence.</i>
For every sheep, lamb, goat or pig in one drove, not exceeding one hundred	... ..	<i>One half-penny.</i>
For every additional sheep, lamb, goat, or pig	... ..	<i>One farthing.</i>





PROVINCE OF CANTERBURY.

ANNO VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

SESSION XX., No. 4.

The Waimakariri Bridge Ordinance, 1863.

Published by Authority.

ANALYSIS.

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| <i>Preamble.</i>  | 3. <i>The bridge may be let.</i>       |
| 1. <i>The Superintendent may construct a bridge over the Waimakariri.</i> | 4. <i>Tolls: how to be recovered.</i>  |
| 2. <i>And collect tolls according to the Schedule.</i>                    | 5. <i>Penalty for evasion of toll.</i> |
|   | 6. <i>Title.</i>                       |

**W**HEREAS by an Act of the General Assembly of New Zealand, Preamble. entitled "The Highways and Watercourses Diversion Act, 1858," it is enacted that it shall be lawful for the Superintendent of any Province, with the advice and consent of the Provincial Council thereof, by Ordinance to be made for that purpose, to authorize and empower the Superintendent to build bridges and other erections on the banks or in the beds of any river, stream, or creek in such Province: And Whereas it is expedient that a bridge be constructed over the River Waimakariri, at a part thereof on or about the line of the North road, in the Province of Canterbury, and to provide for the maintaining and keeping in repair the said bridge and the approaches thereto: Be it therefore enacted by the Superintendent of the said Province of Canterbury, with the advice and consent of the Provincial Council thereof as follows:—

1. It shall be lawful for the Superintendent to construct a bridge, The Superintendent may construct a bridge over the Waimakariri. and make approaches thereto, over the River Waimakariri, at a part thereof on or about the line of the North road.

2. The Superintendent shall, by Proclamation in the Provincial And collect tolls according to Schedule. *Government Gazette*, notify that said bridge is open for public traffic so soon as he shall have received a Certificate, under the hand of the

Provincial Engineer to that effect, and thereupon it shall be lawful for the Superintendent to cause tolls to be levied at such rates not exceeding the sums set forth in the Schedule to this Ordinance annexed.

The bridge may be let.

3. It shall be lawful for the Superintendent, with the advice of the Executive Council, to contract with any person or persons for the construction of the said bridge, and in consideration of the expenditure incurred by such person or persons in so constructing the same, to let the said bridge and tolls to such person or persons for any term not exceeding seven years, at a nominal rent, and upon such conditions as the said Superintendent, with such advice as aforesaid, shall think fit; and after the expiration of such lease, to let the said bridge and tolls to any person or persons whatever for any term not exceeding three years, at such annual rent, and on such conditions as the said Superintendent, with such advice as aforesaid, shall think fit.

Tolls: how to be recovered.

4. All tolls imposed under the authority of this Ordinance shall be recoverable in a summary way.

Penalty for evasion of toll.

5. Any person refusing or evading, or attempting to evade the payment of any toll leviable under this Ordinance, shall forfeit and pay for every such offence any sum not exceeding Five Pounds, to be recoverable in a summary way.

Title.

6. This Ordinance may be entitled and cited as "The Waimakariri Bridge Ordinance, 1863."

SAMUEL BEALEY,  
Superintendent.

Passed the Provincial Council, on the Fifth day of August, in the year of our Lord one thousand eight hundred and sixty-three, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Twenty-second day of August, in the year of our Lord one thousand eight hundred and sixty-three.

CHARLES BOWEN,  
Speaker.

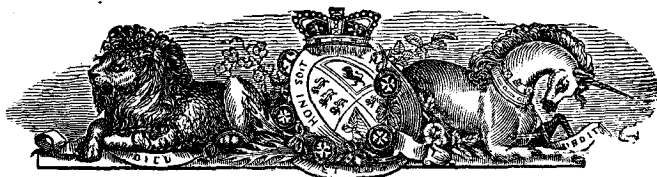
HENRY BACON QUIN,  
Clerk to the Council.

## SCHEDULE OF TOLLS ABOVE REFERRED TO.

For every passenger ... ..	<i>Threepence.</i>
For every horse, ass or mule ... ..	<i>Threepence.</i>
For every horse, ass, mule or other beast with pack	<i>Threepence.</i>
For all horned cattle driven without packs, per head	<i>Threepence.</i>
For every wheeled vehicle drawn by one horse or other beast ... ..	<i>One Shilling.</i>
For every additional horse or other beast drawing such vehicle ... ..	<i>Threepence.</i>
For every sheep, lamb, goat, or pig... ..	<i>One Half-penny</i>







PROVINCE OF CANTERBURY.

ANNO VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

SESSION XX., No. 5.

Superintendent's Salary Ordinance, 1863.

Published by Authority.

ANALYSIS.

*Preamble.*

1. *Repealing Clause.*

2. *Superintendent's salary to be One Thousand Five Hundred Pounds per annum.*

3. *Salary to be paid by the Provincial Treasurer.*

4. *Title.*

WHEREAS it is expedient to repeal the "Superintendent's Salary Ordinance, Session XVII., No. 5," and to determine the amount of salary to be annually paid to the Superintendent of the Province of Canterbury: Be it therefore enacted by the Superintendent of the Province of Canterbury, with the advice and consent of the Provincial Council thereof as follows:—

1. The said recited Ordinance is hereby repealed.

*Repealing Clause.*

2. From and after the passing of this Ordinance, the annual salary payable and to be paid to the Superintendent of the said Province for the time being, and his Successors in office, shall be the sum of One Thousand Five Hundred Pounds.

*Superintendent's salary to be £1,500 per annum.*

3. The said salary shall be paid to such Superintendent as aforesaid out of the public revenues of the said Province, in monthly proportions, as the Superintendent shall, by Warrant under his hand, from time to time direct, and the Provincial Treasurer of the said Province shall be allowed credit in his Accounts for all sums so paid by him in pursuance of such Warrant.

*Salary to be paid by the Provincial Treasurer.*

Title.

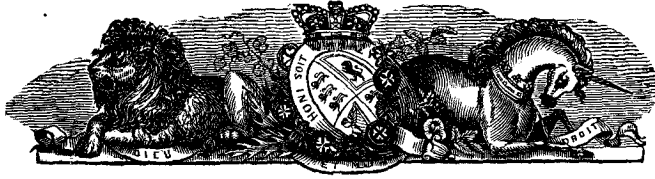
4. This Ordinance shall be entitled and may be cited as "The Superintendent's Salary Ordinance, 1863."

SAMUEL BEALEY,  
Superintendent.

Passed the Provincial Council on the Eleventh day of August, in the year of our Lord one thousand eight hundred and sixty-three, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Twenty-second day of August, in the year of our Lord one thousand eight hundred and sixty-three.

CHARLES BOWEN,  
Speaker.

HENRY BACON QUIN,  
Clerk to the Council.



**PROVINCE OF CANTERBURY.**

ANNO VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

SESSION XX., No. 6.

**Provincial Auditor's and Deputy-Auditor's  
Salaries Ordinance.**

*Published by Authority.*

ANALYSIS.

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| <i>Preamble.</i>  | } | 3. <i>Salary of Deputy-Auditor to be One Pound One Shilling per diem.</i> |
| 1. <i>Repealing Clause.</i>   |   | 4. <i>Salaries, how to be paid.</i>                                       |
| 2. <i>Salary of Provincial Auditor to be Five Hundred Pounds per annum.</i> |   | 5. <i>Title.</i>  |

**W**HEREAS it is expedient to repeal the “ Provincial Auditor’s and Deputy-Auditor’s Salaries Ordinance, Session XVII., No. 8,” and to determine the amount of salary to be annually paid to the Provincial Auditor and Deputy-Auditor for the Province of Canterbury: Be it therefore enacted by the Superintendent of the Province of Canterbury, with the advice and consent of the Provincial Council thereof as follows:—

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| 1. The said recited Ordinance is hereby repealed.  | Repealing Clause.   |
| 2. The annual salary to be paid to the Auditor of Public Accounts shall be Five Hundred Pounds, payable in equal monthly payments.   | Salary of Provincial Auditor to be Five Hundred Pounds per annum. |
| 3. The salary to be paid to the Deputy-Auditor of Public Accounts, whilst acting as such, shall be One Pound One Shilling per diem.  | Salary of Deputy-Auditor to be One Pound One Shilling per diem.   |
| 4. The said salaries and expenses of the Department shall be paid out of the public revenue of the said Province, as the Superintendent shall, by Warrant under his hand, from time to time direct; and the Provincial Treasurer of the said Province shall be allowed credit in his Accounts for all sums so paid by him in pursuance of such Warrants. | Salaries: how to be paid.   |

Title.

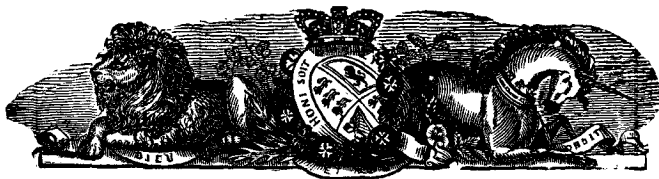
5. This Ordinance shall be entitled and may be cited as "The Provincial Auditor's and Deputy-Auditor's Salaries Ordinance, 1863."

SAMUEL BEALEY,  
Superintendent.

Passed the Provincial Council on  
the Eleventh day of August,  
in the year of our Lord one  
thousand eight hundred and  
sixty-three, and assented to  
by his Honor the Superin-  
tendent, on behalf of his  
Excellency the Governor, on  
the Twenty-second day of  
August, in the year of our  
Lord one thousand eight  
hundred and sixty-three.

CHARLES BOWEN,  
Speaker.

HENRY BACON QUIN,  
Clerk to the Council.



PROVINCE OF CANTERBURY.

ANNO VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

SESSION XX., No. 7.

Board of Education Ordinance, 1863.

Published by Authority.

ANALYSIS.

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| <i>Preamble.</i>  | 8. Board to decide upon application for aid, &c.       |
| 1. Board constituted.                                     | 9. Board to regulate salaries of Teachers, &c.         |
| 2. Number of Members.                                     | 10. Board to appoint Examiners.                        |
| 3. Members appointed are removable by Superintendent, &c. | 11. To administer funds for the purposes of education. |
| 4. Chairman to be appointed.                              | 12. To report to the Superintendent.                   |
| 5. Appointments to be by Warrant, and to be gazetted.     | 13. Interpretation.                                    |
| 6. Sitzings of Board to be fixed by Superintendent.       | 14. Title.   |
| 7. Board may make Rules for conducting their business.    |  |

**W**HEREAS it is expedient to institute a Board for the formation Preamble.  
and management of schools in the Province of Canterbury:  
Be it therefore enacted by the Superintendent of the said Province,  
by and with the advice and consent of the Provincial Council thereof  
as follows :—

1. There is hereby constituted a Board, under the name of the Board constituted.  
Board of Education, and hereinafter called the Board.

2. The Board shall consist of not less than three, nor more than Number of Members.  
five Members.

3. The number of Members within the limits aforesaid shall be Members appointed and removable by Superintendent, &c.  
from time to time determined, and the Members appointed and  
removable by the Superintendent, with the advice of the Executive  
Council.

Chairman to be appointed.

4. There shall be a Chairman of the Board, who shall be one of the Members thereof, and shall be from time to time appointed, and shall be removable by the Superintendent, with such advice as aforesaid.

Appointments to be by Warrant, and to be gazetted.

5. Every appointment or removal of a Member, or of the Chairman of the Board, shall be made by Warrant, under the hand of the Superintendent; and every such appointment or removal shall be notified in the Provincial *Government Gazette*, and shall take effect from the date of such notification.

Sittings of Board to be fixed by Superintendent.

6. The Board shall hold sittings at such times and places as the Superintendent shall, from time to time appoint, by Proclamation in the Provincial *Government Gazette*.

Board may make Rules for conducting their business.

7. It shall be lawful for the Board from time to time to make and to revoke and alter such Regulations as they may think fit, for the conduct of the business of the Board: Provided that all such Regulations and every such revocation and alteration shall be subject to the approval of the Superintendent and Executive Council.

Board to decide on application for aid, &c.

8. The Board shall entertain and decide upon applications for grants of public money for establishing or aiding the establishment of new schools, and for aiding existing schools.

Board to regulate salaries of Teachers, &c.

9. The Board shall regulate the salaries and emoluments of Teachers employed in all schools receiving aid from the public funds, and shall determine and alter from time to time, as they think fit, the rate of school fees payable on behalf of Children receiving instruction in such schools, and shall appoint and remove Masters and Teachers for such schools until Local Committees of such schools be appointed by any Ordinance to be made in that behalf: Provided nevertheless, that it shall be lawful for the Local Committee of any school already in existence, and in receipt of aid from the public funds, to appoint persons to be Masters and Teachers in such school, and to remove any persons now being, or hereafter to be appointed Masters or Teachers: Provided that no appointment or removal shall have any effect unless it shall be sanctioned by the Board, by a writing, under the hand of the Chairman thereof.

Board to appoint Examiners.

10. It shall be lawful for the Board to examine any person who may be desirous of becoming a Teacher or Master in any school as to his knowledge and qualifications, and for that purpose, from time to time, to appoint fit persons to examine Candidates, and it shall be lawful for the Board to make such Regulations respecting the subjects comprised in, and the general conduct of such examinations, as they shall from time to time think fit: Provided that all such Regulations shall be subject to the approval of the Superintendent and Executive Council.

11. The Board shall administer all funds in the hands of the Provincial Government available for the purposes of education, subject to any appropriation thereof that may be made by the Provincial Council.

To administer funds for the purposes of education.

12. The Board shall, in the month of March in each year, render to the Superintendent a full Report of all things done by them by virtue of this Ordinance during the year preceding such Report.

To report to the Superintendent.

13. In this Ordinance the words "Local Committee" shall signify the person or persons resident in the district in which any school is situated having been appointed Managers or Manager, and having the management of such school according to the Regulations under which such school is conducted.

Interpretation.

14. This Ordinance shall be entitled and may be cited as the "Board of Education Ordinance, 1863."

Title.

SAMUEL BEALEY,  
Superintendent.

Passed the Provincial Council on the Twelfth day of August, in the year of our Lord one thousand eight hundred and sixty-three, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Twenty-second day of August, in the year of our Lord one thousand eight hundred and sixty-three

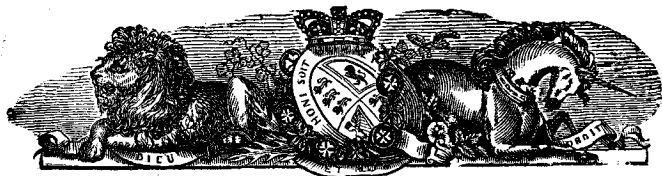
CHARLES BOWEN,  
Speaker.

HENRY BACON QUIN,  
Clerk to the Council.

2-10-11







PROVINCE OF CANTERBURY.

ANNO VICESIMO SEPTIMO.

VICTORIÆ REGINÆ.

SESSION XX., No. 8.

The Public House Ordinance, 1863.

Published by Authority.

ANALYSIS.

*Preamble.*

1. *Repealing Clause.*
2. *Penalty for selling less than two gallons.*
3. *Liquors exposed for sale without License may be seized and forfeited.*
4. *Forfeited liquors to be sold or destroyed. Informer.*
5. *Licenses to be of four kinds.*
6. *In certain cases, License not needed.*
7. *Application for License to be made thirty days before any licensing meeting.*
8. *List of Applicants to be affixed to Court-house.*
9. *List to be published, and notice of meeting.*
10. *General and adjourned meetings of Justices.*
11. *Quarterly licensing meetings; when to be held.*
12. *Justices to confine themselves to facts set forth in Certificate.*
13. *Where no quorum, power given to the Superintendent to act.*
14. *Justices and others, in certain cases, disqualified from acting.*
15. *Licenses to be granted. When License to be refused. Proceedings in case of refusal.*
16. *First application for Hotel License.*
17. *First application for General or Wine and Beer License.*
18. *Who may object to License.*
19. *Refreshment Licenses, how to be granted.*
20. *When Refreshment Licenses may be cancelled.*
21. *Conditional Licenses, how issued.*
22. *If License applied for refused, Justices may grant License of an inferior class*
23. *Treasurer to issue Licenses.*
24. *List of licensed houses to be published.*
25. *Licenses not applied for before 1st July, how to be dealt with.*
26. *Licenses issued at Quarterly Meetings, how to be dealt with.*
27. *New applications.*
28. *Licenses may be transferred on certain days.*
29. *Mode of procedure in case of death of a Licensee.*
30. *Restrictions on the sale of liquors to other than Lodgers or Travellers.*
31. *Exceptions.*
32. *Licensed persons allowing gambling or harbouring persons of bad character in their houses, liable to penalty.*
33. *Holder of Conditional License to affix copy of conditions in conspicuous places.*
34. *Penalty for permitting gambling.*
35. *Penalty for supplying liquor to any person in state of intoxication.*
36. *Penalty for taking anything in pledge.*
37. *Penalty for paying wages on premises.*

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| <p>38. <i>Lamp to be kept burning.</i></p> <p>39. <i>Liquors to be sold according to the imperial measure.</i></p> <p>40. <i>In cases of conviction License to be endorsed. Power of Justices to refuse or to withhold Licenses.</i></p> <p>41. <i>Copy of complaints made by Police to be furnished to the Licensee.</i></p> <p>42. <i>Hotels to be under inspection of Chief Officer of Police.</i></p> <p>43. <i>Licensee ceasing to afford certified accommodation, or proving himself unequal to conduct of house, liable to suspension of License.</i></p> | <p>44. <i>Penalty for riotous or indecent behaviour.</i></p> <p>45. <i>Justices may declare License to be null and void; or inflict penalty on Licensee.</i></p> <p>46. <i>Police Constable may enter a licensed house. Penalty for obstructing Constable.</i></p> <p>47. <i>Penalty for drunkenness.</i></p> <p>48. <i>Penalties: how to be recovered.</i></p> <p>49. <i>Interpretation Clause.</i></p> <p>50. <i>Title.</i></p> |
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Preamble.

WHEREAS an Ordinance was passed by the Governor and Legislative Council of New Zealand, entitled "The Licensing Ordinance Session II., No. 12," and a like Ordinance, entitled "The Licensing Amendment Ordinance, Session III., No. 21," and an Ordinance passed by the Governor-in-Chief and Legislative Council of New Zealand, entitled "The Licensing Amendment Ordinance, No. 2., Session XI., No. 16.:" And Whereas an Ordinance was passed by the Superintendent and Provincial Council of the Province of Canterbury, entitled "The Public House Ordinance, Session VI., No. 3," repealing the above recited Ordinances within the Province of Canterbury: And Whereas an Ordinance was passed by the Superintendent and the Provincial Council, entitled the "Public House Ordinance, 1862.:" And Whereas it is expedient that the said "Public House Ordinance" should be repealed and certain other provisions should be made in lieu thereof: Be it therefore enacted by the Superintendent, with the advice and consent of the Provincial Council of the said Province:

Repealing Clause.

1. The said recited Ordinances are hereby repealed, except so far as the same extend to repealing any former Ordinance, and except also that all Licenses granted under the said recited Ordinances shall remain in full force and virtue until the end of the terms for which such Licenses have been granted, and all offences committed against the said recited Ordinances before the commencement of this Ordinance, shall and may be prosecuted, heard, determined, and punished as if this Ordinance had not been made; and all such offences committed after the commencement of this Ordinance shall be prosecuted, heard, determined and punished under the provisions of this Ordinance.

Penalty for selling less than two gallons.

2. If any person, not being duly licensed, shall, upon any occasion, sell any quantity less than two gallons of any one kind or description of spirituous liquor, wine, ale, or beer, or knowingly permit the same to be sold in or upon his house or premises, or to be removed at any one time from his premises for the purpose of sale, he shall forfeit and pay for every such offence the sum of Fifty Pounds: Provided that no

person who has been convicted under the provisions of this Section shall at any time thereafter be permitted to hold any License whatsoever under this Ordinance.

3. All such liquors which shall be hawked about or exposed for sale in any unlicensed house or premises, except as hereinafter provided, may be seized by any Constable, and forfeited by order of any two or more Justices of the Peace, upon information to be laid before them.

Liquors exposed for sale without License may be seized and forfeited.

4. All liquors so forfeited shall be destroyed or sold in such manner as the Court before whom the conviction shall have taken place may direct, and the net proceeds of such sale shall be applied to the public service of the Province: Provided that one-half such net proceeds, if claimed within one calendar month from the sale, shall be paid to any person or persons seizing the said liquors or giving such information as may have led to the seizure and forfeiture thereof.

Forfeited liquors to be sold or destroyed. Informer.

5. Licenses to be issued under this Ordinance shall be of four classes, that is to say—

Licenses to be of four kinds.

1st. Hotel Licenses, to sell any spirituous or fermented liquors in the form in Schedule A hereunto annexed.

2nd. General Licenses, to sell any spirituous or fermented liquors in the form in Schedule B hereunto annexed.

3rd. Conditional Licenses, in the form in Schedule C hereunto annexed, to sell spirituous and fermented liquors, subject to certain conditions to be fulfilled by the Licensee for the benefit and convenience of the public in consideration of obtaining such License.

4th. Refreshment Licenses, to sell wine and beer to be drunk on the premises, but only to persons partaking of refreshments; the Licensee not to keep any tap-room or bar, in the form in Schedule D hereunto annexed.

And every such License shall continue in force from the First day of July, after the issue thereof, to the Thirtieth day of June in the year following inclusive, or, if issued at any quarterly licensing meeting subsequently to the First day of July as hereinafter provided, then up to the Thirtieth day of June following the issue of such License: Provided that no Conditional License shall be issued for any house within the limits of a township.

In certain case  
Licenses not needed.

6. No License shall be needed for the sale of any spirituous or fermented liquors as medicine or perfumery, or at any military canteen duly established under the Regulations of her Majesty's service, or for any public sale by auction by any Auctioneer duly licensed.

Application for License  
to be made thirty days  
before any Licensing  
meeting.

7. Every person desirous of obtaining a License under this Ordinance shall, thirty days before any licensing meeting, deliver, or cause to be delivered to the Resident Magistrate of the Court nearest to the house in which it is proposed to exercise such License, a notice, in writing, signed by him, in the form in the Schedule E hereunto annexed.

List of Applicants to  
be affixed to Court-  
house.

8. On or before the eighth day after the last day on which applications may be delivered as aforesaid, the Resident Magistrate of the district shall cause to be transmitted to the Resident Magistrate at Christchurch a List of all such notices and applications, setting forth the names and descriptions of the Applicants, and the houses proposed to be licensed, and shall also affix a copy of such List to the door of the Court-house or office, there to remain for public information until the licensing meeting.

List to be published  
and notice of meeting.

9. The Resident Magistrate at Christchurch shall forthwith cause such List to be published in the Provincial *Government Gazette*, and one or more Newspapers within the Province, together with a notice of the annual licensing meeting to be held as hereinafter provided.

General and adjourned  
meetings of Justices.

10. On the first Tuesday in May in every year there shall be holden at the Resident Magistrate's Court-house for the district, a general meeting of Justices of the Peace, to be called the Annual Licensing Meeting, for the purpose of taking into consideration such applications as aforesaid, and three Justices shall form a quorum at any such meeting, and the senior Justice in the Commission of the Peace present at any such meeting shall preside thereat: Provided always, that any such meeting as aforesaid may be continued, by adjournment, to such day, not later than the Fifteenth day of June, and at such place or places as the Justices present shall determine.

Quarterly licensing  
meetings; when to be  
held.

11. It shall be lawful, nevertheless, for the Justices to receive and consider and determine upon any applications for new Licenses, in accordance with the conditions hereinbefore recited, at quarterly meetings of Justices, to be convened for such purpose. Such quarterly meetings shall be held on the first Tuesday in October, the first Tuesday in January, the first Tuesday in April, and the first Tuesday in July, or such other day, not exceeding seven days from the said days respectively, as to such Justices shall seem fit.

12. In considering any new application under this Ordinance, the Justices shall confine themselves to the consideration of the truth of the facts set forth in the Certificates directed to be furnished under the provisions of this Ordinance, and if the truth of such facts shall be established, such Justices shall direct a License to issue.

Justices to confine themselves to facts set forth in Certificate.

13. If there shall not be a quorum in attendance at any such meeting, the Resident Magistrate shall forthwith signify the same to the Superintendent, and it shall then be lawful for the Superintendent, with the advice and consent of the Executive Council, to perform all acts which the Justices in any such licensing meeting assembled are empowered to perform under the authority of this Ordinance.

Where no quorum, power given to the Superintendent to act.

14. No Justice of the Peace, being a Brewer, Maltster, or Dealer in any spirituous liquor, wine, ale, or beer, or being interested directly or indirectly in any house or premises already licensed, or in respect to which a License is applied for, shall act at any such meeting, and any Justice offending against the provisions of this Clause shall forfeit and pay a sum of One Hundred Pounds, to be recovered, by action in the Supreme Court, by any person who shall sue for the same.

Justices and others in certain cases disqualified from acting.

15. It shall be lawful for the Justices assembled at such meeting to grant to such of the Applicants as aforesaid, Hotel and General Licenses, Refreshment or Conditional Licenses, and such Licenses, when granted in manner hereinafter provided, shall be signed by the Chairman at such meeting. The Justices assembled at such meeting aforesaid shall first consider the renewal of Licenses from the Holders of Licenses granted at the last annual or at any subsequent quarterly licensing meeting, or at any adjournment thereof, and the Applicants shall attend such meeting, either in person or by a Solicitor, and shall produce the License issued at such licensing meeting, and the Justices of the Peace so assembled as aforesaid shall thereupon issue a renewal of such License, and such License shall be signed by the Chairman at such meeting: Provided always, that if the License so previously issued shall have been endorsed in accordance with the fortieth Section of this Ordinance, then it shall be lawful for the Justices so assembled at such meeting to refuse any application for the renewal of such License, in which case the consideration of such application shall be adjourned, and the Chairman at such meeting shall give notice to the Applicant of the day and time at which his application will be heard, and the Licensee shall be at liberty, at such adjourned meeting, to produce evidence before Justices in support of his application, and shall be heard in person, or by his Solicitor, and all Witnesses called on such occasions shall be examined on oath.

Licenses to be granted. When License to be refused. Proceedings in case of refusal.

First application for  
Hotel Licenses.

16. All applications made for the first time for an Hotel License must be in writing, and in the form of Schedule E, hereunto annexed, and must be accompanied with a Certificate, signed by a Justice of the Peace for the district: or if the house for which the License is sought is within the limits of any city or town under Municipal Government, then from the Chairman of such City or Municipal Council, or Justice of the Peace, stating that the premises are suitable, and further must certify to the character and qualifications of the Applicant, and such Certificates must be in the form set forth in Schedule F to this Ordinance.

First applications for  
General or Wine and  
Beer licenses.

17. In the case of all Applicants for the first time for a License, whether for General or Refreshment Licenses, it shall be lawful for the Justices to grant Licenses only to such of the Applicants as shall produce a written Certificate, signed by not less than ten Householders, in the form set forth in Schedule H to this Ordinance, and upon which there shall also be endorsed a further Certificate, that the house or building for which such License is required is suitable for the purposes of such business.

Who may object to  
License.

18. Any Justice of the Peace, Chairman of a City or Municipal Council, Chief Officer of Police, or Owner of property in the neighbourhood of a house for which such License is sought to be granted, may object to the issue of such License, by giving notice of his objection, in writing, to the Resident Magistrate, or to the Clerk to the Bench of Magistrates, and to the Applicant, at least ten clear days before the licensing meeting at which the application is to be heard, and such notice shall set forth the grounds of objection, and it shall be the duty of such Justices to hear and determine such objections; and it shall be lawful for such Justices, in the event of such objections being deemed frivolous or vexatious, to direct that the Applicant shall be paid such costs by the person so objecting as they may consider reasonable and fair, not exceeding Five Pounds, and which costs may be recovered in a summary way,

Refreshment Licenses:  
how to be granted.

19. No Refreshment License shall be granted unless it shall appear that the Applicant has provided at least one room to be exclusively set apart for the especial accommodation of females, with proper and convenient access thereto, and it shall not be lawful for the Holder of such License to keep in his house any Bar or Tap-room for the sale of fermented liquors, nor shall he be allowed to draw any liquor except to persons partaking of refreshment: Provided that if any person shall offend against the provisions of this Clause, he shall be liable to a penalty of not exceeding Five Pounds for each offence.

20. It shall be lawful for any two Justices of the Peace to cancel any Refreshment License upon the information of an Inspector or other Chief Officer of Police for the district, proved in open Court and in the hearing of the Holder of such License, or his Solicitor, that refreshments, in accordance with the meaning of the Ordinance, are no longer provided on the premises of such licensed person.

When Refreshment Licenses may be cancelled.

21. In the case of all applications for a Conditional License, or a renewal thereof, it shall be lawful for the Justices assembled at such annual or other licensing meeting aforesaid to consider and determine upon the same, and to direct such terms as they shall think fit, and in each case respectively upon which such License shall be issued: Provided always, that no application for a renewal of a Conditional License shall be withheld, except upon a proof of the non-fulfilment of such conditions, or except in manner set forth in Clause forty of this Ordinance.

Conditional Licenses: how issued.

22. If such Justices shall think it expedient to refuse any application for an Hotel or General License, or for the renewal of a General License, upon proof of conviction under any Clause or Clauses of this Ordinance, it shall be lawful for them, if they think fit, and the Applicant concur, to grant a Refreshment License, or a Conditional License, subject always to the provisions herein contained.

If License applied for refused, Justices may grant License of an inferior class.

23. The Resident Magistrate of the district for which such License shall have been issued shall forthwith transmit every License granted as aforesaid to the Provincial Treasurer, or to the Sub-Treasurer whose office shall be nearest to the house for which such License is issued, and shall also forthwith notify to each person to whom a License shall have been granted that such License is ready to be issued, and such Treasurer or Sub-Treasurer shall issue the License to the Licensee upon his application for the same, and upon payment of the sum hereinafter mentioned, that is to say:—for a General License the sum of Fifty Pounds; for an Hotel License the sum of Thirty Pounds; for a Refreshment License the sum of Ten Pounds; for a Conditional License such a sum, not exceeding the sum of Fifteen Pounds, as shall be named therein, at the discretion of a majority of the Justices at the Annual Licensing Meeting in each case respectively; and such Treasurer or Sub-Treasurer shall endorse on each License so issued by him a receipt for the sum paid to him in respect thereof.

Treasurer to issue Licenses.

24. The Resident Magistrate at Christchurch shall also, as soon as may be thereafter, cause a List of the several persons to whom and the several houses for which such Licenses shall have been granted, together

List of licensed houses to be published.

with a description of the License in each case respectively, to be published in the Provincial *Government Gazette*, and in one or more Newspapers of the Province.

Licenses not applied for before First July, how to be dealt with.

25. If any Licensee shall neglect to apply to the Treasurer or Sub-Treasurer, as the case may be, for his License, and to pay the sum hereinbefore mentioned on or before the First day of July next following the Annual Licensing Meeting, the Treasurer or Sub-Treasurer shall return it to the Resident Magistrate of the district, who shall thereupon notify in the Provincial *Government Gazette*, and in one or more Newspapers of the Province, that such License has been withheld, and such License shall thereupon be referred to the Superintendent, who, with the advice of the Executive Council, shall have power to direct the License to issue, or shall withhold the same at his discretion: Provided that such decision shall be made within thirty days of such First day of July, and that on the issue of such License an additional fee be paid of not less than Ten Pounds.

Licenses issued at Quarterly Meetings: how to be dealt with.

26. If any Licensee shall neglect to apply to the Treasurer or Sub-Treasurer, as the case may be, for his License, and to pay the sum hereinbefore mentioned for such License, for a period of seven clear days after the granting thereof at any quarterly meeting of Justices, such License shall thereupon be cancelled absolutely by such Treasurer or Sub-Treasurer.

New applications.

27. Nothing in this Ordinance shall prevent any person whose License shall have been refused at any previous licensing meeting prior to the passing of this Ordinance from applying for a License.

Licenses may be transferred on certain days.

28. If the Holder of any License shall be desirous to transfer the same to any person, and such person shall appear before the nearest Resident Magistrate's Court, and shall present a Certificate in the form of Schedule F or H, as the case may be, as though he were applying for an original License, it shall be lawful for any three Justices of the Peace sitting in such Court to transfer such License to the Appointee of the original Holder, by endorsement on the back thereof, in the form in Schedule I hereunto annexed; and a meeting of Justices for the purpose of transferring Licenses shall be held on the first Tuesday in every month: Provided that if such first Tuesday of the month, or either of them, shall be proclaimed a public holiday, such transfer may be made on the day following, or at such other day as shall have been previously appointed for the purpose by the Resident Magistrate.

Mode of procedure in case of death of a Licensee.

29. In case of the death of any person holding a License under this Ordinance, it shall be lawful for any two Justices of the Peace to



endorse on such License, in the form or to the effect in Schedule K hereunto annexed, the name of any person whom they may appoint to carry on the business, and such persons shall be thereby authorized to carry on business until such time as the Executors, Administrators, or other person duly authorised by them, shall have received the necessary authority by way of transfer of such License.

30. It shall not be lawful for any person holding a License under this Ordinance to sell or supply any liquors, or to suffer the same to be drunk in or upon his house or premises upon any Sunday or Christmas Day or Good Friday, or upon any other day between the hours of eleven at night and six in the morning; and on such days and within such hours his house and premises shall be closed, and any person offending against the provisions of this Clause, shall be liable to a penalty of not more than Twenty Pounds: Provided always, that in any licensed house it shall be lawful at any time to supply such liquors to any persons who shall be *bonâ fide* Lodgers in such house, having a bed provided for them therein, or who shall be *bonâ fide* Travellers, and shall have no residence within three miles of such house: Provided also, that nothing herein contained shall be interpreted to authorize the opening of any outer or street door leading to the bar or tap on the days and within the hours above mentioned, or supplying any liquors therein.

Restrictions on the sale of liquors to other than Lodgers or Travellers.

31. It shall be lawful for two Justices of the Peace, on special occasions, not originating with the Licensee, to grant permission to keep a duly licensed house open beyond the prescribed hour for closing, except on Sundays; and under such Regulations as they may think proper, to carry on his business in any building or in any booth temporarily erected at a distance from his licensed house at public races or upon any other public occasion of a like kind, to continue for such a time and upon such conditions to be set forth in such written Permission, as they shall think fit; and a copy of such Permission shall be lodged by the Licensee with the Chief Officer of Police for the district immediately after obtaining the same; and no person acting under the authority of such written permission, a copy of which shall have been so lodged, but not otherwise, shall be liable to any penalty which he would otherwise incur under the provisions of this Ordinance.

Exceptions.

32. Every person who shall have or keep any house, shop, room, or place of public resort wherein provisions, liquors, or refreshments of any kind shall be sold or consumed (whether the same shall be kept or retailed therein, or procured elsewhere), and who shall wilfully and knowingly suffer any unlawful games, or gaming whatsoever therein, or knowingly permit or suffer prostitutes or persons of notoriously bad

Licensed persons allowing gambling, or harbouring persons of bad character in their houses, liable to penalty.

character to meet together and remain therein, shall, for every such offence, forfeit and pay a penalty not exceeding Ten Pounds.

Holders of Conditional License to affix copy of conditions in conspicuous place.

33. Every Holder of a Conditional License shall cause a true and legible copy of the conditions under which his License is held to be affixed and maintained in a conspicuous part of his house, and any such person refusing or neglecting to comply with the provisions of this Clause shall be liable to a penalty not exceeding Forty Shillings.

Penalty for permitting gambling.

34. If any licensed person shall permit any gambling of any kind whatsoever to be carried on in his house or premises, he shall be liable to a penalty not exceeding Twenty Pounds.

Penalty for supplying liquor to any persons in state of intoxication.

35. If any person holding a License under this Ordinance shall supply, or suffer to be supplied, in or upon his house or premises any intoxicating liquors to any person in a state of intoxication, or in such inordinate quantities as to produce intoxication, he shall be liable to a penalty not exceeding Ten Pounds for every such offence.

Penalty for taking anything in pledge.

36. If any licensed person shall take anything whatsoever in pledge for any liquor sold or supplied, or anything whatsoever except metallic or paper money, or a cheque or order for the payment of money, he shall be liable to a penalty not exceeding Ten Pounds for every offence.

Penalty for paying wages on premises.

37. If any licensed person shall knowingly permit any wages to be paid in or upon his house or premises, save only the wages of persons employed as Servants therein, he shall be liable to a penalty not exceeding Ten Pounds for every offence.

Lamp to be kept burning.

38. If any Holder of a License shall neglect or refuse to have a lamp, giving a good and sufficient light, affixed over the front or principal door of his house, or to keep the same burning from sunset till eleven o'clock, he shall be liable to a penalty not exceeding Twenty Shillings, for every such offence.

Liquors to be sold according to the imperial measure.

39. Every licensed person shall sell or otherwise dispose of all liquors (except in quantities less than half-a-pint) in vessels sized to full imperial measure, according to the standard which is by Law established in this Colony, and shall also, if required by any Guest or Customer purchasing such liquor, retail the same in a vessel sized according to such standard and in default thereof shall, for every such offence, on conviction, forfeit and pay any sum not exceeding Five Pounds.

40. In all cases where a Licensee of any house duly licensed under the authority of this Ordinance shall have been convicted in any of the foregoing penalties, the Justices shall endorse upon the License a record of such conviction, which License shall be produced at the next annual licensing meeting; and whenever such License shall shew by such endorsements two or more convictions under this Ordinance, it shall be lawful for such Justices, at their discretion, to refuse to renew such License, or to suspend the same for such period not exceeding sixty days, or to inflict a further penalty of not exceeding Twenty Pounds, as to such Justices shall seem fit; and such Justices shall, in the event of a suspension of such License, cause a notice of such suspension, in writing, under their hands, to be served on the Holder of such License, or by affixing the same on the door of such house, and shall also cause a copy of such notice to be published in the nearest Newspaper.

In cases of convictions, License to be endorsed. Power of Justices to refuse or to withhold License.

41. Whenever any complaint shall have been made by any Constable or other person against the Holder of a License, and the same shall have been recorded, it shall be the duty of the Chief Officer of Police to forward a copy thereof to the Occupier of such licensed house within forty-eight hours of the complaint being made, and such Officer shall thereupon proceed to lay information thereof before a Justice of the Peace.

Copy of complaints made by Police to be furnished to the Licensee.

42. The Chief Officer of Police, other than the Commissioner for any district, shall have power and authority to enter any hotel licensed under this Ordinance, between the hours of six o'clock in the morning and eleven o'clock at night, in order to ascertain if the accommodation afforded in such hotel is of a fit and proper character, and in accordance with the conditions specified in the Schedule to this Ordinance; and it shall be the duty of such Officer to report to the Justice of the Peace at least once in every three months (or at the quarterly meeting of Justices) the result of such inspection; he shall also furnish a copy of such Report to the Occupier of such licensed house when required, without fee.

Hotels to be under inspection of Chief Officer of Police.

43. If it shall appear from the Reports of the Chief Officer of Police that any hotel for which a License has been issued in accordance with this Ordinance has ceased to afford the accommodation named in the Certificate attached to the License, or that the Licensee is disqualified by repeated acts of misconduct and insobriety to conduct such house, it shall be lawful for the Justices of the Peace assembled at any annual licensing meeting, at their discretion, either to suspend the License for any period not exceeding sixty days, or absolutely to refuse to grant a renewal of the same.

Licensee ceasing to afford certified accommodation, or proving himself unequal to conduct of house, liable to suspension of License.

Penalty for riotous or indecent behaviour.

44. Any person charged with riotous or indecent behaviour, or being intoxicated on entering a licensed house, and refusing to quit the same when ordered so to do by the Licensee, shall, upon conviction before a Magistrate, be liable to a penalty not exceeding Forty Shillings, or, in default thereof, to be imprisoned for any period not exceeding forty-eight hours.

Justices may declare License to be null and void, or inflict penalty on Licensee.

45. If it shall be proved to the satisfaction of three Justices of the Peace that any conditions named in a Conditional License have not been properly fulfilled, it shall be lawful for such Justices to declare such License to be void and of no effect, and such License shall be void accordingly; or such Justices may, if they think fit, impose upon the Holder of such License any penalty not less than Forty Shillings, nor more than Twenty Pounds, or suspend such License for so many days, not exceeding thirty, as they shall think fit; and such Justices shall cause a notice of such suspension of such License, in writing, under their hands, to be served on the Holder of such License, by affixing the same on the door of his licensed house, and shall also cause a copy of such notice to be published in the nearest Newspaper, and during the time specified in such notice such License shall be suspended.

Police Constable may enter a licensed house: penalty for obstructing Constable.

46. Every Constable shall have power and authority to enter any licensed house, not being an hotel, upon receiving information that the provisions of this Ordinance are being contravened within such house, or upon hearing any riot or disturbance therein; and if any person shall obstruct or attempt to obstruct or interfere with any Constable in the performance of his duties under this Ordinance, such person shall be liable to a penalty not exceeding Ten Pounds.

Penalty for drunkenness.

47. If any person shall be convicted of drunkenness before any Justice of the Peace, he shall be liable to a penalty not exceeding Twenty Shillings, and, in default thereof, shall be imprisoned for any period not exceeding forty-eight hours; and if any person shall have been so convicted twice in the space of three months, he shall be liable to twice the aforesaid penalty or term of imprisonment respectively; and if any person shall have been so convicted three times within the space of six months, he shall be liable to a penalty of five pounds, or, in default thereof, to be imprisoned for any period not exceeding two months, and to be imprisoned, with hard labour, for any period not exceeding fourteen days.

Penalties: how to be recovered.

48. All penalties and forfeitures incurred under this Ordinance shall be recoverable in a summary way.

Interpretation Clause.

49. The words "Chief Officer of Police" shall be taken to mean any Officer of Police who shall be in charge of a district.

50. This Ordinance shall be entitled and may be cited as the <sup>Title.</sup>  
 "Public House Ordinance, 1863."

SAMUEL BEALEY,  
 Superintendent.

Passed the Provincial Council on  
 the Third day of September,  
 in the year of our Lord one  
 thousand eight hundred and  
 sixty-three, and assented to by  
 his Honor the Superintendent,  
 on behalf of his Excellency  
 the Governor, on the Fourth  
 day of September, in the year  
 of our Lord one thousand eight  
 hundred and sixty-three.

CHARLES BOWEN,  
 Speaker.

HENRY BACON QUIN,  
 Clerk to the Council.

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SCHEDULE A.

FORM OF HOTEL LICENSE.

*Province of Canterbury, New Zealand, to Wit.*

Whereas at "the annual (or adjourned or quarterly) licensing meeting" of Her Majesty's Justices of the Peace, acting in and for the Province of Canterbury, holden at \_\_\_\_\_ on the day of \_\_\_\_\_, in the year 18\_\_\_\_, pursuant to an Ordinance of the Superintendent and the Provincial Council of the said Province, entitled the "Public House Ordinance, 1863," A. B. of \_\_\_\_\_, applied for an "Hotel License" for the house situate at \_\_\_\_\_ in the said Province, and known (or to be known) as \_\_\_\_\_

Now we, the Justices assembled at such meeting, do hereby license the said A. B., upon payment by him to the Provincial Treasurer of the said Province of the sum of Thirty Pounds, to sell any spirituous or fermented liquors in any quantity in the house aforesaid, and in the appurtenances thereunto belonging. This License to commence on the First day of July next, and continue in force until the Thirtieth day of June then next ensuing, both days inclusive.

Given under our hands, at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_

(Signed)

Chairman.

## SCHEDULE B.

## FORM OF GENERAL LICENSE.

*Province of Canterbury, New Zealand, to Wit.*

Whereas at "the annual (or adjourned or quarterly) licensing meeting" of Her Majesty's Justices of the Peace, acting in and for the Province of Canterbury, holden at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ in the year 18\_\_\_\_, pursuant to an Ordinance of the Superintendent and the Provincial Council of the said Province, entitled the "Public House Ordinance, 1863," A. B., of \_\_\_\_\_, applied for a "General License" for the house situate at \_\_\_\_\_ in the said Province, and known (or to be known) as \_\_\_\_\_

Now we, the Justices assembled at such meeting, do hereby license the said A. B., upon payment by him to the Provincial Treasurer of the said Province of the sum of Fifty Pounds, to sell any spirituous or fermented liquors in any quantity in the house aforesaid, and in the appurtenances thereto belonging. This License to commence on the First day of July next, and continue in force until the Thirtieth day of June then next ensuing, both days inclusive.

Given under our hands, at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_

(Signed)

Chairman.

## SCHEDULE C.

## FORM OF CONDITIONAL LICENSE.

*Province of Canterbury, New Zealand, to Wit.*

Whereas at "the annual (or adjourned or quarterly) licensing meeting of Her Majesty's Justices of the Peace, acting in and for the Province of Canterbury, holden at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, in the year 18\_\_\_\_, pursuant to an Ordinance of the Superintendent and Provincial Council of the said Province, entitled the "Public House Ordinance, 1863," A. B. of \_\_\_\_\_, applied for a "Conditional License" for the house situate at \_\_\_\_\_, within the said Province, and known (or to be known) as \_\_\_\_\_

Now we, the Justices assembled at such meeting, do hereby license the said A. B., upon payment by him to the Provincial Treasurer of the said Province of the sum of \_\_\_\_\_ Pounds, to sell any spirituous or fermented liquors in any quantity, in the house aforesaid, and in the appurtenances thereunto belonging, subject to the conditions following, that is to say:—

(Set out the conditions.)

This License to commence on the First day of July next, and continue in force until the Thirtieth day of June then next ensuing, both days inclusive: Provided the said several conditions shall be so long fulfilled by the Holder hereof, but not otherwise.

Given under our hands, at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_

(Signed)

Chairman.

## SCHEDULE D.

## FORM OF REFRESHMENT LICENSE.

*Province of Canterbury, New Zealand, to Wit.*

Whereas at "the annual (or adjourned or quarterly) licensing meeting of Her Majesty's Justices of the Peace, acting in and for the Province of Canterbury, holden at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, in the year 18\_\_\_\_, pursuant to an Ordinance of the Superintendent and Provincial Council of the said Province, entitled the "Public House Ordinance, 1863," A. B. of \_\_\_\_\_, applied for a Refreshment License to sell Wine and Beer for the house situated at \_\_\_\_\_, in the said Province, and known (or to be known) as

Now we, the Justices assembled at such meeting, do hereby license the said A. B., upon payment by him to the Provincial Treasurer of the said Province of the sum of Ten Pounds, to sell wine, ale, or beer, in the house aforesaid, but the said A. B. shall not be allowed to keep any tap-room or bar in such house, or in the appurtenances thereunto belonging. This License to commence on the first day of July next, and continue in force until the Thirtieth day of June then next ensuing, both days inclusive.

Given under our hands at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_

(Signed)

Chairman.

## SCHEDULE E.

## FORM OF APPLICATION FOR A LICENSE.

*Province of Canterbury, New Zealand, to Wit.*

To the Worshipful the Resident Magistrate, acting in and for \_\_\_\_\_ in the Province aforesaid.

I, A. B. (state occupation), now residing at \_\_\_\_\_, in the Province aforesaid, do hereby apply for a (state License) for the house and appurtenances thereto belonging, situate at (describe house and present Occupier if any).

(Signed) \_\_\_\_\_ A. B.  
Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_

## SCHEDULE F.

## FORM OF CERTIFICATE.

*To be signed by a Justice of the Peace, or by the Chairman of the City or Municipal Council.*

The undersigned (Justice of the Peace or Chairman of Council) hereby certifies that the house A.B., has applied for an "Hotel License" is suitable for the purpose, and contains \_\_\_\_\_ rooms (here describe

X X X

the same) and that A.B. is a person of good character and a proper person to receive a License (here add special qualifications if any).

(Signed)

Witness my hand, at this day of 18

#### SCHEDULE H.

##### FORM OF HOUSEHOLDERS' CERTIFICATE.

*To be appended to Schedule F., signed by Ten Householdors.*

We the undersigned Householdors (residing within 200 yards in the limits of any town, or two miles in any rural district) do hereby certify that the above-named A.B. of , is a person of good character and a proper person to receive a License, and we further certify that the house or building for which such License is required is suitable for the purpose of such business.

Witness our hands, at this day of 18

#### SCHEDULE I.

##### FORM OF ENDORSEMENT ON LICENSE TO AUTHORIZE A TRANSFER THEREOF.

*To be signed by Three Justices of the Peace sitting in the nearest Resident Magistrate's Court,*

Be it remembered, that we the undersigned, being three of her Majesty's Justices of the Peace, in and for the Province of Canterbury, sitting in the Resident Magistrate's Court at , do hereby, upon the application of the within-named A.B., transfer the rights and privileges of the within License to C.D., for the remainder of the term therein mentioned; the said C.D. having first presented a Certificate in compliance with the provisions of the "Public House Ordinance, 1863."

Given under our hands, at , this day of  
in the year 18

#### SCHEDULE K.

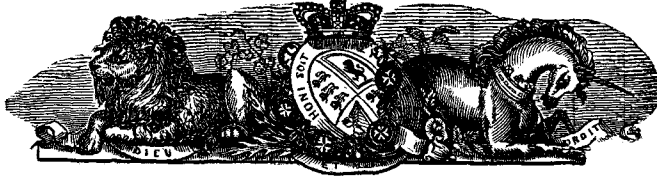
##### FORM OF ENDORSEMENT ON LICENSE TO AUTHORISE THE CARRYING ON OF THE BUSINESS OF A DECEASED LICENSEE.

*To be signed by Two Justices of the Peace sitting in the nearest Resident Magistrate's Court.*

Be it remembered, that we the undersigned, being Two of her Majesty's Justices of the Peace in and for the Province of Canterbury, sitting in the Resident Magistrate's Court at , do hereby authorise A.B. to exercise the rights and privileges of the within License until the same shall have been duly transferred by the Executors or Administrators.

Given under our hands, at , this day of  
in the year 18





PROVINCE OF CANTERBURY.

ANNO VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

SESSION XX., No. 9.

Ferrymead Railway and Wharf Tolls Ordinance, 1863.

Published by Authority.

ANALYSIS.

*Preamble.*

- |   |  |
|---|--|
| <ol style="list-style-type: none"> <li>1. <i>Superintendent to have power to work Railway.</i></li> <li>2. <i>Superintendent not to be liable further than a common Carrier.</i></li> <li>3. <i>Superintendent to regulate use of Railway.</i></li> </ol> | <ol style="list-style-type: none"> <li>4. <i>Power to make Regulations by By-laws.</i></li> <li>5. <i>Publication of such By-laws.</i></li> <li>6. <i>Such By-laws to be binding on all parties.</i></li> <li>7. <i>Power to Superintendent to lease Railway, &amp;c.</i></li> <li>8. <i>Title.</i></li> </ol> |
|---|--|

**W**HEREAS it is expedient to provide for the working of the Christchurch and Ferrymead railway, and of the wharf at Ferrymead, and to give power to the Superintendent to make By-laws for Regulating the management of the said railway and wharf: Be it therefore enacted by the Superintendent of the Province of Canterbury, by and with the advice and consent of the Provincial Council thereof:

1. It shall be lawful for the Superintendent, by his Officers, Agents and Servants, to employ engines, carriages, and waggons on the said railway, and to carry upon the said railway all such Passengers and goods as shall be offered for that purpose, and to levy tolls in respect of the traffic on the said railway, and in respect of the use of the railway wharf at Ferrymead, at rates not exceeding those set forth in the Schedules A and B respectively to this Ordinance.

2. Nothing in this Ordinance contained shall extend to charge or make liable the Superintendent, his Officers, or Agents, further or in any other case than where, according to the Laws of New Zealand, stage-coach Proprietors and common Carriers would be liable, nor shall

extend in any degree to deprive the Superintendent of any protection or privilege which common Carriers or stage-coach Proprietors may be entitled to, but, on the contrary, the Superintendent, his Officers and Agents, shall at all times be entitled to the benefits of every such protection and privilege.

Superintendent to regulate use of railway.

3. It shall be lawful for the Superintendent, with the advice of the Executive Council, from time to time to make Regulations for the following purposes, that is to say :—

For regulating the mode by which, and the speed at which carriages using the railway are to be moved or propelled.

For regulating the times and places of the arrival and departure of such carriages.

For regulating the loading or unloading of such carriages, and the weights which they are respectively to carry.

For regulating the receipt and delivery of goods and other things which are to be conveyed upon such carriages, or placed upon such wharf.

For preventing the smoking of tobacco, and the commission of any other nuisance, in or upon such carriages, or in any of the stations or premises connected with the said railway and wharf.

And generally for regulating the travelling upon, or using and working of the said railway and the using of the said wharf.

Power to make Regulations by By-laws.

4. For better enforcing the observance of all or any of such Regulations, it shall be lawful for the Superintendent, with the advice of the Executive Council, to make By-laws, and from time to time to repeal or alter such By-laws and make others : Provided that such By-laws be not repugnant to any Law in force in the Province of Canterbury ; and such By-laws shall be published in the Provincial *Government Gazette* and any person offending against any such By-law shall forfeit for every such offence any sum not exceeding Twenty Pounds, to be imposed by the Superintendent in such By-law as a penalty for any such offence; and if the infraction or non-observance of any such By-law or other such Regulation as aforesaid be attended with danger or annoyance to the public, or hindrance to the Superintendent, his Agents, or Lessees, in the lawful use of the said railway, it shall be lawful for the

Superintendent, his Agents, or Lessees, or their Servants, summarily to interfere to obviate and remove such danger, annoyance, or hindrance, and that without the prejudice to any penalty incurred by the infraction of any such By-law.

5. The substance of such last mentioned By-laws, after such <sup>Publication of such By-law.</sup> By-laws have been published in the Provincial *Government Gazette*, as hereinbefore provided, shall be painted on boards, or printed on paper and pasted on boards, and hung up and affixed and continued on the front or other conspicuous part of the said wharf, and of every station on the said railway, according to the nature or subject matter of such By-laws respectively, and so as to give public notice thereof to the parties interested therein or affected thereby; and such boards shall from time to time be renewed as often as the By-laws thereon, or any part thereof, shall be obliterated or destroyed, and no penalty imposed by any such By-law shall be recoverable unless the same shall have been published, and kept published in manner aforesaid.

6. Such By-laws, when so published and affixed, shall be binding <sup>Such By-laws to be binding on all parties.</sup> upon and be observed by all parties, and shall be sufficient to justify all persons acting under the same; and for proof of the publication of any such By-law, it shall be sufficient to prove that such By-laws were published in the Provincial *Government Gazette*, and that a printed paper or painted board containing a copy of such By-laws was affixed and continued in manner by this Ordinance directed, and in case of its being afterwards displaced or damaged, then that such paper or board was replaced as soon as conveniently might be.

7. It shall be lawful for the Superintendent, with the advice of the <sup>Power to Superintendent to lease railway, &c.</sup> Executive Council, to let the said railway and the rolling stock thereon, and the said wharf, and the tolls so to be levied as aforesaid, for any term not exceeding three years from the time such railway shall be opened for public traffic, upon such terms and conditions as he shall think fit; and during the maintenance of such Lease all the powers and privileges granted to, and which might otherwise be exercised and enjoyed by the Superintendent, his Officers, Agents, or Servants, by virtue of this Ordinance, except the making of By-laws, shall, subject to the terms of such Lease, be exercised and enjoyed by the Lessee, and the Officers and Servants of such Lessee; and such Lessee, his Officers, and Servants shall, in respect of the said railway and wharf, be subject to all the restrictions and obligations as are by this Ordinance imposed on the Superintendent, his Officers, Agents, and Servants.

Title.

8. This Ordinance shall be entitled and may be cited as the  
“ Ferrymead Railway and Wharf Tolls Ordinance, 1863.”

SAMUEL BEALEY,  
Superintendent.

Passed the Provincial Council on  
the Nineteenth day of August,  
in the year of our Lord one  
thousand eight hundred and  
sixty-three, and assented to by  
his Honor the Superintendent,  
on behalf of his Excellency  
the Governor, on the Fourth  
day of September, in the year  
of our Lord one thousand eight  
hundred and sixty-three.

CHARLES BOWEN,  
Speaker.

HENRY BACON\* QUIN,  
Clerk to the Council.

## SCHEDULE A.

- Goods, by dead weight or measurement, per ton, not exceeding *twelve shillings and sixpence*.  
 Ditto, in parcels less than one ton, by dead weight or measurement, per parcel, not exceeding *twelve shillings and sixpence*.  
 Passengers, each, *three shillings*.  
 Horses, each, *five shillings*.  
 Horned or neat cattle, *three shillings*.  
 Calves, *two shillings*.  
 Sheep, pigs, goats, *one shilling*.  
 Other animals on such terms and at such rates as the Superintendent and Executive Council shall from time to time determine.

## SCHEDULE B.

- |   |  |
|---|--|
| <p>Almonds, per package, <i>twopence</i>.<br/>         Ditto, per barrel, <i>threepence</i>.<br/>         Anchors, per cwt., <i>twopence</i>.<br/>         Arrowroot, per package, <i>twopence</i>.<br/>         Apparel, personal luggage, <i>fourpence</i>.<br/>         Bacon, per side, <i>one penny</i>.<br/>         Bags, per bale, <i>fourpence</i>.<br/>         Bags, per bundle, <i>twopence</i>.<br/>         Bark, per ton, <i>one shilling and sixpence</i>.<br/>         Barley, wheat, oats, maize, or seed, per bag, <i>one penny</i>.<br/>         Ditto, ditto, kits, <i>one-half-penny</i>.<br/>         Beef or pork, per hhd., <i>fivepence</i>.<br/>         Beef or pork, per tierce, <i>threepence</i>.<br/>         Beef or pork, per barrel, <i>twopence</i>.<br/>         Beer and cyder, per hhd., <i>fourpence</i>.<br/>         Beer and cyder, per barrel, <i>threepence</i>.<br/>         Beer and cyder, 3 dozs., <i>twopence</i>.<br/>         Beer and cyder, 4 dozs., <i>threepence</i>.<br/>         Biscuit, per barrel, <i>twopence</i>.<br/>         Biscuit, per bag, <i>twopence</i>.<br/>         Blankets, per bale, <i>ninepence</i>.<br/>         Blacking, per case, <i>threepence</i>.<br/>         Bran, per bag, <i>one penny</i>.<br/>         Bricks or slates, per 1000, <i>two shillings and sixpence</i>.<br/>         Butter, per cask, <i>twopence</i>.<br/>         Boots or shoes, per package, <i>sixpence</i>.<br/>         Books, per case, <i>sixpence</i>.<br/>         Cables, per cwt., <i>twopence</i>.<br/>         Calico, per bale, <i>ninepence</i>.<br/>         Candles, per box, <i>one penny</i>.</p> | <p>Cannons, each, <i>three shillings</i>.<br/>         Canvas, per bale, <i>sixpence</i>.<br/>         Canvas, bolt, <i>one-half-penny</i>.<br/>         Carts, each, <i>two shillings</i>.<br/>         Casks, empty, each, <i>twopence</i>.<br/>         Casks, water, each, <i>threepence</i>.<br/>         Castings, per cwt., <i>twopence</i>.<br/>         Carpets, per bale, <i>sixpence</i>.<br/>         Carpets, per case, <i>sixpence</i>.<br/>         Castor oil, per case, <i>twopence</i>.<br/>         Chairs, each, <i>one penny</i>.<br/>         Chairs, per case, <i>sixpence</i>.<br/>         Cement, barrel, <i>threepence</i>.<br/>         Cheese, per case, <i>fourpence</i>.<br/>         Cheese, loose, each, <i>onepenny</i>.<br/>         Cigars, per case, <i>sixpence</i>.<br/>         Coals, per ton, <i>one shilling</i>.<br/>         Coffee, per bag, <i>three-half-pence</i>.<br/>         Cordage, coil, <i>three-half-pence</i>.<br/>         Cork, per bag, <i>twopence</i>.<br/>         Curiosities, per package, <i>sixpence</i>.<br/>         Currants, per caroteel, <i>sixpence</i>.<br/>         Currants per barrel, <i>twopence</i>.<br/>         Drays, each, <i>two shillings and sixpence</i>.<br/>         Dates, per bag, <i>one penny</i>.<br/>         Drapery, per bale, <i>ninepence</i>.<br/>         Drapery, per case, <i>ninepence</i>.<br/>         Earthenware or glass, per crate, <i>one shilling</i>.<br/>         Earthenware or glass, per cask, <i>sixpence</i>.<br/>         Figs, per package, <i>twopence</i>.<br/>         Fish, per bundle, <i>twopence</i>.<br/>         Flax, per cwt., <i>one penny</i>.<br/>         Floor-cloth, per roll, <i>fourpence</i>.<br/>         Flour, per 200lbs., <i>one penny</i>.<br/>         Flour, per 100lbs., <i>one half-penny</i>.</p> |
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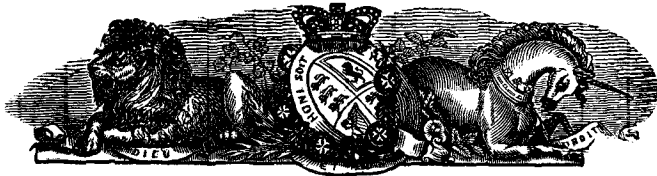
Furniture, per package, <i>sixpence.</i>	Pipes, <i>one penny to twopence.</i>
Fruit, per case, <i>twopence.</i>	Potatoes or vegetables, per ton, <i>one shilling.</i>
Ginger, per package, <i>twopence.</i>	Raisins, per cask, <i>threepence.</i>
Glass, window, per case, <i>twopence.</i>	Raisins, per case, <i>twopence.</i>
Grindstones, each, <i>one penny.</i>	Rice, per bag, <i>one penny.</i>
Gunpowder, per barrel, <i>threepence.</i>	Salt, per ton, <i>one shilling.</i>
Hams, per dozen, <i>sixpence.</i>	Salt, per bag, <i>one penny.</i>
Hardware, per cask or hhd., <i>sixpence.</i>	Sago, per package, <i>twopence.</i>
Hardware, per bag, keg, or bundle, <i>one penny.</i>	Shingles, per 1000, <i>threepence.</i>
Hats, per case, <i>ninepence.</i>	Shooks, per bundle, <i>one penny.</i>
Hay, per truss, <i>threepence.</i>	Starch, per box, <i>twopence.</i>
Hides, per dozen, <i>sixpence.</i>	Soap, per box, <i>one penny.</i>
Hops, per package, <i>sixpence.</i>	Skins, per dozen, <i>twopence.</i>
Iron, per ton, <i>one shilling and sixpence.</i>	Sugar, per hhd., <i>one shilling.</i>
Lard, per package, <i>twopence.</i>	Sugar, per bag, <i>one penny.</i>
Lead or shot, per cwt., <i>twopence.</i>	Tea, per chest, <i>twopence.</i>
Leather, per bale, <i>threepence.</i>	Tea, per half-chest, <i>one penny.</i>
Maize, per bushel, <i>one penny.</i>	Tea, per box, <i>one half-penny.</i>
Manufactures other than blankets or calico, package or case, <i>ninepence.</i>	Timber, per 100 feet, <i>twopence.</i>
Matting, per roll, <i>twopence.</i>	Tobacco, per tierce, <i>fourpence.</i>
Molasses, per cask, <i>fourpence.</i>	Tobacco, per keg or case, <i>twopence.</i>
Nuts, per bag, <i>twopence.</i>	Tobacco, per basket or roll, <i>one penny.</i>
Ditto, per barrel, <i>twopence.</i>	Truss or roll sundries, <i>twopence.</i>
Oatmeal, per bag or barrel, <i>twopence.</i>	Vinegar, per cask, <i>threepence.</i>
Oars, per dozen, <i>fourpence.</i>	Whalebone, per bundle, <i>twopence.</i>
Oil, per ton, <i>one shilling and sixpence.</i>	Wheelbarrows, each, <i>fourpence.</i>
Oilmen's stores, per case, <i>threepence.</i>	Wines or spirits, pipe or punch, <i>eightpence.</i>
Paints, per cask, <i>ninepence.</i>	Wines or spirits, per hhd., <i>fourpence.</i>
Paints, per keg, <i>one penny to twopence.</i>	Wines or spirits, per quarter-cask, <i>twopence.</i>
Paper, per bale or case, <i>fourpence.</i>	Wines or spirits, per case 4 gallons, <i>fourpence.</i>
Peas, per cask, <i>twopence.</i>	Wines or spirits, per case 2 gallons, <i>twopence.</i>
Pepper, per bag, <i>twopence.</i>	Wine, per 3 dozen, <i>threepence.</i>
Pitch or tar, per barrel, <i>twopence.</i>	Wool, per bale, <i>threepence.</i>
	Wool-lashing, per coil, <i>one penny.</i>

## UNENUMERATED GOODS.

Heavy, per ton, <i>two shillings and sixpence.</i>	Hogshead, <i>sixpence.</i>
Package, tun, or butt, <i>one shilling and threepence.</i>	Barrel, <i>threepence.</i>
Puncheon, <i>eightpence.</i>	Keg, <i>twopence.</i>
	Bundle or case, <i>fourpence.</i>
	Jar or can, <i>one penny.</i>

## LIVE STOCK.

Horned cattle, <i>one shilling.</i>	Sheep, <i>twopence.</i>
Horses, <i>one shilling and sixpence.</i>	Pigs, <i>twopence.</i>
Calves, <i>sixpence.</i>	Goats, <i>twopence.</i>



PROVINCE OF CANTERBURY.

ANNO VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

SESSION XX., No. 10.

Loan Ordinance Amendment Ordinance,  
1863.

Published by Authority.

ANALYSIS.

- |                                   |  |   |
|-----------------------------------|--|---|
| <i>Preamble.</i>                  |  | 3. Ordinance to be part of Canterbury Loan Ordinance. |
| 1. Repealing Clause.              |  | 4. Title.   |
| 2. Form of Coupon as in Schedule. |  |   |

**W**HEREAS the form of Coupon set forth in the Schedule to the Preamble.  
“Canterbury Loan Ordinance, 1862,” has been found to be inconvenient, and it is expedient that such form should be altered, and a new form adopted in lieu thereof: Be it therefore enacted by the Superintendent of the said Province of Canterbury, with the advice and consent of the Provincial Council thereof as follows:—

1. That part of the Schedule to the said recited Ordinance, setting Repealing Clause.  
forth the form of Coupon, is hereby repealed, except as to Coupons already issued under the said recited Ordinance.

2. The Coupons attached to the Debentures hereafter to be issued Form of Coupon as in Schedule.  
under the said Ordinance, shall be in the form or to the effect set out in the Schedule hereto, and shall be signed by the Keeper of Public Records.

3. This Ordinance shall be read and construed as part of the Ordinance to be part of Canterbury Loan Ordinance.  
“Canterbury Loan Ordinance, 1862.”

4. This Ordinance shall be entitled and may be cited as Title.  
“The Canterbury Loan Ordinance Amendment Ordinance, 1863.”

SAMUEL BEALEY,  
Superintendent.

Y Y Y

Passed the Provincial Council on  
the Nineteenth day of August,  
in the year of our Lord one  
thousand eight hundred and  
sixty-three, and reserved for  
the assent of his Excellency  
the Governor.

CHARLES BOWEN,  
Speaker.

HENRY BACON QUIN,  
Clerk to the Council.

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THE SCHEDULE ABOVE REFERRED TO.

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PROVINCE OF CANTERBURY, NEW ZEALAND.

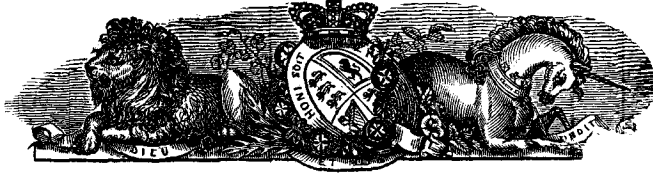
£500,000 LOAN.                      DEBENTURE £100 STERLING.

Three Pounds sterling will be paid to the Bearer of this Coupon at  
December) 18                      (on the Thirtieth day of June or Thirty-first day of  
being six months' interest on Debenture No.

Keeper of Public Records.

*This Ordinance was assented to by his Excellency the Governor.  
See notification in "New Zealand Government Gazette," No. 53, 12th  
October, 1863, page 452.*





PROVINCE OF CANTERBURY.

ANNO VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

SESSION XX., No. 11.

The Diversion of Roads Ordinance, 1863,  
No. 3.

Published by Authority.

ANALYSIS.

- |  |   |
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| <p><i>Preamble.</i></p> <p>1. Superintendent to lay out and construct road through private property.</p> | <p>2. Road to be closed and cease to be a public road.</p> <p>3. Title.</p> |
|--|---|

**W**HEREAS by an Ordinance of the Superintendent and Provincial Council of the Province of Canterbury, entitled "*Preamble.* The Diversion of Roads Ordinance, Session XI., No. 3," it is enacted that excepting as by Ordinance otherwise provided, no public road shall be closed up or diverted, and no new line of road shall be laid out or constructed, passing over any private lands, except under the authority of a special Ordinance of the said Superintendent and Provincial Council. And whereas it is expedient that certain public roads or parts thereof shall be closed up or diverted, and new lines of public roads or parts thereof be laid out or constructed, passing over private lands: Be it therefore enacted by the Superintendent of the said Province, with the advice and consent of the Provincial Council thereof as follows:

1. It shall be lawful for the Superintendent of the said Province to take all steps necessary for the laying out and construction of a road through private property according to the description and along the line set forth in the Schedule to this Ordinance and the Plan hereto annexed, and to enter upon, and cause to be entered upon all lands within the said Province for the purpose of making such surveys as may be necessary, and to take possession of all the lands required for the use of the said road along the line so set forth and described.

*Superintendent to lay out and construct road through private property.*

2. The public road described in the Schedule to this Ordinance and the Plan hereto annexed shall be closed up and shall henceforth cease to be a public road. Road to be closed and cease to be a public road.

3. This Ordinance shall be entitled and may be cited as "The Title. Diversion of Roads Special Ordinance, 1863."

SAMUEL BEALEY,  
Superintendent.

Passed the Provincial Council on the Twentieth day of August, in the year of our Lord one thousand eight hundred and sixty-three, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Fourth day of September, in the year of our Lord one thousand eight hundred and sixty-three.

CHARLES BOWEN,  
Speaker.

HENRY BACON QUIN,  
Clerk to the Council.

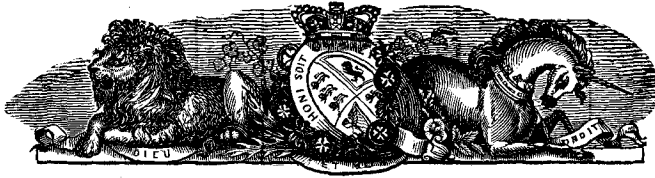
#### SCHEDULE.

##### ROAD CLOSED UP.

LOCALITY.	QUANTITY.	
Latter's Spur, Heathcote District	A. R. P. 7 2 0	

##### ROAD TO BE TAKEN.

LOCALITY.	QUANTITY.	OWNER.
Latter's Spur, Heathcote District	A. R. P. 2 3 0	J. C. Wilson, C.B.



PROVINCE OF CANTERBURY.

ANNO VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

SESSION XX., No. 12.

The Cattle Driving Ordinance, 1863.

Published by Authority.

ANALYSIS.

- |  |   |   |
|--|---|---|
| <p><i>Preamble.</i></p> <p>1. <i>Repealing Clause.</i></p> <p>2. <i>Notice to be given by person driving cattle under penalty.</i></p> <p>3. <i>Herd of cattle may be inspected.</i></p> <p>4. <i>Penalty for removing cattle from off cattle run without consent of person in charge of such run.</i></p> | } | <p>5. <i>Penalties : how to be recovered. Maximum penalty.</i></p> <p>6. <i>Notice to be given that any cattle run may come under the provisions of this Ordinance.</i></p> <p>7. <i>Interpretation of words "cattle" and "cattle run."</i></p> <p>8. <i>Title.</i></p> |
|--|---|---|

WHEREAS it is expedient to make provisions for regulating the Preamble. Driving of Cattle within the Province of Canterbury : Be it therefore enacted by the Superintendent of the said Province, with the advice and consent of the Provincial Council thereof as follows :—

1. That the "Cattle Driving Ordinance, 1862," be repealed. Repealing Clause.

2. That on and after the First day of September, one thousand eight hundred and sixty-three, any person driving a herd of cattle in the said Province shall, at least six hours before entering upon any cattle run for the purpose of driving cattle on or over the same, give notice, in writing, to the Occupier of such run, intimating his intention of driving cattle on or over the same by leaving the said notice with some adult inmate of the principal house or station thereon, or if no such inmate can be found at such house or station, by leaving the said notice affixed on some conspicuous part of such house or station : Provided always, that the service of such notice shall be renewed, unless the herd of cattle shall enter on such run within twenty-four hours after the expiration of the time given in such notice : Provided also, that any Notice to be given by person driving cattle under penalty.

person contravening this Section shall, on conviction thereof, be liable to a penalty not exceeding Forty Shillings per head of cattle driven without due notice given.

Herd of cattle may be inspected.

3. Any Occupier of a cattle run, or person in charge thereof, may inspect or cause to be inspected any herd of cattle which shall be on the said run, or upon any run adjoining thereto, or upon any highway passing through or bounding the same; and any person preventing or assisting in preventing such inspection shall, on conviction thereof, be liable in a penalty not exceeding Twenty Pounds.

Penalty for removing cattle from off cattle run without consent of person in charge of such run.

4. Any person who shall drive or assist in driving any cattle from off any cattle run, without the previous consent, in writing, of the Owner or person in charge of such cattle run, shall, on conviction thereof, be liable in a penalty not exceeding Forty Shillings per head of cattle so driven.

Penalties: how to be recovered. Maximum penalty.

5. All penalties imposed and fees payable under this Ordinance are to be recovered in a summary way: Provided always, that no penalty to be imposed under this Ordinance shall exceed the sum of One Hundred Pounds.

Notice to be given that any cattle run may come under the provisions of this Ordinance.

6. Every person being an Occupier or an Owner of a cattle run under this Ordinance, shall, on or before the First day of March in each year, serve a notice on the Provincial Secretary of the said Province, intimating his desire that such run shall be under the provisions of this Ordinance; and such notice shall, on or before the First day of May in such year, be published once in the Provincial *Government Gazette*, and four consecutive weeks in any Newspaper published in the Province: Provided always, that on the service of such notice as aforesaid, the person serving such notice shall pay to the said Provincial Secretary the sum of Twenty Shillings, to be paid by him to the Provincial Treasurer, to be carried to the ordinary revenue of the Province.

Interpretation of the words "cattle" and "cattle run."

7. In the interpretation of this Ordinance, the word "cattle" shall be taken to mean horned or neat cattle; the words "herd of cattle," any number of cattle exceeding ten, driven in one lot; the words "cattle run," any waste lands of the Crown held under a pasturage License in force in the Province, which have been brought under the provisions of this Ordinance.

Title.

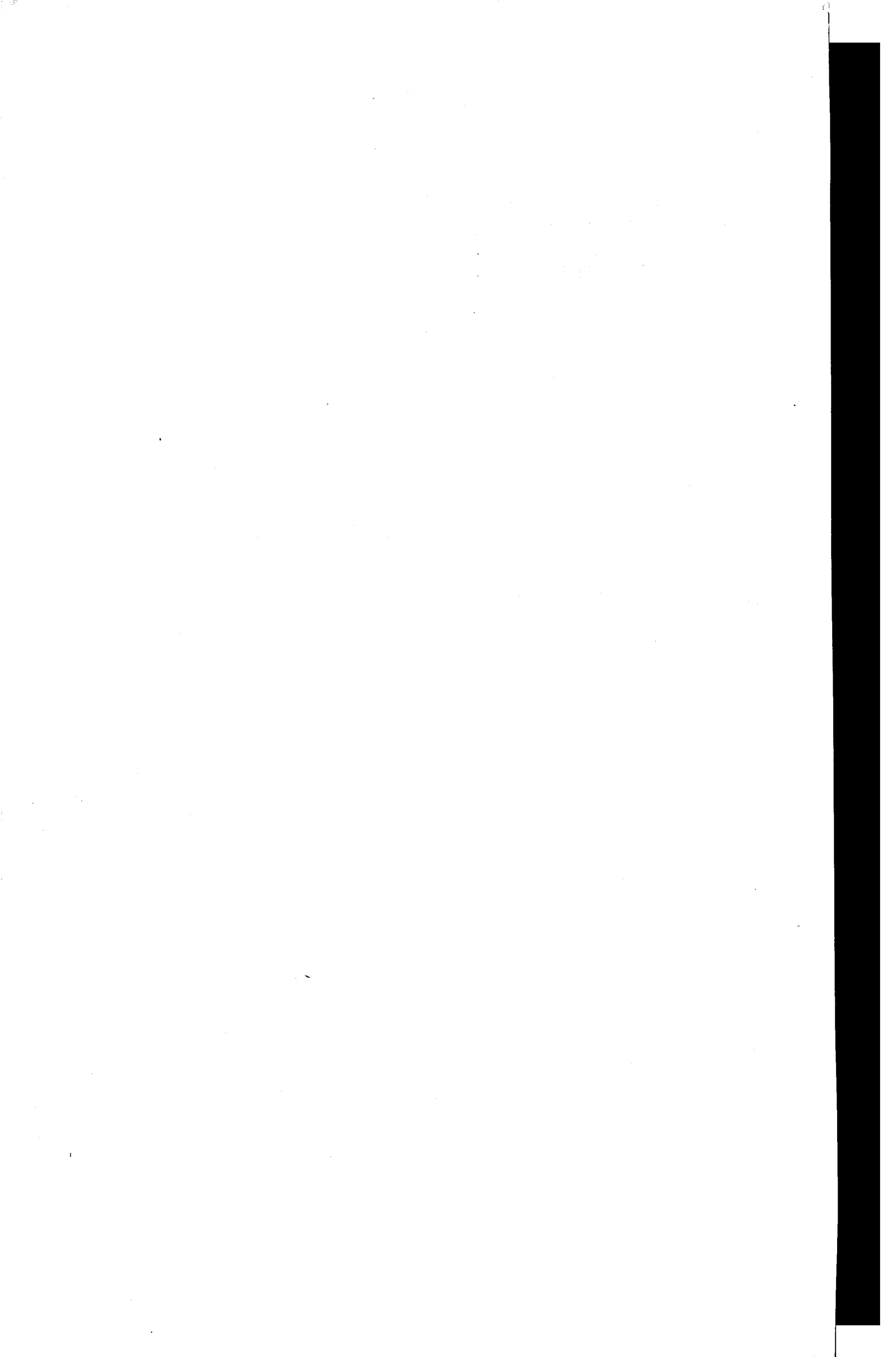
8. This Ordinance shall be entitled and may be cited as "The Cattle Driving Ordinance, 1863."

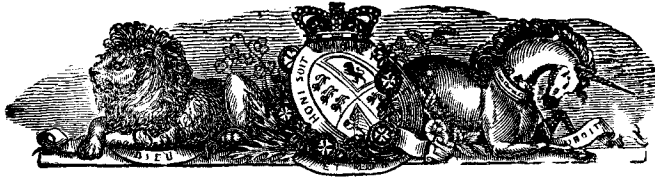
SAMUEL BEALEY,  
Superintendent.

Passed the Provincial Council on the First day of September, in the year of our Lord one thousand eight hundred and sixty-three, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Fourth day of September, in the year of our Lord one thousand eight hundred and sixty-three.

CHARLES BOWEN,  
Speaker.

HENRY BACON QUIN,  
Clerk to the Council.





PROVINCE OF CANTERBURY.

ANNO VICESIMO SEPTIMO.

VICTORIÆ REGINÆ.

SESSION XX., No. 13.

Stage Carriages Ordinance.

Published by Authority.

ANALYSIS.

- |  |   |
|--|---|
| <p><i>Preamble.</i></p> <ol style="list-style-type: none"> <li>1. <i>Penalty for keeping a stage carriage without a License.</i></li> <li>2. <i>Chief Officer of Police to grant Licenses.</i></li> <li>3. <i>Officer to forward Licenses to Treasurer.</i></li> <li>4. <i>Requisition for License to be signed by Applicant.</i></li> <li>5. <i>Particulars to be specified in Licenses.</i></li> <li>6. <i>Carriage to be exhibited to Officer.</i></li> <li>7. <i>Licenses to be renewed annually.</i></li> <li>8. <i>Penalty for carrying a greater number of Passengers than authorized by License.</i></li> <li>9. <i>Driver and Children in lap not to be counted as Passengers.</i></li> </ol> | <ol style="list-style-type: none"> <li>10. <i>Particulars to be painted on stage carriage.</i></li> <li>11. <i>Luggage on the top of any stage carriage not to exceed weight specified.</i></li> <li>12. <i>Penalties on Driver or Guard for misconduct.</i></li> <li>13. <i>Penalty on Driver or Guard endangering Passengers or property through negligence.</i></li> <li>14. <i>Penalty for ill-treatment of horses.</i></li> <li>15. <i>Summons left with Book-keeper to be good service.</i></li> <li>16. <i>Fines recoverable in a summary way.</i></li> <li>17. <i>Interpretation.</i></li> <li>18. <i>Title.</i></li> </ol> |
|--|---|

WHEREAS it is expedient that Stage Carriages in the Province of Canterbury should be subject to proper Regulations: Be it therefore enacted by the Superintendent of the Province of Canterbury, with the advice and consent of the Provincial Council thereof:

1. If any person shall keep, use, or employ, or shall be concerned as Proprietor or part Proprietor in the keeping, using, or employing of any stage carriage, without having a License in force so to do, granted under the authority of this Ordinance, every person so offending, shall be liable to a penalty not exceeding Twenty Pounds.

2. It shall be lawful for the Chief Officer of Police, for any district on or through which any stage carriage may be intended to pass, to

Z Z Z

grant a License, under his hand, in the form set forth in the Schedule to this Ordinance annexed, to any person who shall apply for such License in manner hereinafter mentioned.

Officer to forward Licenses to Treasurer.

3. The Officer by whom such Licenses shall be granted, shall forthwith transmit every such License to the Provincial Treasurer, or to the Sub-Treasurer whose office shall be nearest to the place at which such License was granted, and shall also forthwith notify to the person to whom such License shall have been granted, that such License is ready to be issued, and such Treasurer or Sub-Treasurer shall issue the License to the Licensee upon his application for the same, and upon payment of the sum of Five Pounds.

Requisition for License to be signed Applicant.

4. Before any License shall be granted or renewed under the provisions of this Ordinance for or in respect of any stage carriage, or Requisition for such License shall be made and signed by the Proprietor or one of the Proprietors of the stage carriage in respect of which such License shall be applied for, and in every such Requisition there shall be truly specified and set forth the Christian name and surname and place of abode of the person applying for such License, and of every person who shall be a Proprietor or part Proprietor of such carriage, or who shall be concerned, either solely or in partnership, with any other person in the keeping, using, or employing of such carriage; and in case any person shall neglect or omit to specify truly in such Requisition as aforesaid the name of any person who shall be concerned as aforesaid in the keeping, using, or employing of such carriage, every person so offending shall be liable to a penalty not exceeding Ten Pounds.

Particulars to be specified in Licenses.

5. In every License to be granted or renewed under this Ordinance, there shall be specified the following particulars, that is to say:—the Christian and surname and place of abode of every person who shall be a Proprietor or part Proprietor of the stage carriage in respect of which such License shall be granted, or who shall be concerned, either solely or in partnership, with any other person in the keeping, using, or employing of such carriage, the names of the extreme places from and to which such carriage shall be authorised by such License to go or pass, and the greatest number of Passengers to be conveyed by such carriage as shall have been determined by the Officer as aforesaid, distinguishing (when the same is intended to convey both inside and outside Passengers) the number to be carried on or about the outside from the number to be carried in the inside of such carriage.

Carriage to be exhibited to Officer.

6. Before any such License shall be granted, the stage carriage in respect of which such License is applied for shall be exhibited to the Officer to whom application shall be made for such License; and it shall



be lawful for such Officer, upon an examination of such stage carriage, to determine the number of Passengers which may be safely and conveniently carried by such stage carriage, both in the inside and on the outside thereof.

7. Every License granted under the authority of this Ordinance shall be and continue in force from the time that the fee upon such License was paid, to the Thirtieth day of June next ensuing, the time such License was granted ; and every such License shall be renewed from year to year ; and whenever any change in the Owners or Proprietors of any stage carriage shall take place, the said change of Ownership shall be notified to the Chief Officer of Police.

Licenses to be renewed annually.

8. If the number of Passengers at any one time conveyed in, upon, or about any licensed stage carriage shall be greater in the whole than the number of Passengers which the License granted in respect of such carriage shall authorize or allow to be conveyed thereby, or if the number of Passengers at any one time conveyed in the inside of such stage carriage, or upon or about the outside thereof, shall be greater respectively than the greatest number of inside or outside Passengers respectively specified in or upon such License and allowed thereby, the person to whom such License shall have been granted shall be liable to a penalty of not more than Five Pounds for every Passenger so conveyed above the number allowed by such License to be conveyed in the whole or in the inside, or on or about the outside of such carriage respectively, and the Driver of such stage carriage, at the time when such offence shall be committed, shall also be liable to a penalty not exceeding Five Pounds.

Penalty for carrying a greater number of Passengers than authorised by License.

9. The several numbers of outside Passengers by this Ordinance allowed to be carried by any such stage carriage as aforesaid shall be reckoned exclusive of the Driver, but including the Conductor or Guard, if there shall be a Conductor or Guard of such stage carriage ; and that no Child or Children in the lap shall be counted as a Passenger or Passengers, and that no Child not in the lap but under seven years of age shall be counted, unless there shall be more than one such Child, and if there shall be more than one such Child not in the lap, but under seven years of age, then two of such children shall be accounted equal to one adult person and considered as one Passenger, and so on in the same proportion.

Driver and Children in lap not to be counted as Passengers.

10. No stage carriage shall be used or employed in the Province of Canterbury unless there shall be truly painted in words at length, and in legible and conspicuous letters, one inch at least in height, and of a proper and proportionate breadth, and in colour different from and

Particulars to be painted on stage carriage.

opposite to the colour of the ground on which such letters shall be painted, upon some conspicuous part of each side of such carriage, and clear of the wheels thereof, so that the same shall be at all times plainly and distinctly visible and legible, the christian name and surname of the Proprietor or of one of the Proprietors of such carriage, and also the names of the extreme places from which and to which such carriage shall be licensed to travel or go; and there shall also be painted in manner aforesaid upon some conspicuous place on the back of such stage carriage, and so that the same shall be at all times plainly and distinctly visible and legible, the greatest number of Passengers allowed to be carried in or by such carriage, and also, when such carriage shall be licensed to carry both inside and outside Passengers, the greatest number of Passengers allowed to be taken in the inside and on the outside thereof respectively; and if any person shall use or employ any stage carriage upon which all such particulars as aforesaid shall not be truly painted in such legible and conspicuous letters, and in manner aforesaid, or in case such particulars or any of them shall be partially obliterated or defaced from or upon such carriage, then, if such person shall neglect to paint or cause to be painted again in manner aforesaid every particular so obliterated or defaced, such person, so offending in any of the cases aforesaid, shall be liable to a penalty not exceeding Five Pounds.

Luggage on the top of any stage carriage not to exceed weight specified.

11. No luggage which shall be carried on the top or roof of any stage carriage drawn by four or more horses shall in any case exceed ten feet and nine inches in height from the ground, nor shall any luggage which shall be carried on the top or roof of any stage carriage drawn by two or three horses only in any case exceed ten feet and three inches in height from the ground, measuring to the highest point of any part of such luggage when placed upon the top or roof of any such carriages respectively; and if any such luggage shall, in either of the cases aforesaid, exceed the height by this Ordinance in that behalf limited, the Driver of such carriage, at the time when such offence shall be committed, shall be liable to a penalty not exceeding Five Pounds.

Penalties on Driver and Guard for misconduct.

12. If the Driver of any stage carriage drawn by three or more horses shall, at any place where such carriage shall stop, quit the box of such carriage, or the horses drawing the same, without delivering the reins into the hands of some fit and proper person, or before some fit and proper person shall be placed and stand at the heads of the horses and shall have the command thereof, or if any person so placed and standing at the heads of the horses shall leave such horses before some other proper person shall be placed and stand in like manner and have the command of such horses, or before the Driver of such stage carriage shall have returned and seated himself upon the box and taken the reins, or if the Driver of any stage carriage shall permit any Passenger or any

person other than himself to drive the horses drawing such carriage, or if the Driver of any stage carriage shall quit the box of such carriage without reasonable occasion, or for a longer time than such occasion shall absolutely require; and if the Driver or Conductor or Guard of any stage carriage shall neglect to take due care of any luggage whatsoever, carried or to be carried by such carriage, or if any such Driver or Conductor or Guard shall demand or receive for the fare of any Passenger more than the sum which such Passenger shall be liable to pay, or more than the money properly chargeable for the carriage of any luggage, or if any such Driver or Conductor or Guard shall, when thereto required, neglect or refuse faithfully to account to his Employer for all moneys received by him in respect of any Passenger or any luggage which shall be carried by such carriage, or if any such Driver or Conductor or Guard shall assault or use abusive or insulting language to any person travelling, or about to travel, or having travelled as a Passenger with or by such carriage, or to any person accompanying or attending upon such Passenger in coming to or going from any such carriage, every such Offender in any of the several cases aforesaid, shall be liable to a penalty not exceeding Five Pounds, or imprisonment for a period not exceeding fourteen days.

13. If the Driver or Conductor or Guard of any stage carriage, or any other person having the care thereof, or employed in or upon or about such carriage, shall, through intoxication or negligence, by wanton or furious driving, or by or through any other misconduct, endanger the safety of any Passenger or other person, or shall injure and endanger the property of the Owner or Proprietor of such stage carriage, or of any other person, or shall permit any person or persons in a state of intoxication to travel by such carriage to the annoyance of any Passenger or Passengers therein or thereon, every such person, so offending, shall be liable to a penalty not exceeding Five Pounds, or imprisonment for a period not exceeding fourteen days.

Penalty on Driver or Guard endangering Passengers or property through negligence.

14. Every Driver, Conductor, or other person who shall use any horse for the drawing of stage carriages licensed under this Ordinance when such horse shall, from sores or other injuries, be unfit for work, or shall in any way subject any horse to unnecessary pain or suffering, shall, for every such offence, be liable to a penalty not exceeding Five Pounds, or, in default, to be imprisoned, with hard labour, for any term not exceeding fourteen days.

Penalty for ill-treatment of horses.

15. Any Summons, issued by any Justice of the Peace, commanding any Driver, Conductor, Guard, Owner, or Proprietor of any stage carriage to appear before him for any offence committed against the provisions of this Ordinance, shall be deemed to be well and sufficiently

Summons left with Book-keeper to be good service.

served in case either the original or a copy of such Summons be left with the known or acting Book-keeper for such carriage in any town or place into or through which such carriage shall be driven.

Fines recoverable in a summary way.

16. All fines and penalties under this Ordinance shall be recoverable in a summary way.

Interpretation.

17. Every coach or other carriage or vehicle used, employed, or let out for the purpose of conveying Passengers for hire within the Province of Canterbury, and which, when travelling along any highway or other road shall travel at the rate of four miles or more in the hour, shall be deemed and taken to be a stage carriage within the meaning of this Ordinance: Provided that each Passenger to be carried by any such carriage or vehicle shall be charged or shall pay a separate and distinct fare for his or her place or seat therein or conveyance thereby.

Title.

18. This Ordinance shall be entituled and may be cited as "The Stage Carriages Ordinance, 1863."

SAMUEL BEALEY,  
Superintendent.

Passed the Provincial Council on  
the Eighth day of September,  
in the year of our Lord one  
thousand eight hundred and  
sixty-three, and assented to by  
his Honor the Superintendent,  
on behalf of his Excellency the  
Governor, on the Sixteenth  
day of September, in the year  
of our Lord one thousand  
eight hundred and sixty-three.

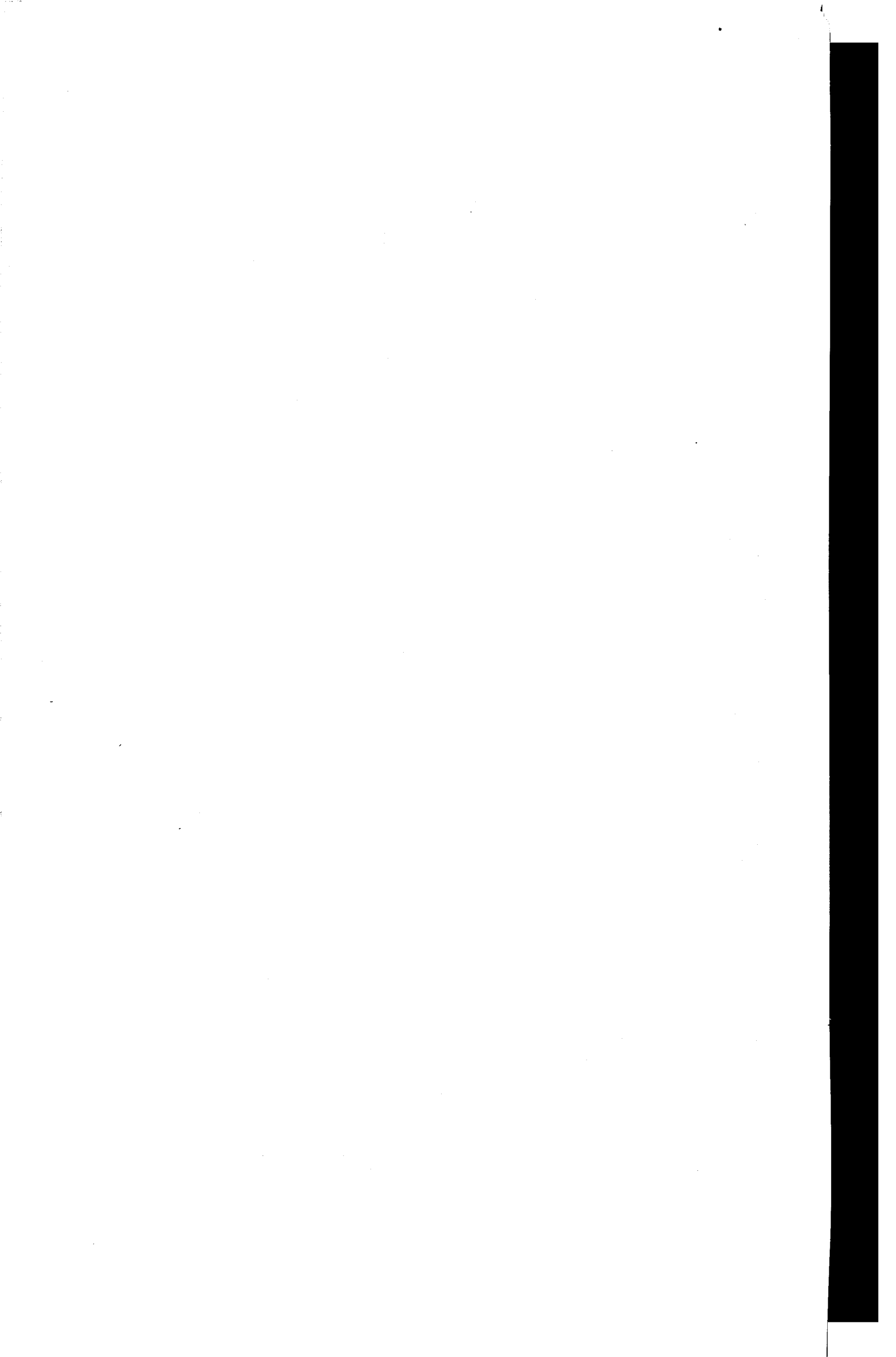
CHARLES BOWEN,  
Speaker.

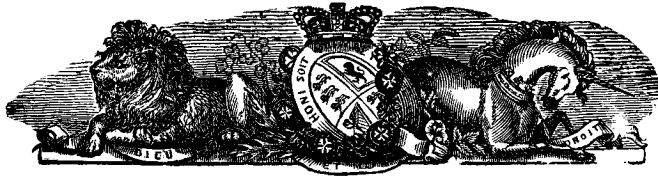
HENRY BACON QUIN,  
Clerk to the Council.

## SCHEDULE.

WHEREAS A. B. or A. B. and C. D. (naming the Proprietor or Proprietors) of a certain stage carriage, being (here insert in general terms the description of carriage and the number of wheels), having applied to me, E. F., Chief Officer of Police for the district of \_\_\_\_\_ to grant to him (or them as the case may be), a License to authorise him (or them) to keep use, and employ the said stage carriage between \_\_\_\_\_ and (naming the extreme places): And Whereas I, the said Chief Officer, having had this day exhibited to me the said stage carriage, and having examined the same and being satisfied that the said carriage is calculated safely and conveniently to carry the number of Passengers hereinafter mentioned, do hereby authorise and license the said A. B. (or A. B. and C. D., to carry and convey between \_\_\_\_\_ aforesaid and \_\_\_\_\_ aforesaid the number of \_\_\_\_\_ Passengers in and by the said stage carriage, that is to say, the number of \_\_\_\_\_ Passengers in the inside, and \_\_\_\_\_ Passengers on the outside thereof, subject to the several Regulations and Provisions of "The Stage Carriages Ordinance, 1863." This License to cease and determine on the Thirtieth day of June, 18 .

Given under my hand, this \_\_\_\_\_ day of \_\_\_\_\_ 18 .





PROVINCE OF CANTERBURY.

ANNO VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

SESSION XX., No. 14.

The Christchurch City Council Ordinance,  
1863.

Published by Authority.

ANALYSIS.

*Preamble.*

1. *Validity of Ratepayers' List.*

2. *Notice of completion of the Ratepayers' Roll to be advertised.*

3. *How objections are to be heard.*

4. *Ratepayers' Roll to be conclusive.*

5. *Title.*

**W**HEREAS a Ratepayers' List was some time since prepared under Preamble. the provisions of the Twenty-fourth Section of "The Christchurch City Council Ordinance, 1862:" And Whereas the Council gave public notice, by advertisement, in one or more Newspapers published within the Province and circulating within the city, of the completion of such List, and of the time and place at which objections thereto would be heard and determined, but the said List or a true copy thereof was not kept from the time of such notice up to the time appointed for such hearing in the custody of the Clerk of the Council; And Whereas, by reason thereof, doubts have been entertained whether any rate made according to the said List would be valid: And Whereas it is expedient to make further provisions for the revision of the said List: Be it enacted by the Superintendent of the Province of Canterbury, by and with the advice and consent of the Provincial Council thereof as follows:

1. Subject as hereinafter mentioned, the List so prepared as aforesaid shall be deemed to be valid and effectual to all intents and purposes whatsoever. Validity of Ratepayers' List.

2. Immediately after the passing of this Ordinance, the Council shall give public notice, by advertisement in one or more Newspapers published within the Province and circulating within the city, of the completion of such List, and of a time and place at which objections Notice of completion of the Ratepayers' Roll to be advertised.

A A A A

thereto will be heard and determined as hereinafter provided. A true copy of such List shall be kept in the custody of the Clerk of the Council, and shall be open to the inspection of all persons interested therein at all reasonable hours from the date of such notice aforesaid until the day appointed for hearing the objections thereto.

How objections are to be heard.

3. After the publication of such notice as last aforesaid, all notices of objection to the said List and objections thereto shall be made, heard, and determined respectively, and corrections therein shall be made in manner provided by Sections 26, 27, and 28 of the said Ordinance.

Ratepayers' Roll to be conclusive.

4. After the revision of the said List as aforesaid, the same shall be called the "Ratepayers' Roll," and shall be binding and conclusive upon all persons whom it may concern.

Title.

5. This Ordinance shall be entitled "The Christchurch City Council Ordinance, 1863."

SAMUEL BEALEY,

Superintendent.

Passed the Provincial Council on the Tenth day of September, in the year of our Lord One thousand eight hundred and sixty-three, and reserved for the assent of his Excellency the Governor.

CHARLES BOWEN,

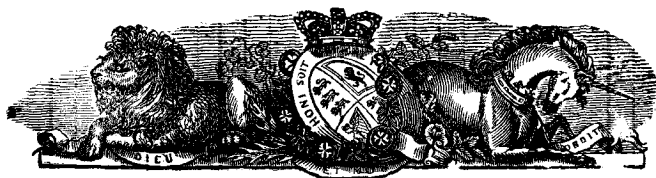
Speaker.

HENRY BACON QUIN,

Clerk to the Council.

*This Ordinance was assented to by his Excellency the Governor. See notification in "New Zealand Government Gazette," No. 66, 23rd December, 1863, page 555.*





PROVINCE OF CANTERBURY.

ANNO VICESIMO SEPTIMO.

VICTORIÆ REGINÆ.

SESSION XX., No. 15.

Fencing Ordinance, 1863.

Published by Authority.

ANALYSIS.

- |  |   |
|--|---|
| <i>Preamble.</i>   | 13. <i>In case of default to maintain fence mode of procedure.</i>                            |
| 1. <i>Repealing Clause.</i>  | 14. <i>Fence apportioned to be maintained by Owner.</i>                                       |
| 2. <i>Interpretation Clause.</i>   | 15. <i>Person making, on behalf of person liable, entitled to recover.</i>                    |
| 3. <i>Occupier of land desirous of making fence to give notice.</i>                  | 16. <i>In default of Occupier contributing to or repairing fence, amount how recoverable.</i> |
| 4. <i>If Parties cannot agree, matter to be settled by two Justices.</i>             | 17. <i>Sufficiency of fence to be settled by Justices.</i>                                    |
| 5. <i>Each Occupier to pay half the expenses.</i>                                    | 18. <i>Procedure when notice cannot be delivered.</i>   |
| 6. <i>Fence shall then be made.</i>  | 19. <i>Person giving notice may proceed ex parte.</i>   |
| 7. <i>If default made by one Party the other Party may make fence.</i>               | 20. <i>Cases of land held under License abutting on land granted.</i>                         |
| 8. <i>Occupier may recover from Owner. In certain cases Occupier not to recover.</i> | 21. <i>Act not to affect Agreements.</i>  |
| 9. <i>Repairs of fences. Previous provisions applicable to repairs.</i>              | 22. <i>Money recoverable in Court of Resident Magistrate.</i>                                 |
| 10. <i>Present value of fence apportioned may be recovered.</i>                      | 23. <i>Ordinance to come into operation.</i>  |
| 11. <i>Land may be entered upon for purpose of making or repairing fence.</i>        | 24. <i>Title.</i>   |
| 12. <i>Occupier may give notice to adjoining Occupier to trim live fence.</i>        |   |

WHEREAS an Ordinance was made by the Lieutenant-Governor of <sup>Preamble.</sup> New Zealand, with the advice and consent of the Legislative Council thereof, entitled "An Ordinance to encourage the Fencing of Land, Session VIII., No. 8," and it is expedient that certain parts of the same be repealed, and that better provision be made for regulating the contributions of Owners or Occupiers of land to the making and maintaining party or dividing fences: Be it enacted by the Superintendent of the Province of Canterbury, with the consent and advice of the Provincial Council thereof as follows:—

Repealing Clause.

1. The second, third, fourth, and fifth Sections of the said recited Ordinance are hereby repealed within the Province of Canterbury.

Interpretation.

2. The word "fence," in this Ordinance, shall be construed and mean a fence between land in the occupation of a person and the land adjoining; the word "land," shall be construed and mean any land in the Province of Canterbury not being waste lands of the Crown.

Occupiers of land desirous of making fence to give notice.

3. Any Occupier of land who may be desirous to make a fence, shall deliver a notice, in writing, to the Occupier, or if there be no Occupier, to the Owner of the land intended to be separated by such fence, containing the particulars set forth in the Schedule hereto annexed.

If parties cannot agree, matter to be settled by two Justices.

4. If, within forty-four days after the delivery of such notice, the Giver and Receiver thereof do not make or contract in writing as to the nature of the fence to be made and the cost thereof and the mode and time of making the same, or if either of such parties desire that such fence shall be apportioned and do not make a contract, in writing, as to the apportionment thereof, and as to the nature of the fence to be made and the mode and time of making the same and as to all questions relating thereto, such matters, or such of them as may be in difference, shall be settled by two or more Justices of the Peace, on evidence taken.

Each Occupier to pay half the expenses.

5. The Justices shall found their decision on the principle that each such Occupier shall bear one-half of the expense of making the fence.

Fence shall then be made.

6. When such matters shall have been settled, either by agreement between the parties or by two or more Justices as aforesaid, the fence or apportioned parts thereof respectively (as the case may be) shall be made by the persons at the cost and in the manner so agreed upon or decided.

If default made by one party, the other party may make fence.

7. In case of default for twenty-eight days by either party duly to perform his part of such contract, or to obey the part of the decision which should be obeyed by him, the other party may perform such neglected duty, or, in case of non-payment of money, may recover the same or the cost of performing such neglected duty with the addition of one-tenth, in the manner hereinafter provided.

Occupier may recover from Owner. In certain cases Occupier not to recover.

8. Any Occupier shall be entitled, at the expiration of the time for which he shall hold the land fenced under this Ordinance, to recover from the Owner thereof the then value of any fence made under this Ordinance, such value, in case of disagreement, to be settled by two or more Justices: Provided, that where the occupancy is for a term of which less than two years shall be unexpired at the time of the making of the fence, it shall not be lawful for the Occupier of any land to recover from

the Owner thereof the value of any such fence unless he shall, previously to the making thereof, have received notice from an adjoining Occupier to make such fence, or unless he shall have obtained the consent, in writing, of the Owner of such land to the making thereof.

9. The provisions hereinbefore contained with reference to the making of fences shall apply to the maintaining and repairing of fences already made, *mutatis mutandis*, subject as hereinafter mentioned.

Repairs of fences.  
Previous provisions  
applicable to repairs.

10. If any fence existing at the time this Ordinance shall come into operation shall be apportioned under the power herein contained for the purpose of maintenance or repair, the Owner of any land bounded thereby, being the person by whom any such fence was erected or deriving title under such person, shall be entitled to recover from the owner of the adjoining land bounded thereby the value, at the time of recovery, of that part of the fence appertaining to such adjoining land.

Present value of fence  
apportioned may be  
recovered.

11. For the purpose of making or repairing any fence, or for trimming any live fence, it shall be lawful for the Occupier or Owner of any land, or any person duly authorized by him, to enter upon that of such Occupier or Owner, and no action shall accrue therefrom.

Land may be entered  
upon for purpose of  
making or repairing  
fence.

12. The Occupier of land abutting on any live fence, may, at any time, give notice, in writing, to the Occupier of the adjoining land abutting on such fence, requiring him to cut and trim that side of the fence abutting on such adjoining land, and in the event of such Occupier failing to comply with such notice within ten days from the date thereof, or to show good and sufficient reason why the said fence should not be so cut and trimmed, it shall be lawful for the person giving such notice to cause the same to be done, and the amount of the cost of such trimming and cutting, with all costs, shall be recoverable as hereinafter provided.

Occupier may give  
notice to adjoining  
Occupier to trim live  
fence.

13. In case of default by the Occupier of any land to well and sufficiently repair the part of any fence which shall have been apportioned to such land under the provisions of this Ordinance, the Owner or Occupier of the land abutting thereon may, by notice in writing, delivered to the person making such default, require him, within seven days, to repair the said fence, and on the expiration of the said seven days, if the fence shall not previously have been well and sufficiently repaired, it shall be lawful for the person delivering the notice aforesaid to repair such fence on behalf of the person making such default.

In case of default to  
maintain fence, mode  
of procedure.

14. Whenever a fence shall have been apportioned under this Ordinance, the Occupiers or Owners of the land on each side of such

Fence apportioned to  
be maintained by  
Owner.

fence shall, at all times thereafter, maintain and keep in repair the portions apportioned to them or their Predecessors in the holding.

Person making, on behalf of person liable, entitled to recover.

15. Any person who, under the provisions of this Ordinance, shall become entitled to make or repair, and shall have well and sufficiently made or repaired any fence on behalf of an adjoining Occupier or Owner, shall be entitled to recover from such Occupier or Owner, or his Heirs or Assigns, the value thereof, with an addition of one-tenth.

In default of Occupier contributing to or repairing fence, amount how recoverable.

16. If any Occupier shall fail to contribute, as herein provided, towards the making or repairing of any fence, the amount of contribution shall be recoverable from any subsequent Occupier; but if there shall, within three months, be no subsequent Occupier, then from the Owner of the said land. And in this last case the amount of such contribution shall be considered as a liability, under an Act of the General Assembly of New Zealand, entitled "The Sale, for Non-payment of Rates Act, 1862;" and such land shall be liable to be sold under the said Act, and the person or persons who shall be entitled to recover such contributions are hereby appointed and authorized to subscribe the Memorial mentioned in the said Act, and to do all other things, for the purpose of procuring the sale of such land, as Collectors of unpaid rates are authorized to do by the said Act.

Sufficiency of fence to be settled by Justices.

17. Should any dispute arise as to the sufficiency or value of any fence, or repairs, or as to any matter under the provisions of this Ordinance, the same shall be settled by two or more Justices.

Procedure when notice cannot be delivered.

18. When there shall be no Occupier of the adjoining land, and the Owner thereof cannot, after due enquiry, be found, or when such Owner is not resident within the Province, in lieu of the delivery of any notice herein prescribed, such notice may be inserted twice, at intervals of not less than six days, in some Newspaper published and circulated within the Province, and also in the Provincial *Government Gazette*.

Person giving notice may proceed *ex parte*.

19. At any time after the expiration of thirty days from the last insertion as aforesaid of such notice, the person giving such notice may apply *ex parte* to two or more Justices, who shall settle all the matters with reference to the making or repairing or apportioning (as the case may be) of the fence therein referred to in the same manner as if the notice had been given to the adjoining Occupier, and he, and the Giver of the notice, had failed to agree as to the particulars mentioned in Section 4.

Cases of land held under License abutting on land granted.

20. Any person occupying land under any Pasturage License held under the Crown, may require any Occupier of any adjoining land granted by the Crown to make or repair a fence between the land in

their respective occupation, and all the provisions of this Ordinance shall apply to such case as if both such Occupiers held land which had been granted by the Crown; but an Occupier of land granted by the Crown, abutting on Land occupied under such License as aforesaid, shall not be entitled to require the person occupying such last mentioned land to make a fence between the lands occupied by them respectively. Provided always, that the liability of any person occupying under such License as aforesaid shall only extend to one-fourth of the cost of such fence, or of the repair of such fence; and the Occupier of the land so granted as aforesaid shall be liable to the remaining three-fourths of such cost.

21. Nothing in this Ordinance contained shall make void or affect any Covenant or Agreement relative to fencing which shall be now subsisting or shall be hereafter entered into between adjoining Occupiers or Owners, or between Landlord and Tenant, under any lease, or by implication of Law or otherwise. Act not to affect Agreements.

22. All moneys recoverable under this Act shall be recoverable before two or more Justices of the Peace or a Resident Magistrate. Moneys recoverable in Court of Resident Magistrate

23. This Ordinance shall come into operation on the First day of January, one thousand eight hundred and sixty-four. Ordinance to come into operation.

24. This Ordinance shall be entitled and may be cited as "The Fencing Ordinance, 1863." Title.

SAMUEL BEALEY,  
Superintendent.

Passed the Provincial Council on the Tenth day of September, in the year of our Lord one thousand eight hundred and sixty-three, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Sixteenth day of September, in the year of our Lord one thousand eight hundred and sixty-three.

CHARLES BOWEN,  
Speaker.  
HENRY BACON QUIN,  
Clerk to the Council.

## SCHEDULE.

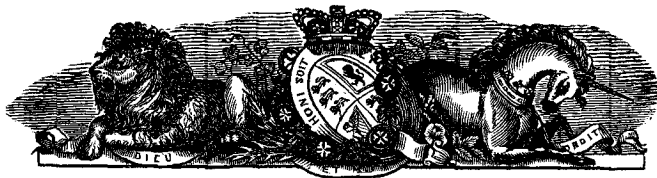
NOTICE TO MAKE (OR APPORTION, ETC.) FENCE.

To *Occupier (or Owner as the case may be) of (describing adjoining land).*

Take notice that I desire that the boundary or separating fence between (describing the lands) be made (or apportioned as the case may be) immediately (or before the      day of      18      (and that such fence shall be a (here describe the fence).

Dated this      day of      , 18

A.B., Occupier (or Owner)      of &c.



PROVINCE OF CANTERBURY.

ANNO VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

SESSION XX., No. 16.

The Sheep Ordinance, 1863.

Published by Authority.

ANALYSIS.

- Preamble.*
1. *Repealing Clause.*
  2. *All sheep to be branded.*
  3. *Registrar of Brands to be appointed.*
  4. *Sheep brands to be registered.*
  5. *Registering or using brand of another person.*
  6. *Branding sheep without leave of Owner.*
  7. *Brand primâ facie evidence of Ownership.*
  8. *Inspectors of Sheep.*
  9. *No person to cut off more than one-third of sheep's ear, under penalty.*
  10. *False Report or Certificate.*
  11. *Inspector may require Declaration from Owner as to muster of sheep, &c.*
  12. *Owners of sheep to erect dipping apparatus.*
  13. *Apparatus to be constructed to the satisfaction of the Inspector. Penalty on non-erection of apparatus.*
  14. *Penalty on not keeping apparatus in repair, &c.*
  15. *Power to Inspector to enter on lands.*
  16. *Possession of scabby sheep—fines and penalties.*
  17. *Six months to elapse between convictions.*
  18. *Scabby sheep to be herded in certain cases.*
  19. *List of scabby flocks to be published monthly.*
  20. *If, six months after conviction, sheep not clean, all rams to be separated from the ewes.*
  21. *Owners of sheep to give notice of disease.*
  22. *Scabby sheep to be branded S.*
  23. *Infected sheep to be kept certain distance from boundary of run.*
  24. *Justices may order infected sheep to be herded and yarded.*
  25. *Landing sheep without Certificate.*
  26. *Declaration of Owner before landing sheep.*
  27. *Penalty on Master of vessel allowing sheep to be landed without Certificate.*
  28. *Introducing sheep by land without Certificate.*
  29. *Declaration of Owner before introducing sheep by land.*
  30. *Sheep introduced by land to be dipped.*
  31. *Any sheep introduced by sea to be kept within a distance of three miles from part at which introduced until Certificate given by Inspector under penalty. Exception in case of sheep landed at Port Lyttelton.*
  32. *Sheep for importation to be branded with Inspector's brand.*
  33. *Power of Inspector to refuse to grant Certificate.*
  34. *To call upon persons for evidence.*
  35. *Driving, &c., infected sheep.*
  36. *Separate informations for every run crossed.*

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| <p>37. <i>Scabby sheep trespassing and not removed may be destroyed.</i></p> <p>38. <i>Notices when sheep driven through run.</i></p> <p>39. <i>Occupier may, without warrant, examine sheep on his run.</i></p> <p>40. <i>Justices may order inspection of sheep.</i></p> <p>41. <i>Penalties for resisting, &amp;c., inspection.</i></p> <p>42. <i>Sheep dying of catarrh not to be thrown into streams, &amp;c.</i></p> <p>43. <i>Sheep dying of catarrh to be burnt or buried.</i></p> <p>44. <i>Slaughtering infected sheep.</i></p> <p>45. <i>Recovery of strayed sheep.</i></p> <p>46. <i>Unauthorized removal of sheep.</i></p> | <p>47. <i>Every Occupier of sheep run to give at least twenty-four hours' notice before mustering flock.</i></p> <p>48. <i>Wilfully communicating scab.</i></p> <p>49. <i>Maximum penalty.</i></p> <p>50. <i>Saving other remedies at Law to persons suffering damage.</i></p> <p>51. <i>Expenses of prosecution to be paid out of penalties.</i></p> <p>52. <i>Fines and penalties may be levied by distress and sale of goods.</i></p> <p>53. <i>Penalties recoverable summarily.</i></p> <p>54. <i>Interpretation.</i></p> <p>55. <i>Title.</i></p> |
|---|--|

Title.

**T**HIS Ordinance shall be entitled and may be cited as "The Sheep Ordinance, 1863."

SAMUEL BEALEY,  
Superintendent.

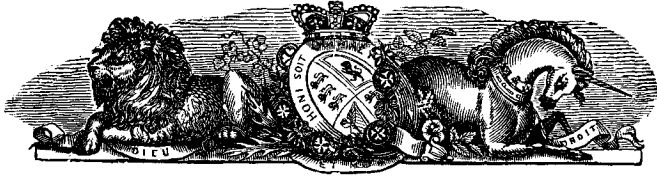
Passed the Provincial Council on the Sixteenth day of September, in the year of our Lord one thousand eight hundred and sixty-three, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Twentieth day of October, in the year of our Lord one thousand eight hundred and sixty-three.

CHARLES BOWEN,  
Speaker.

HENRY BACON QUIN,  
Clerk to the Council.

*This Ordinance was disallowed by his Excellency the Governor. See Proclamation in "New Zealand Government Gazette," No. 1, 12th January, 1864, page 1.*





PROVINCE OF CANTERBURY.

ANNO VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

SESSION XX., No. 17.

Bush Fires Ordinance, 1863.

Published by Authority.

ANALYSIS.

*Preamble.*

1. *Persons firing grass, scrub, bush, &c., for a certain period in each year, liable to a penalty.*
2. *Owner or Occupier of ground upon which fire is discovered deemed guilty of offence unless otherwise proved, &c.*
3. *Refuse of sawpits to be destroyed before*

*First day of November in each year under penalty.*

4. *Offences determined by oaths of Witnesses, or confession of parties accused.*
5. *Penalties may not be recovered unless within six months after offence committed.*
6. *Interpretation Clause.*
7. *Title.*

**T**HIS Ordinance shall be entitled and may be cited as the “Bush Preamble Fires Ordinance, 1863.”

SAMUEL BEALEY,

Superintendent.

Passed the Provincial Council on the Sixteenth day of September, in the year of our Lord one thousand eight hundred and sixty-three, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Twenty-fifth day of September, in the year of our Lord one thousand eight hundred and sixty-three.

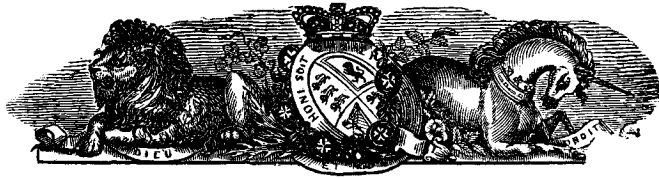
CHARLES BOWEN,

Speaker.

HENRY BACON QUIN,

Clerk to the Council.

*This Ordinance was disallowed by his Excellency the Governor.  
See Proclamation in "New Zealand Government Gazette," No. 1., 12th  
January, 1864, page 1.*



PROVINCE OF CANTERBURY.

ANNO VICESIMO SEPTIMO.

VICTORIÆ REGINÆ.

SESSION XX., No. 18.

The Christchurch Hospital Ordinance, 1863.

Published by Authority.

ANALYSIS.

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| <i>Preamble.</i>  | 7. <i>General Board to meet four times a year, and oftener, if necessary.</i>            |
| 1. <i>Repealing Clause.</i>   | 8. <i>Officers elected by the General Board.</i>   |
| 2. <i>Superintendent may retain a site for Public Hospital.</i>   | 9. <i>Board : of whom to consist.</i>  |
| 3. <i>Such site to be conveyed to Body Corporate herein created.</i>  | 10. <i>Powers and duties of Board of Management.</i>                                     |
| 4. <i>Subscription of Thirty Guineas to constitute a Life Governor, and Two Guineas annually a Governor during payment.</i> | 11. <i>The Board to meet 1st May in each year. Accounts to be audited and published.</i> |
| 5. <i>Hospital to be ruled by two Boards of Governors.</i>  | 12. <i>Penalty for infringement of Rules.</i>  |
| 6. <i>Nine Governors necessary to constitute a General Board.</i>   | 13. <i>Persons duly qualified alone to be permitted to practice in said Hospital.</i>    |
|   | 14. <i>Title.</i>  |

**W**HEREAS it is expedient that an Ordinance passed by the Superintendent and Provincial Council of the Province of Canterbury, entitled the "Public Hospital Ordinance, Session XIX., No. 20," should be repealed, and other provisions made in lieu thereof: Be it therefore enacted by the Superintendent of the said Province of Canterbury, with the advice and consent of the Provincial Council thereof as follows :

1. The said recited Ordinance is hereby repealed. Repealing Clause.
2. It shall be lawful for the Superintendent to retain, as a site for a Public Hospital and grounds connected therewith, a portion of land situate near Christchurch, commonly known as Hagley Park; being bounded on the north by a creek running into the River Avon, on the Superintendent may retain a site for Public Hospital.

south-east by the Lincoln Road, measuring, from the river, four hundred and nineteen links to the corner of the plantation; and on the south, from the corner of the plantation on the Riccarton Road to a point six hundred and fifty links along that road, and thence in a northerly direction to a creek at the starting point, and containing five acres one rood and thirty-eight perches.

Such site be conveyed  
to Body Corporate  
herein created.

3. It shall be lawful for the Superintendent, with the advice of the Executive Council, to convey the site herein described to a Body Corporate, which is hereby created, and which shall consist of the Superintendent of the Province, and the Members of the Executive Government of the Province for the time being, to be for ever held, in trust, for the uses and purposes of a Public Hospital; and the said Superintendent and Members of the Executive Council shall constitute such Body Corporate, under the name and title of "Trustees of Christchurch Hospital," and by that name they shall have perpetual succession and a common seal, with full power and authority to alter, break, and renew the same at their discretion, and by the same name and style to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all Courts of Law or Equity whatsoever. And it shall be lawful for the said Trustees, and they are hereby authorised and empowered to accept all such voluntary grants or demises of land, tenements, or other donations, whether of money or personal property, as shall or may be made to them as such Body Corporate.

Subscription of Thirty  
Guineas to constitute  
a Life Governor, and  
Two Guineas annually,  
a Governor during  
payment.

4. For the purpose of carrying out the general management of the said Hospital, every person who shall subscribe Thirty Guineas at one time shall be a Governor for life, and all Subscribers of Two Guineas or upwards annually, Governors during payment. And any Corporation, or Firm, Institute or Society, or other associated Body, which shall subscribe Thirty Guineas at one time, shall have the power of nominating one individual of the said Corporation, or Firm, Institute, or Society, or other associated Body, as a Life Governor of the Hospital for every Thirty Guineas so subscribed.

Hospital to be ruled by  
two Boards of Go-  
vernors.

5. All affairs of the Hospital shall be directed and controlled by two Boards of Governors, to be called "The General Board," and "The Board of Management."

Nine Governors neces-  
sary to constitute a  
General Board.

6. The General Board shall consist of all the Governors of the Hospital, nine of whom shall be necessary to constitute a Board; it shall possess the sole power of making, altering, and repealing By-laws; of nominating, electing, removing and fixing the salaries of Officers, and in it shall be vested the supreme authority in all matters.

7. The General Board shall meet at four stated periods in the year, and as much oftener as may be necessary on special business ; all such meetings to be convened by public advertisement, at least fifteen days prior to the day of meeting, due notice of which shall be given in one or more Newspapers of the Province, and specifying the particular subjects to be then taken into consideration.

General Board to meet four times a year, and oftener if necessary.

8. There shall be a President, a Treasurer, and Secretary, all of whom shall be elected by the General Board.

Officers elected by the General Board.

9. The Board of Management shall consist of the President and the Treasurer, who shall be *ex-officio* Members, and nine Governors (not being Medical or Surgical Officers of the Institution), who shall be elected at the annual meeting of the General Board. Of the Governors thus elected, six shall retire in rotation at the end of every year, but shall be eligible for re-election.

Board, of whom to consist.

10. The Board of Management shall regulate the affairs of the Hospital, subject to the powers vested in the General Board ; they shall have power to appoint, remove and fix the salaries of Nurses and Servants, and shall have power to suspend the Apothecary, Secretary, or Matron for misbehaviour, and to appoint others during suspension.

Powers and duties of Board of Management.

11. The General Board shall, on the first day of May in each year, forward to the Trustees hereby created, correct copies of all Laws, By-laws, and Regulations then in force, and an Account of all moneys received and disbursed, for the purpose of being audited by the Provincial Auditor, an Abstract whereof shall be published in the Provincial *Government Gazette* by the said Board.

The Board to meet 1st May in each year. Accounts to be audited and published.

12. Any person in the said Hospital who shall behave in a disorderly manner therein, or on the premises thereof, or any person who shall supply any spirituous liquors to the Patients in the said Hospital, contrary to the By-laws then in force in the said Hospital, shall, on conviction thereof, be liable to a penalty of not exceeding Ten Pounds, to be recovered in a summary way.

Penalty for infringement of Rules.

13. No person shall at any time be permitted to attend as Medical or Surgical Adviser on any Patient in the said Hospital, or to hold any medical or surgical office or appointment in or about the said Hospital, except such person shall be a duly qualified Medical Practitioner under some Act or Ordinance for the time being in force in the Province of Canterbury.

Persons duly qualified alone to be permitted to practice in said Hospital.

Title.

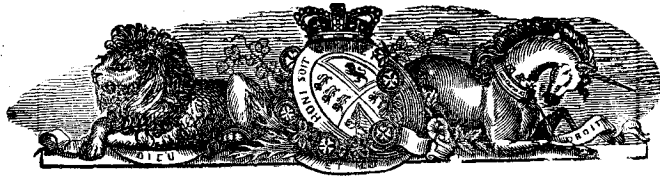
14. This Ordinance shall be entitled and may be cited as "The Christchurch Hospital Ordinance, 1863."

SAMUEL BEALEY,  
Superintendent.

Passed the Provincial Council on the Sixteenth day of September, in the year of our Lord one thousand eight hundred and sixty-three, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Twenty-fifth day of September, in the year of our Lord one thousand eight hundred and sixty-three.

CHARLES BOWEN,  
Speaker.

HENRY BACON QUIN,  
Clerk to the Council.



PROVINCE OF CANTERBURY.

ANNO VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

SESSION XX., No. 19.

The Roads Districts Ordinance, No. 1, 1863.

Published by Authority.

ANALYSIS.

*Preamble.*

I. REPEALING AND INTERPRETATION  
CLAUSES.

1. *Repealing former Ordinance.*
2. *Interpretation.*

II. RESPECTING DISTRICTS.

3. *Districts : how constituted.*

III. RESPECTING BOARDS.

4. *Boards : how constituted.*
5. *Who eligible to be Members.*
6. *Re-election when vacancy occurs.*
7. *Penalty for acting on the Board when not eligible.*
8. *Board to be a Body Corporate.*
9. *Chairman of the Board.*
10. *If Chairman vacates, Board to elect again.*
11. *Majority to decide ; three to be a quorum.*
12. *No act of Board to be invalid by vacancy, &c.*
13. *Roads to be under control of Board.*
14. *Board to employ Servants and take security.*
15. *Board to keep Records and Accounts.*
16. *Board to be bound by votes of Provincial Council, &c.*

17. *Accounts of Boards to be audited.*

IV. RESPECTING THE RATEPAYERS' ROLL.

18. *Form of Ratepayers' Roll.*
19. *Crown Lands and Public Buildings not liable to be rated.*
20. *Board to correct Ratepayers' Roll annually.*
21. *Roll to be revised by Revising Justices.*
22. *Justices may order fresh assessment.*
23. *Adjourned meeting of Justices.*
24. *Roll to be signed by Justices.*

V. RESPECTING MEETINGS OF RATEPAYERS.

25. *Ratepayers to vote at meetings.—Scale of votes.*
26. *Annual and other meetings.*
27. *Chairman of Board to be Chairman of meeting.*
28. *Chairman to cause records to be kept.*
29. *Election of Members of Board at annual meeting.*
30. *If poll demanded.*
31. *The Board to make rates.*

VI. RESPECTING RATES.

32. *Rates : by whom payable.*
33. *Notice of rate to be served.*

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| <p>34. <i>Rates : how to be recovered.</i></p> <p>35. <i>Erection of toll-gates and toll-houses, and imposition of tolls.</i></p> <p>36. <i>Table of tolls to be put up and tickets to be provided.</i></p> <p>37. <i>Overcharge or misbehavior of Toll-Collector.</i></p> <p>38. <i>Toll misdemeanours.</i></p> <p>39. <i>Leasing of tolls.</i></p> <p>40. <i>Expenditure of residue of tolls levied.</i></p> <p>VII. INITIATORY AND SUSPENDING CLAUSES.</p> <p>41. <i>Electoral Roll to be Ratepayers' Roll temporarily.</i></p> | <p>42. <i>First Board when to be elected.</i></p> <p>43. <i>First Board to make Ratepayers' Roll.</i></p> <p>44. <i>Three Members to retire at first annual meeting.</i></p> <p>45. <i>If Ratepayers and Board do not act, Superintendent may appoint Commissioner.</i></p> <p>46. <i>Commissioner to make Ratepayers' Roll if not previously made. Ratepayers may again elect Board.</i></p> <p>47. <i>Rates, tolls, &amp;c., recoverable.</i></p> <p>48. <i>Title.</i></p> |
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Preamble.

**W**HEREAS an Ordinance was passed by the Superintendent and Provincial Council of the Province of Canterbury, entitled "The Road Ordinance, Session VI., No. 2," and it is expedient that the same should be repealed, and that other provisions should be made for the construction and maintenance of Roads within the said Province: Be it therefore enacted by the Superintendent and Provincial Council of the Province of Canterbury, as follows:—

Repealing former Ordinances.

#### I. REPEALING AND INTERPRETATION CLAUSES.

1. The said recited Ordinance is hereby repealed.

2. In the interpretation of this Ordinance, the words "the district," "the board," "the Ratepayers' Roll," shall mean a district, a Board, and a Ratepayers' Roll, as the same are severally constituted by the provisions of this Ordinance. The words "Public Notice," shall mean the publication of such notice in some Newspaper ordinarily circulated within the district, or the posting of such notice in not less than twelve public places within the district, for a space of not less than ten days prior to the event to which such notice refers. A notice shall be deemed to be served when it shall have been served on the person on whom service is required, either personally, or by leaving the same at his ordinary abode or place of business within the district: or if he shall have no such abode or ordinary place of business within the district, then by affixing the same to some conspicuous place on the land in respect of which, or in respect of the right of pasturage over which land such person shall be liable to be rated; and the word "road" shall be held to mean any public road, bridle-road, foot-path, bridge, or other works included within a reserve for a road laid on the authenticated Map of the Chief Surveyor.

Interpretation.  
Districts how constituted.

#### II. RESPECTING DISTRICTS.

3. Every district set forth and described in the Schedule A to this Ordinance shall be deemed to be a district for the purposes of this Ordinance.



## III. RESPECTING DISTRICT BOARDS.

4. There shall be in every district, for the purposes of this Ordinance, a Board, consisting of five Members, of whom three Members and two Members alternately shall be elected in each successive year, at the annual October meeting of the Ratepayers of the district as hereinafter provided: And those Members, whether three, or two, as the case may be, who shall have been in office two years, shall go out of office on the day of such annual meeting: Provided that every Member, so retiring, shall be eligible to be re-elected. Boards: how constituted.

5. No person shall be eligible to be elected to be a Member of the Board unless he shall be a Ratepayer of the district, and shall reside or have his ordinary place of business therein, and shall have paid all rates which he shall have been liable to pay under the authority of this Ordinance at the time of such election. And if any Member of the Board shall become insolvent, or of unsound mind, or shall have been convicted of any felony, or shall have ceased to reside or to have his ordinary place of business within the district, or shall be in arrear of any rates which he shall have become liable to pay under the authority of this Ordinance, or shall accept or continue to hold any place of profit or emolument under the Board, or shall have any pecuniary interest in any work done under the authority of the Board other than as a Shareholder in a public registered Company contracting therewith, or shall have resigned his seat at the Board, by writing, under his hand, addressed to the Chairman thereof, or shall have been absent from four consecutive meetings of the Board without leave from the Board, in writing, first obtained, his seat at the Board shall, *ipso facto*, become vacant. Who eligible to be Members.

6. When any such vacancy shall occur, the Board shall forthwith, by public notice, call a meeting of the Ratepayers to elect a Member to fill such vacancy, and the Member so elected shall continue in office so long only as the Member would have continued in whose place he shall have been elected. Re-election when vacancy occurs.

7. If any person shall act as a Member of the Board, or vote at any meeting thereof, not being eligible to hold a seat thereat, he shall be liable to a penalty, not exceeding Twenty Pounds, for every such act or vote, to be recovered in a summary way, upon the information of any Ratepayer of the district. Penalty for acting on the Board when not eligible.

8. Every Board shall be, and is hereby declared to be a Body Corporate, under the name and title of the Road Board of the \_\_\_\_\_ district, and under such name shall have perpetual succession and a common seal, and may sue and be sued, plead and be impleaded in any Board to be a Body Corporate.

Court of Law or Equity, and is hereby empowered to hold and enjoy property both real and personal, and to enter into contracts, and to enforce the same for the purposes of this Ordinance.

Chairman of the Board.

9. Every Board shall, at its first meeting, elect one of its Members to be the Chairman thereof, who shall preside at the meetings of the Board, and shall have an original and also a casting vote thereat. Provided, that if the Chairman shall be absent from any meeting, the Members present shall elect one of their number to preside in his stead at such meeting.

If Chairman vacates,  
Board to elect again.

10. If the person shall cease to be a Member of the Board, or shall, by writing, under his hand, addressed to the Board, vacate the office of Chairman, the Board shall, at its next meeting thereafter, elect another Member to be Chairman in his stead.

Majority to decide—  
three to be a quorum.

11. All questions coming before the Board shall be decided by a majority of the Members present, and there shall be no meeting of the Board unless at least three Members be present.

No act of Board to be  
invalid by vacancy, &c.

12. No act of the Board shall be invalid by reason of any vacancy having occurred, or by reason of any Member being ineligible to occupy his seat thereat.

Roads to be under  
control of Board.

13. All roads within the district shall be deemed at Law to be under the control and management of the Board, and it shall be the duty of the Board, out of any moneys in its hands available for such purpose, to make and maintain the same in good and efficient repair.

Board to employ Ser-  
vants and take security.

14. The Board shall have power, from time to time, as it shall think fit, to employ all such Clerks, Treasurers, Collectors, Assessors, Surveyors, Engineers, Overseers, and other persons as may be required to carry this Ordinance into operation, and the same so often as it shall think fit to remove and employ others in their stead. Provided that the Board shall require every Collector, Treasurer, or other person through whose hands any moneys, being the property of the Board, shall pass, to give security, by two Sureties, in such amount as the Board shall think sufficient for the safe custody of such moneys, and for the due disposition thereof as the Board shall determine.

Board to keep Records  
and Accounts.

15. The Board shall cause true and faithful Records and Accounts to be kept of all its proceedings, and of all contracts entered into by it, and of all moneys received and expended by it under the authority of his Ordinance, and all such Records and Accounts shall be laid before every meeting of the Ratepayers, and shall be open to be inspected, at

all reasonable hours, by any Ratepayer of the district, or by the Superintendent, or by any person appointed by him to inspect the same.

16. The Board shall expend all money paid to it under any Ordinance of the Superintendent and Provincial Council in accordance with the provisions of such Ordinance, and shall expend all money arising from rates levied within the district in accordance with any Resolutions which may be passed by the Board in that behalf.

Board to be bound by votes of Provincial Council, &c.

17. The Superintendent shall, with the advice of the Executive Council, appoint an Auditor for each district, who shall audit all the accounts thereof, and every Report of such Auditor, shall be laid before the next meeting of the Ratepayers, and a copy thereof shall be sent to the Superintendent, and shall be laid before the Provincial Council during the next Session of the same.

Accounts of Board to be audited.

#### IV. RESPECTING THE RATEPAYERS' ROLL.

18. There shall be within each district a Ratepayers' Roll, which shall contain the name, in order, of every person holding property within the district liable to be rated under the provisions of this Ordinance, together with an assesment of the net annual value at which the same might reasonably be expected to be let from year to year, of all the land not being waste land of the Crown, and of all buildings, in respect of which, every such person shall be liable to be rated as hereinafter provided.

Form of Ratepayers' Roll.

19. It shall not be lawful to make or levy any rates on any land or premises belonging to, and in the occupation of her Majesty, or of the Provincial Government of Canterbury, or on any land or building used exclusively for public, charitable, or literary, or scientific purposes, or on any building used exclusively for public worship, or for a public school, or school-house, provided it be inhabited only by the Master or Mistress of said school, or his or her family.

Crown lands and public buildings not liable to be rated.

20. The Board shall, on or before the first Tuesday in the month of August in each year, cause the Ratepayers' Roll to be revised and corrected, both in respect to the names of the persons liable to be rated, and in respect to the value of the rateable property entered therein, and shall, on or before such day, give public notice of the place where such corrected Roll may be inspected, and such corrected Roll shall be open to the inspection of all Ratepayers, and of all persons claiming to be affected thereby, between the hours of ten a.m. and four p.m., on every day, not being a Sunday or public holiday, until the first Tuesday in the month of September next following.

Board to correct Ratepayers' Roll annually.

Roll to be revised by  
Revising Justices.

21. The Superintendent shall, by public notice in the *Government Gazette*, appoint, for each district, two persons, being Justices of the Peace, not resident within the district, and not occupying or being possessed of any rateable property therein, to be the Revising Justices to revise the Ratepayers' Roll of the district; and such Justices shall meet on the first Tuesday in the month of September in each year, at such place within the district, as the Board shall, by public notice, appoint, and shall hear and determine all objections to the Ratepayers' Roll; and such Justices shall, after hearing all such objections, and all evidence which may be offered relating thereto, amend the said Roll in such manner as they shall think fit, by adding thereto the name of any person omitted therefrom, together with the description and assessed value of the property in respect of which he is liable to be rated, or by erasing therefrom the name of any person erroneously entered therein, or by altering the description or value of the property in respect of which any person is liable to be rated. Provided that no such alteration shall be made, except on the application of a Ratepayer of the district, nor unless it shall be proved to the satisfaction of such Justices that a notice, setting forth the nature of the alteration proposed to be made, shall have been served on every person affected thereby, at least ten days before the hearing of such application.

Justices may order  
fresh assessment.

22. It shall be lawful for such Justices, if they shall think fit, to order a fresh Assessment to be made of the value of any property to which any objection shall have been made, and to appoint such Valuers as they shall think fit to make such Assessment, and to order the cost of making such new Assessment to be paid out of any moneys at the disposal of the Board for the purposes of this Ordinance.

Adjourned meetings of  
Justices.

23. If either of the said Justices shall not attend at such meeting, or if all the applications shall not be determined thereat, such meeting may be adjourned to any day not later than seven days thereafter, and so on, from time to time, until the Ratepayers' Roll shall be completed and signed.

Roll to be signed by  
Justices.

24. The said Roll, when so amended, shall be signed by such Justices, and shall be the Ratepayers' Roll for the district, for the ensuing year, and shall continue in force until the same shall be amended and signed in like manner, in the year following.

#### V. RESPECTING MEETINGS OF THE RATEPAYERS.

Ratepayers to vote at  
meetings—Scale of  
votes.

25. Every person of full age, whose name shall appear on the Ratepayers' Roll, and who shall have paid all rates which he shall have been liable to pay under the authority of this Ordinance, and who shall be of sound mind, and shall not have been convicted of felony, shall be entitled

to take part at all meetings of the Ratepayers of the district, and shall be entitled to vote thereat, according to the following scale, that is to say, every person who shall appear on the Ratepayers' Roll as liable to be rated in respect of property of net annual value, not exceeding Twenty-five Pounds, shall have one vote; in respect of property exceeding the value of Twenty-five Pounds, and not exceeding Fifty Pounds, two votes; exceeding Fifty Pounds, and not exceeding One Hundred Pounds, three votes; exceeding One Hundred Pounds and not exceeding Two Hundred Pounds, four votes; and exceeding Two Hundred Pounds, five votes.

26. The Chairman of the Board shall be Chairman of every meeting of Ratepayers, and if he shall not be present thereat, the Ratepayers present shall, before proceeding to any other business, elect a Chairman who shall preside at such meeting; and all questions coming before such meeting shall be determined by a majority of the Ratepayers present thereat, and the Chairman shall have a casting, but not an original vote thereat. Annual and other meetings.

27. An annual meeting of the Ratepayers shall be held at the hour of noon, on the first Tuesday in the month of October in each year, and meetings of the Ratepayers shall be held at such other times, and at such places within the district as the Board shall appoint; and the Board shall give public notice of the time and place of all such meetings, and any such meeting may be continued by adjournment. Chairman of Board to be Chairman of meeting.

28. The Chairman shall cause to be entered in the Minute Book of Ratepayers' Meetings, which the Board shall keep for that purpose, and shall lay before every meeting of the Ratepayers true and faithful Minutes of all the proceedings of such meeting, and having signed the same, shall transmit such book to the Board. Chairman to cause records to be kept.

29. At the said annual meeting the Ratepayers shall elect the Members to fill the vacancies occurring in the Board as hereinbefore provided, and the Chairman shall put the name of each Candidate separately to the meeting, and shall declare, according to the majority of the votes of the Ratepayers present, upon whom the election has fallen: Provided that the Chairman shall propose no person for election unless he shall be eligible to be a Member of the Board as hereinbefore provided, and unless he shall have declared, in writing, addressed to the Chairman, that he is willing to accept such office, and to fulfil the duties thereof. Election of Members of Board at annual meeting.

30. If any Candidate shall demand a poll, such poll shall be held forthwith, and shall be closed at five o'clock of the same day, and such polling shall be conducted in accordance with the provisions of an Act of the General Assembly of New Zealand, entitled "The Regulation If poll demanded.

of Elections Act, 1858," and the Board shall make all necessary arrangements for such poll being held in accordance with such Act.

The Board to make rates.

31. It shall be lawful for the Board, from time to time, to make a rate or rates upon all the property within the district, as the same shall appear in the Ratepayers' Roll, and to order the days upon which such rate or rates, or any part thereof, shall become payable, and to order the proceeds of such rate to be expended in the construction and maintenance of the roads generally within the district, as the Board shall direct, or to order the proceeds of any such rate, or of any part thereof, to be expended in the construction or maintenance of any particular road or roads within the district: Provided that all the rates payable in any one year shall not exceed the sum of One Shilling in the Pound on the net annual value of such property.

#### VI. RESPECTING RATES.

Rates: by whom payable.

32. All rates payable in respect of land or buildings shall be paid by the Occupier thereof, or if there shall be no Occupier, such rates shall be paid by the Owner thereof.

Notice of rate to be served.

33. When any rate shall become due, the Board shall cause a notice, in the form set forth in the Schedule hereunto annexed, to be served by a Collector, duly authorised to receive the same, upon every person liable to pay such rate; and if such rate be not paid to such Collector, on the service of such notice, it shall be paid at the place named therein within thirty days after the service thereof, and if not paid within such thirty days, it shall be forthwith recovered as hereinafter provided.

Rates: how to be recovered.

34. All rates, when made as hereinbefore provided, shall be deemed to be the property of the Board, and may be recovered in a summary way, at the suit of any Collector duly authorised by the Board to collect and receive the same.

Erection of toll-gates and toll-houses, and imposition of tolls.

35. It shall be lawful for any District Board, subject to the approval of the Superintendent, from time to time to erect toll-gates or bars, and toll-houses upon the roads and bridges within their respective districts, at such places as may to them seem convenient; and also, with such approval as aforesaid, to remove, whenever they may think fit so to do, such toll-gates or bars and toll-houses, and to impose tolls upon all animals and vehicles at a rate not exceeding the several sums set forth in the Schedule B to this Ordinance: Provided that her Majesty's Mails, and persons in charge thereof, Police Constables on duty, and Prisoners, shall be exempt from tolls.

Table of tolls to be put up and tickets to be provided.

36. Before any toll shall be demanded at any toll-gate to be erected as aforesaid, the Board shall cause to be put up and maintained at every

toll-gate within their respective districts, a table, painted in legible black letters, on a board with a white ground, containing at the top the name of the gate, distinguishing the several tolls, together with the Christian name and surname of the Toll Collector, and also a List of the several gates (if any) which shall be cleared by the payment of toll at the toll-gate or bar where such table of tolls shall be affixed; and the said Board shall also, where more than one gate shall be erected in the district, provide tickets denoting the payment of toll, and on such tickets shall be specified the name of the gate at which the same respectively shall be delivered, and also the names of the several gates freed by such payment, one of which tickets shall be delivered gratis to the person paying the toll; and on production of such ticket at any gate or gates therein mentioned as being cleared as aforesaid by payment of the toll at the gate where such ticket was delivered, the person producing the same shall, on the day of the issue thereof, pass through the gate or gates therein mentioned without paying any further or additional toll for the same animal or vehicle.

37. Every Toll Collector appointed under the authority of this Ordinance, who shall take more or less toll than authorised as aforesaid, or who shall refuse to give his name to any person demanding the same after having paid the toll, or who shall in any wise hinder any person from reading the inscriptions on such aforesaid table, or who shall unnecessarily detain, or wilfully obstruct or hinder any Passenger from passing through any toll gate, or who shall use any abusive language to any Traveller or Passenger, shall, for every such offence, forfeit and pay any sum not exceeding Five Pounds.

Overcharge or misbehaviour of Toll Collector.

38. Any person forcing his way through any toll-gate or bar, or evading the payment of any toll for passing through, or fraudently claiming exemption from toll, shall forfeit and pay for every such offence any sum not exceeding Five Pounds.

Toll misdemeanours.

39. It shall be lawful for any Board, subject to the approval of the Superintendent, from time to time, to farm out, for any term not exceeding three years, all or any of the tolls authorised to be collected by this Ordinance, together with any toll-bar, toll-gate, and house; such farming out to be either by tender, to be advertised for at least three consecutive weeks in the public Newspapers, and to be published in the Provincial *Government Gazette*; or by public auction, duly advertised in like manner; and such security shall be taken by the said Board as they shall think fit for the due performance of the conditions of the lease of any tolls; and any person to whom such tolls may be leased, shall, for the purposes of this Ordinance, be deemed to be a Collector thereof, duly appointed under the powers of this Ordinance: Provided that previously to so letting out, the Board shall fix the maximum rate

Leasing of tolls.

of toll which shall be demanded within the limits prescribed by the Schedule C to this Ordinance, and shall in no case decrease the amount of tolls without the consent, in writing, thereto of the Lessee.

Expenditure of residue of tolls levied.

40. All tolls levied under the authority of this Ordinance, shall, after deducting the expenses of collecting the same, be expended in making and maintaining the roads whereon such tolls shall from time to time be collected.

#### VII. INITIATORY AND SUSPENDING CLAUSES.

Electoral Roll to be Ratepayers' Roll temporarily.

41. For the purpose of bringing this Ordinance into operation, every person whose name shall appear on the Electoral Roll for the time being in force for the election of Members of the Provincial Council for the electoral district or districts in which the district for the purposes of this Ordinance may be situated, in respect of property situate within such last-mentioned district, and every resident Householder within such district shall be taken and deemed to be a Ratepayer for the purposes of this Ordinance.

First Board, when to be elected.

42. A meeting of such Electors shall be held at the hour of noon, on such day for each district respectively, as the Superintendent shall appoint, after the First day of the month of December, one thousand eight hundred and sixty-three, for the purpose of electing five Members, who shall constitute the first Board for the district, and the Superintendent shall cause public notice of such meeting to be given within each district.

First Board to make Ratepayers' Roll.

43. It shall be the duty of the Board, so constituted, to cause the Ratepayers' Roll to be made up on or before the first Tuesday in the month of August, one thousand eight hundred and sixty-four; and the Ratepayers' Roll, so made up, shall be deemed to be the Ratepayers' Roll corrected, as required by the 20th Clause of this Ordinance, and shall be dealt with accordingly.

Three Members to retire at first annual meeting.

44. At the annual meeting, to be held on the first Tuesday in October, one thousand eight hundred and sixty-four, three of the Members, who shall be chosen by lot, shall retire from the Board, and three other Members shall be elected in their room, as herein provided.

If Ratepayers and Board do not act, Superintendent may appoint Commissioner

45. If, at any time, the Ratepayers of a district shall refuse or neglect to elect Members of the Board, or if the Members of the Board shall refuse or neglect to carry this Ordinance into operation, or to resign their seats thereat, and to make due provision for the election of other Members in their room, the Superintendent shall, with the advice of the Executive Council, by Proclamation, published in the *Provincial Government Gazette*, declare the powers of such Board to be suspended, and shall, by such Proclamation, appoint a Commissioner for such



district, and all the powers, rights, privileges, and duties of such Board, shall, from the date of such Proclamation, vest in, and be exercised by such Commissioner, on behalf of the Board, and the Superintendent shall cause such salary as he shall think fit to be paid to such Commissioner out of any funds belonging to the Board, and applicable to the use of the district under the provisions of this Ordinance: Provided that such Commissioner shall be guided in the performance of his duties by such Instructions as he shall receive from the Superintendent in that behalf.

46. It shall be the duty of such Commissioner, if no Ratepayers' Roll shall have been made, to cause a Ratepayers' Roll to be made and revised in the manner herein provided, and if at any time after the making thereof, the Ratepayers shall, at the annual meeting, elect five Members to form a Board, such Members shall constitute the Board under the authority of this Ordinance, and the appointment of the Commissioner, together with all his powers, shall thereupon cease and determine, and at the next annual meeting after such election, three of the Members, to be chosen by lot, shall retire from the Board, and three other Members shall be elected in their room, as hereinbefore provided.

Commissioner to make Ratepayers' Roll, if not previously made. Ratepayers may again elect Board.

47. All rates, tolls, fines and penalties, imposed under this Ordinance, shall be recoverable in a summary way.

Rates, tolls, &c., recoverable.

48. This Ordinance shall be entitled and may be cited as the "Road Districts Ordinance, 1863."

Short title.

SAMUEL BEALEY,  
Superintendent.

Passed the Provincial Council on the  
Seventeenth day of September,  
in the year of our Lord one  
thousand eight hundred and  
sixty-three, and reserved for  
the assent of his Excellency  
the Governor.

CHARLES BOWEN,  
Speaker.

HENRY BACON QUIN,  
Clerk to the Council.

## SCHEDULE A.

1. THE NORTH SEFTON DISTRICT comprises that portion of the Province bounded on the north by the Province of Nelson; on the east by the sea, on the south by the south bank of the River Waipara to the summit of the Pass north of Runs Nos. 165, 166, 168, and a line from thence to Ashley Head, Esk Head, Snowy Peak, and the Tera-makau Saddle.

2. THE SOUTH SEFTON DISTRICT comprises that part of the Province bounded on the north by the North Sefton District, on the east by the sea, on the south by the south bank of the River Ashley to its source at Ashley Head.

3. THE OXFORD DISTRICT comprises that portion of the Province bounded on the north by the North and South Sefton Districts and the Province of Nelson, on the east by a true north and south line through trig.-pole C 30, on the south by the south bank of the Waimakariri to the head-waters of its westernmost source, and a true west straight line to the West Coast; on the west by the sea.

4. THE RANGIORA AND MANDEVILLE DISTRICT comprises that portion of the Province bounded on the North by the south bank of the Ashley; on the east by the sea, on the south by the south bank of the River Waimakariri, from trig.-pole C 30 to the sea, on the west by the Oxford District, save and except the town of Kaiapoi, as hereinafter described.

5. THE TOWN OF KAIAPOI DISTRICT comprises the town of Kaiapoi, as described in the Schedule to the "Town of Kaiapoi Town Ordinance, Session VIII., No. 7, and the remainder of Rural Section No. 320.

6. THE EAST AVON DISTRICT comprises that portion of the Province bounded on the North by the south bank of the River Waimakariri, from the sea to its junction with the western side of the North Road, forming the eastern boundary of Section 842; on the east by the sea; on the south by the north boundary of the city of Christchurch, and the north bank of the River Avon to the sea; on the west by the western side of the main North Road to the city of Christchurch District.

7. THE CENTRAL AVON DISTRICT comprises that portion of the Province bounded on the north by the south bank of the River Waimakariri, on the east by the East Avon district and the western boundary of the city of Christchurch electoral district, on the south by the north-west side of the Lincoln Road to Archer's Bridge and the north-east side of the Lincoln and Riccarton Junction Road to its junction with the Great South Road; the south side of the Great South Road to its junction with the south side of the Harewood Road by Riccarton, to a point in a line with the west side of the Prebbleton and Kaiapoi Junction Road, on the west side of the Prebbleton and Kaiapoi Junction Road to the Waimakariri, at the north-east corner of Rural Section No. 2197.

8. THE WEST AVON DISTRICT comprises that portion of the Province of Canterbury bounded on the north by the south bank of the Waimakariri, on the east by the Central Avon District to the south

side of the Great South Road; on the south by the south side of the Great South Road, on the west by a true north and south line through trig.-pole C 30 to a point on the south side of the Great South Road.

9. THE EAST HEATHCOTE DISTRICT comprises that portion of the Province bounded on the north by the East Avon District and the city of Christchurch; on the east by the sea; on the south by the Port Victoria Electoral District, on the west by the west side of the Dyer's Pass Road, and the west side of the continuation of Colombo-street south, to the city of Christchurch.

10. THE CENTRAL HEATHCOTE DISTRICT comprises that portion of the Province bounded on the North by the city of Christchurch and the Central and West Avon Districts; on the east by the East Heathcote District; on the south by the south bank of the River Heathcote to the south side of the Canal Reserve and the south bank of the River Halswell to the old river bed, and the west edge of the old river bed to the Great South Road.

11. THE SOUTH HEATHCOTE DISTRICT comprises that portion of the Province bounded on the north by the Central Heathcote district on the east by the East Heathcote district and the boundary of the Port Victoria electoral district; on the south by the boundary of the Port Victoria electoral district; on the west by the west side of the River Halswell.

12. THE EAST LINCOLN DISTRICT comprises that portion of the Province bounded on the north by the Central Heathcote and West Avon districts and the south side of the Great South Road; on the east by the South Heathcote district and the west bank of the River Halswell; on the south by the north bank of the Halswell, and the north side of the road from the thirteen-mile bridge to trig.-pole L 1, and the north side of the Lincoln and Coal Tramway Road to its junction with the Weeden and Springs Road, and the east side of the Weeden and Springs Road to its junction with the Great South Road.

13. THE WEST LINCOLN DISTRICT comprises that portion of the Province bounded on the north by the East Lincoln district and the south side of the Great South Road; on the east by the west bank of the river Halswell, on the south by the edge of Lake Ellesmere and the north bank of the River Selwyn.

14. THE PORT VICTORIA DISTRICT comprises that portion of the Province bounded on the north by the south-west boundary of the native reserve at Rapaki; on the east by a line from the eastern point of Camp Bay to the north-east corner of Section 399, thence along the east boundary of Section 399 to the south corner of the said section, thence by a straight line to Mount Herbert Peak, thence by a straight line to Mount Herbert, thence by a straight line to trig.-pole L 1, thence following the ridge of the hills by Cooper's Knobs, and Cass's Peak to the south-west boundary of the native reserve at Rapaki.

15. THE PORT LEVY DISTRICT comprises that portion of the Province bounded on the north by the sea, on the east by a line from a point half way between the east head of Port Levy and the west head of Pigeon Bay to the head of Little River; on the south by a straight line drawn from the head of Little River to Mount Herbert Peak; on the west by the Port Victoria district.

16. THE LITTLE RIVER DISTRICT comprises that portion of the Province bounded on the north by the East Lincoln, the South Heathcote, and Port Victoria districts; on the east by the Port Levy and Wainui districts; on the south by the sea; on the west by the east shore of Lake Ellesmere and the West Lincoln district.

17. THE TOWN OF AKAROA AND WAINUI DISTRICT comprises that portion of the Province bounded on the north by the highest ridge of the hills and the spur leading to Putakolo Head; on the east and south by the sea; on the west by the Port Levy and Little River districts.

18. THE BAYS' DISTRICT comprises that portion of the Province bounded on the north and east by the sea; on the south by the Wainui district, and on the west by the Port Levy district.

19. THE EAST RAKAIA DISTRICT comprises that portion of the Province bounded on the north by the south bank of the Waimakariri; on the east by the West Avon, East Lincoln and West Lincoln districts; on the south by the Selwyn and the Hororata branch of the Selwyn to the east boundary of Run No. 37; on the west by the east boundary of Run No. 37 to the south bank of the Wakaepa branch of the Selwyn, thence south-easterly along the south bank of the Wakaepa, to a point opposite to and in a line with the east boundary of Run No. 41, thence north-easterly by the boundary of Run No. 41 to the south bank of the Waimakariri.

20. THE SOUTH RAKAIA DISTRICT comprises that portion of the Province bounded on the north by the West Lincoln district; on the east by Lake Ellesmere; on the south by the sea and north bank of the Rakaia; on the west by the west side of the Great South Road.

21. THE NORTH RAKAIA DISTRICT comprises that portion of the Province bounded on the north and east by the south bank of the Waimakariri and the East Rakaia district; on the south by the Wakaepa branch of the Selwyn to its junction with a creek running from the Thirteen-mile Bush; thence north-westerly in a straight line to the southernmost point of Lake Lyndon; thence in a straight line to the southernmost point of the Black Range, thence following the summit of the range to the head waters of the Waimakariri.

22. THE WEST RAKAIA DISTRICT comprises that portion of the Province bounded on the north by the Oxford, North and East Rakaia districts; on the east by the South Rakaia district; on the south by the north bank of the Rakaia to its south-westernmost source, thence by a straight line due west true to the West Coast, and on the west by the sea.

23. THE ASHBURTON DISTRICT comprises that portion of the Province bounded on the north by the West Rakaia district, on the east by the sea, on the south by the north bank of the Rangitata to the source of its north-west branch, and a true west line thence to the West Coast; on the west by the sea.

24. THE GERALDINE DISTRICT comprises that portion of the Province bounded on the north by the Ashburton district; on the east by

the sea, on the south by the south bank of the Opihi to its source near Burke's Pass, and a straight line thence to the summit of Burke's Pass; on the west by the ridge of the hills dividing the waters of the Opihi and Rangitata from the waters of the Tekapo.

25. THE TOWN OF TIMARU comprises that portion of the Province bounded on the north and east by the sea; on the south by the north boundary of section No. 1702, the north side of a road lying to the north of section No. 2367, the Cemetery Reserve No. 1706, and the north boundaries of sections Nos. 1606 and 1607; on the west by the east boundary of section No. 1606, the east and north boundary of section No. 707, the east boundary of section No. 1652, till it meets Whale's Creek to the sea.

26. THE WAITANGI DISTRICT comprises that portion of the Province not included in the town of Timaru hereinbefore described, and bounded on the north by the Geraldine district; on the east by the sea; on the south by the Province of Otago; on the west by the Hakateremea River, to its source at the Hakateremea River Pass and the ridge of the hills to Mackenzie Pass and Burke's Pass.

27. THE MOUNT COOK DISTRICT comprises that portion of the Province bounded on the north by the Ashburton district; on the east by the Ashburton, Geraldine, and Waitangi districts; on the south by the Province of Otago; and on the west by the sea.

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## SCHEDULE B.

### NOTICE OF ASSESSMENT.

District of

NOTICE is hereby given that at a meeting of the Board of the said district, duly held on the                      day of                      at  
it was resolved to adopt a rate of                      in the Pound upon the  
assessment of the said district, and all persons whose names appear in  
the assessment for such district for the current year are hereby  
required, within fourteen days after the publication thereof, to pay the  
amount of such rate, according to the sum at which they appear to be  
assessed in such assessment to                      at his residence, at  
the said                      being duly authorised to receive such rates.

Dated

(Signed)

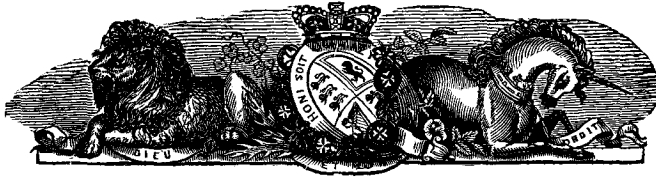
Chairman.

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## SCHEDULE C.

For every horse, ass, or mule	... ..	<i>Sixpence.</i>
For every beast carrying a burden	... ..	<i>Sixpence.</i>
For all horned or neat cattle, per head	... ..	<i>Fourpence.</i>
For every wheeled vehicle drawn by one horse or other beast	... ..	<i>One Shilling.</i>
For every additional horse or beast drawing such vehicle	... ..	<i>Sixpence.</i>
For every sheep, lamb, goat, or pig, in one drove, not exceeding 100	... ..	<i>One Penny.</i>
For every additional sheep, lamb, goat, or pig	... ..	<i>Halfpenny.</i>

*This Ordinance was assented to by his Excellency the Governor. See notification in New Zealand Government Gazette, No. 66, 23rd December, 1863, page 555.*



PROVINCE OF CANTERBURY.

ANNO VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

SESSION XX., No. 20.

The Peacock Jetty Extension Ordinance,  
1863.

Published by Authority.

ANALYSIS.

- Preamble.*
- |   |   |
|---|---|
| 1. Superintendent may lease land described in Schedule to John Jenkins Peacock. | 3. The Lessee not to be entitled to compensation. |
| 2. Superintendent may resume possession of land so leased.                      | 4. Interpretation Clause.                         |
|   | 5. Title.   |

THIS Ordinance shall be entitled and may be cited as "The Peacock Jetty Extension Ordinance, 1863."

SAMUEL BEALEY,  
Superintendent.

Passed the Provincial Council on the Twenty-second day of September, in the year of our Lord one thousand eight hundred and sixty-three, and reserved for the assent of his Excellency the Governor.

CHARLES BOWEN,  
Speaker.

HENRY BACON QUIN,  
Clerk to the Council.

EEE

COPY.]

COLONIAL SECRETARY'S OFFICE, AUCKLAND,  
23rd December, 1863.

SIR,

\* \* \* \* \*

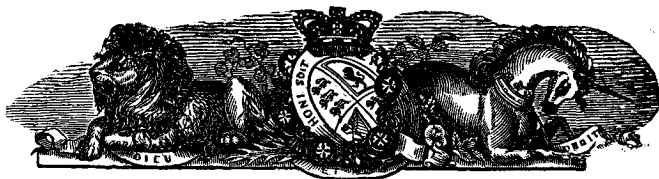
There is no legal objection to the "Peacock Jetty Extension Ordinance," if the portion of Lyttelton Harbour affected by it has been granted under the "Public Reserves Act, 1854." If, however, such a grant has not been made, the Ordinance is *ultra vires*. I am not aware of the issue of such a Grant, but before definitely advising his Excellency to withhold his assent to the Bill, I think it right to wait until your Honor has informed me particularly on that point. \* \* \* \* \*

FREDK. WHITAKER,  
Colonial Secretary.

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*No Crown Grant has been issued under the "Public Reserves Act, 1854." This Ordinance is therefore null and void.*





PROVINCE OF CANTERBURY.

ANNO VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

SESSION XX., No. 21.

Roads Districts Ordinance, No. 2, 1863.

Published by Authority.

ANALYSIS.

- Preamble.*
- |   |                           |
|---|---------------------------|
| 1. Ratepayers' Roll to contain an assessment<br>of the annual value of Pasturage<br>Licenses. | 2. Interpretation Clause. |
|   | 3. Title.                 |

THIS Ordinance shall be entitled and may be cited as the "Roads Districts Ordinance, No. 2, 1863." <sup>Title.</sup>

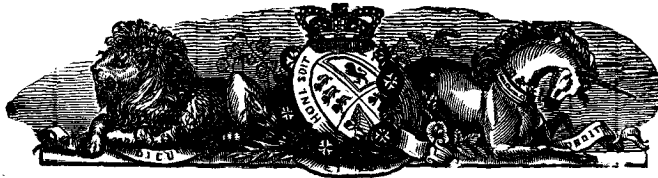
SAMUEL BEALEY,  
Superintendent.

Passed the Provincial Council on the Twenty-second day of September, in the year of our Lord One thousand eight hundred and sixty-three, and reserved for the assent of his Excellency the Governor.

CHARLES BOWEN,  
Speaker.

HENRY BACON QUIN,  
Clerk to the Council.

*His Excellency the Governor withheld his assent from this Ordinance. See notification in New Zealand "Government Gazette," No. 66, 23rd December, 1863, page 555.*



PROVINCE OF CANTERBURY.

ANNO VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

SESSION XX., No. 22.

The Lyttelton Municipal Council Ordinance,  
1863.

Published by Authority.

ANALYSIS.

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| <p>1. <i>Repealing Clause.</i></p> <p>2. <i>Interpretation Clause.</i></p> <p style="text-align: center;">CONSTITUTION OF COUNCIL.</p> <p>3. <i>Lyttelton Municipal Council constituted.</i></p> <p style="text-align: center;">ELECTION OF COUNCIL.</p> <p>4. <i>By whom Council to be elected.</i></p> <p>5. <i>Meeting for annual election.</i></p> <p>6. <i>Proceedings at such election.</i></p> <p>7. <i>Retirement of Councillors in rotation.</i></p> <p>8. <i>Extraordinary vacancies: how occasioned.</i></p> <p>9. <i>Elections to fill extraordinary vacancies.</i></p> <p>10. <i>Payment of expenses of elections.</i></p> <p style="text-align: center;">DIVISION OF TOWN INTO WARDS.</p> <p>11. <i>Superintendent may divide town into wards.</i></p> <p style="text-align: center;">PROCEEDINGS OF COUNCIL.</p> <p>12. <i>Council incorporated.</i></p> <p>13. <i>Election of Chairman.</i></p> <p>14. <i>Vacancy for Chairman: how occasioned, and how to be filled up.</i></p> <p>15. <i>Quorum.</i></p> <p>16. <i>Rules for conduct of business.</i></p> <p style="text-align: center;">RATES.</p> <p>17. <i>Power to levy rates.</i></p> <p>18. <i>Rates to be on annual value.</i></p> <p>19. <i>General town rate.</i></p> <p>20. <i>Special town rate.</i></p> <p>21. <i>Special local rate.</i></p> <p>22. <i>Rates: by whom to be paid</i></p> <p>23. <i>Joint Occupiers.</i></p> | <p style="text-align: center;">RATEPAYERS' ROLL.</p> <p>24. <i>Preparation of Ratepayers' Roll.</i></p> <p>25. <i>List open to inspection.</i></p> <p>26. <i>Notice of objection.</i></p> <p>27. <i>Objections: how to be heard and determined.</i></p> <p>28. <i>Council may correct trifling errors in Roll.</i></p> <p>29. <i>Roll for previous year may be adopted with alterations.</i></p> <p>30. <i>If no roll made by time of election, previous Roll to be used.</i></p> <p style="text-align: center;">MODE OF LEVYING RATES.</p> <p>31. <i>Rate: how to be made.</i></p> <p>32. <i>Objections to rate: how to be heard.</i></p> <p>33. <i>Rates due from Occupier having quitted may be recovered from Owner.</i></p> <p>34. <i>Rates may be remitted on account of poverty.</i></p> <p>35. <i>Rate Collectors to be appointed.</i></p> <p>36. <i>Rates recoverable at suit of Collectors.</i></p> <p style="text-align: center;">LOANS.</p> <p>37. <i>Power to borrow on mortgage.</i></p> <p>38. <i>Mortgage to be by Deed.</i></p> <p>39. <i>Mortgage may be transferred.</i></p> <p>40. <i>Transfer of mortgage to be registered.</i></p> <p>41. <i>Works executed by loan subject to supervision.</i></p> <p style="text-align: center;">GOVERNMENT WORKS IN THE TOWN.</p> <p>42. <i>Superintendent may entrust Government works in the town to the Council.</i></p> |
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## ACCOUNTS.

43. *Accounts to be kept, and to be open to inspection.*  
 44. *Accounts and Balance-sheet to be laid before annual meeting.*

## OFFICERS.

45. *Power to appoint Officers.*  
 46. *Members of Council disqualified from being Contractors.*

## BY-LAWS.

47. *By-laws: on what subjects to be made.*  
 48. *Maximum penalty under By-law.*  
 49. *By-laws subject to Superintendent's approval.*

## MANAGEMENT OF STREETS, SEWERS, &amp;c.

50. *Streets, &c., under management of Council.*  
 51. *Sewers, materials of works, &c., vested in Council.*  
 52. *Council may provide for supply of water, lighting, and sanitary measures.*  
 53. *Council to give notice of alterations in sewers or levels of streets.*  
 54. *Plans of intended works.*  
 55. *Objections to proposed works: how to be dealt with.*  
 56. *Power to make new sewers.*  
 57. *Power to alter or stop up old sewers.*  
 58. *Remedy for injury to private individuals by alterations.*  
 59. *Council may require branch drains to be made.*  
 60. *Penalty for making branch drains without permission.*  
 61. *No building, cellar, &c., may interfere with sewers.*  
 62. *All sewers to be furnished with stench traps.*  
 63. *Use of city sewers outside the town.*

## PRIVIES, CESSPOOLS, NUISANCES, &amp;c.

64. *Council may require privies, &c., to be made and altered.*  
 65. *Council may regulate cleansing of privies, &c.*  
 66. *Council may provide receptacles for dung, rubbish, &c., and provide for its removal.*  
 67. *Council may require immediate removal of nuisances.*  
 68. *Council may fill up hollows on private property.*

## LEVELS OF NEW STREETS AND HOUSES SUBJECT TO APPROVAL OF COUNCIL.

69. *Private individuals about to build or lay out streets to give notice to Council.*  
 70. *Council may disapprove of levels and fix others.*  
 71. *In default of notice, Council may alter such streets or houses.*  
 72. *If Council does not object, works may proceed.*

## MISCELLANEOUS POWERS AND DUTIES OF COUNCIL.

73. *Protection and removal of dangerous buildings, &c.*  
 74. *Materials thereof may be sold to defray expenses.*  
 75. *Council may order removal of projections from buildings, &c.*  
 76. *No cellars to be made under, or openings in the streets.*  
 77. *Gutter pipes to be provided.*  
 78. *Boards may be erected indicating names of streets.*  
 79. *Power of entry on private lands.*  
 80. *Council may temporarily stop thoroughfares.*  
 81. *Protection against accident; penalty for interfering with barriers, &c.*  
 82. *Council may compromise suits.*  
 83. *Council may apportion certain expenses between Owner and Occupier.*  
 84. *Remedy if Occupier prevents Owner from executing works required.*  
 85. *Power to recover expenses incurred by Council.*

## PROTECTION TO OFFICERS.

86. *Members and Officers not personally liable.*  
 87. *Penalty for obstructing Officers, &c.*

## SERVICE OF NOTICES.

88. *Officers of Council may receive and give its notices.*  
 89. *Notices on Owners and Occupiers: how to be served.*

## POWER OF INTERFERENCE BY SUPERINTENDENT.

90. *Superintendent may dissolve Council if it does not fulfil terms of loan, &c.*  
 91. *If no Council elected, powers to pass to Superintendent.*

## MISCELLANEOUS.

92. *Limitation of Penalties.*  
 93. *Penalties recoverable summarily.*  
 94. *Title.*

Preamble.

**W**HEREAS it is expedient to make further provision than now exists for the improvement of the streets in the town of Lyttelton, and for the preservation of the health of the Inhabitants thereof: Be it enacted by the Superintendent of the Province of

Canterbury, by and with the advice and consent of the Provincial Council thereof as follows :—

1. "The Municipal Council Ordinance, Session XIV, No. 2," shall be, and the same is hereby repealed so far as regards the town of Lyttelton. Repealing Clause.

2. In the interpretation of this Ordinance, the words "town" and "town of Lyttelton" shall mean the town of Lyttelton as described in Schedule A to this Ordinance; the words "the Council" shall mean the Lyttelton Municipal Council hereinafter constituted; the word "Ratepayer" shall mean every male person of full age liable to be rated under the provisions of this Ordinance, either as Owner or Occupier of property within the town, and whose name shall appear on the Ratepayers' Roll for the time being, and who shall have paid all rates due from and payable by him under this Ordinance; the words "Ratepayers' Roll" shall mean the Ratepayers' Roll prepared under the authority of this Ordinance. Provided, that until a Ratepayers' Roll shall have been so prepared, such words shall include any Ratepayers' Roll which may have been prepared by the authority of the present Municipal Council of Lyttelton; and the word "street" shall include all bridges, squares, roads, streets, lanes, paths, or other public places within the town. Interpretation Clause.

#### CONSTITUTION OF COUNCIL.

3. For the purposes hereinafter mentioned, there shall be constituted within the town of Lyttelton, a Council, consisting of nine Members, to be called the Lyttelton Municipal Council, and to be elected in manner hereinafter prescribed. Lyttelton Municipal Council constituted. Provided that until the first election of such Council, the existing "Municipal Council of Lyttelton" shall be deemed and taken to be the Lyttelton Municipal Council.

#### ELECTION OF COUNCIL.

4. At the election of Members of the Council every Ratepayer shall be entitled to vote or to be elected a Member of the Council. By whom Council to be elected. If the property in respect of which such Ratepayer is liable to be rated shall not exceed One Hundred Pounds in annual value, he shall be entitled to one vote; if it shall exceed such annual value and not exceed the annual value of Three Hundred Pounds, then such Ratepayer shall have two votes, and if it shall exceed the annual value of Three Hundred Pounds then such Ratepayer shall have three votes. Provided always, that until a Roll shall have been prepared under the authority of this Ordinance, each Ratepayer shall have but one vote.

Meeting for annual election.

5. A meeting of the Ratepayers shall be held on the second Tuesday in January in every year, at the hour of noon, for the purpose of the annual election of Members of the Council. The Chairman of the Council shall give fourteen days' public notice of such meeting, by advertisement, in one or more Newspapers circulating within the town, stating the time and place of holding such meeting.

Proceedings at such election.

6. At such meeting of Ratepayers, the Chairman of the Council, if present, shall preside; if not, then some person appointed by the meeting. Every Candidate shall be proposed and seconded by Ratepayers. If there be not more Candidates than vacancies, the Chairman shall declare such Candidates duly elected; or if there be more Candidates than vacancies, such Chairman shall call for a show of hands for each Candidate, and shall declare the Candidate or Candidates in whose favour such show of hands was exhibited to be duly elected unless any Candidate or four Ratepayers shall demand a poll, in which case such Chairman shall proceed on the next day (not being a public holiday, and in that case on the day after) to hold a poll and to cause the votes of the Ratepayers to be recorded, and shall open such poll at Ten o'clock in the morning, and close it at Four o'clock in the afternoon of the same day, and shall, as soon as practicable after the closing of such poll, declare the numbers each Candidate respectively polled, and the names of the Candidate or Candidates who shall have been elected, and shall forthwith transmit the same, in writing, to the Municipal Council. Such Chairman shall, at such election, make such arrangements for receiving and recording the votes of Electors, and otherwise for the due and equitable management of the election as to him shall seem most desirable. The decision of the Chairman in respect of any disputed vote shall be final and conclusive.

Retirement of Councillors in rotation.

7. At the first annual election which shall be held after the passing of this Ordinance, four Members of the Council shall retire (to be decided by ballot at a meeting of the Council to be held not less than thirty days previously), and four duly qualified persons shall be elected in manner herein provided to fill up the vacant seats: At the second annual election the five Members who were elected two years previously shall retire, and five duly qualified persons shall be elected to fill their seats, and so on; every Member retiring from office at the expiration of two years from the date of his election. Any Member so retiring shall, if duly qualified, be eligible for re-election.

Extraordinary vacancies: how occasioned.

8. If any Member of the Council shall die, or, by writing, under his hand, delivered to the Chairman of the Council, shall resign his seat, or shall become insolvent, or be convicted of any felony, or shall become

of unsound mind, or shall, without the leave of the Council first obtained, absent himself from six consecutive meetings of the Council, the seat of such Member shall become *ipso facto* void, unless cause for such absence be satisfactorily proved to the Council.

9. Whenever, from any of the causes aforesaid, the number of the Members of the Council shall be reduced below seven, the Chairman shall, by notice, advertised in one or more Newspapers published within the Province of Canterbury, call a meeting of the Ratepayers, for the purpose of electing persons to fill the vacancies; and every person so elected shall hold office only until the time at which the person in whose room he may have been elected would regularly have gone out of office. The proceedings at any such election shall be conducted in the same manner as at the annual election.

Elections to fill extraordinary vacancies.

10. The Council may pay, out of any funds at its disposal, such expenses as may necessarily have been incurred in or about the election of any Members of such Council, and of any public meeting called by such Council.

Payment of expenses of election.

#### DIVISION OF TOWN INTO WARDS.

11. It shall be lawful for the Superintendent, if he shall think fit, on the application of a majority of two-thirds of the Council, by Proclamation in the Provincial *Government Gazette*, to divide the town into wards, for the purpose of the election of Members of the Council, and by such Proclamation to fix the boundaries and names of such wards, the number of Members to be elected for each ward, to provide for the preparation of Lists of persons qualified to vote at such elections, and to make all other provision necessary for the proper conduct of such elections, and for giving effect to such division of the town for the purposes aforesaid.

Superintendent may divide town into wards.

#### PROCEEDINGS OF COUNCIL.

12. The Lyttelton Municipal Council shall be and is hereby created a Body Corporate, under the name of "The Lyttelton Municipal Council," and under such name shall have perpetual succession and a common seal, with power to alter, vary, break, and renew the same; and may sue and be sued, implead, and be impleaded, in any Court of Law or Equity; and is hereby empowered to hold and enjoy property both real and personal, and to alienate or dispose of the same; and to enter into contracts, and enforce the fulfilment thereof, for the purposes of this Ordinance.

Council incorporated.

13. So soon after the election of the Members of the Council as conveniently may be, such Members shall elect from amongst themselves some one to be the Chairman of the Council, who shall continue

Election of Chairman.

in office until after the next annual election of Members of the Council. The Chairman of the Council, whenever present, shall preside, and if he be not present, then the Council shall choose, as and in manner it may deem expedient, some other Member to preside. In case of an equality of votes at any meeting of the Council, the Chairman or presiding Member, besides his own vote, shall have a casting vote.

Vacancy for Chairman:  
how occasioned, and  
how to be filled up.

14. If the Chairman shall cease to be a Member of the Council, or shall, by writing, under his hand, addressed to the Council, resign such his office, the Council shall, at its next meeting thereafter, elect another Member to be Chairman in his stead, who shall hold office until the next annual election of Members of the Council.

Quorum.

15. Five members of the Council shall form a quorum, and the act of such quorum shall have the same force and effect, and shall be considered as the act of the whole Council. No proceeding of the Council shall be invalidated or be illegal in consequence of there being any vacancy in the number of its Members at the time of such proceeding, or in consequence of any defect in the appointment of, or of any incapacity in any of the Members present at the time of such proceedings.

Rules for conduct of  
business.

16. The Council shall, as soon as conveniently may be, make Rules for regulating the conduct of business at meetings of the Council.

#### RATES.

Power to levy rates.

17. The Council may make and levy rates on all lands, buildings or tenements within the town: Provided always, that no such rates shall be made or levied on any land or premises belonging to the Crown, or belonging to or in the occupation of the Provincial Government of Canterbury, or on any land or building used exclusively for public, charitable, or literary, or scientific purposes, or on any building used exclusively for public worship, or for a public school or school house, Provided it be inhabited only by the Master or Mistress of such school, or his or her family.

Rates to be on annual  
value.

18. The rates shall be levied on the net annual value of all such lands, buildings or tenements, that is to say upon the rent at which the same might reasonably be expected to let from year to year.

General town rate.

19. For the purpose of maintaining and repairing the streets, and of cleansing, repairing, and maintaining in effective operation the sewers and drains of the town, of the payment of Officers employed, and the ordinary expenses incurred on account of, or inuring to the common benefit of the town, it shall be lawful for the Council, from time to time to make and levy a rate or rates, to be called "the general



town rate." No such general rate or rates shall in any one year exceed the sum of One Shilling in the Pound on the annual value of the property rated.

20. For the purpose of defraying the expense of making any street, Special town rate. or making any new, or altering, improving, closing, or destroying any old sewer or drain, or effecting any other work or improvement of a permanent nature for the benefit of the town, the Council may, from time to time, make and levy a rate or rates to be called "the special town rate," of such amount as will be sufficient to discharge the amount of such expenses and interest thereon within such period, not exceeding five years, as the Council shall, in each case, determine. No such special rate or rates shall in any one year exceed the sum of Two Shillings in the Pound on the annual value of the property rated: Provided always, that in all cases in which any sum or sums of money shall have been or may be granted by the Superintendent and Provincial Council for or on account of any special work within the town, the same shall be carried to account for such work, and the special rate or rates shall be levied for the balance only, if any, of such expenses aforesaid.

21. If at any time the persons liable to the payment of rates in Special local rate. any street or part of any street shall, by a majority of two-thirds of their votes, as provided in this Ordinance, request the Council to impose a rate upon the rateable property in such street or part thereof, for the execution of any work of special benefit to that particular locality, it shall be lawful for the Council to impose such rate accordingly, and to apply the proceeds thereof to the execution of such work. Such rate, so imposed, shall be called a "special local rate," and shall not in any one year exceed the sum of Two Shillings in the Pound on the annual value of the property rated.

22. Except as hereinafter provided, the rate, whether general, Rates: by whom to be paid. special, or local, shall be paid by the Tenant or Occupier of the land, building, or tenement rated, or in case there be no Tenant or Occupier, then by the Owner thereof. Provided that the Owners of all rateable property of which the net annual value does not exceed the sum of Ten Pounds, or which is let to weekly or monthly Tenants, shall be rated to and pay the rates instead of the Occupiers thereof.

23. When any rateable property is jointly occupied, or if unoc- Joint occupation. cupied, is jointly owned by more persons than one, each of such persons shall be deemed to be the Occupier or Owner of rateable property of equal annual value to that of the whole of such first mentioned property divided by the number of such joint Occupiers or Owners thereof.

## RATEPAYERS' ROLL.

Preparation of Rate-  
payers' Roll.

24. The Council shall, every year forthwith, after the election of the Chairman, cause to be prepared a List, containing the names and residences of all persons liable to be rated as hereinbefore provided, together with a description of the land, buildings, or tenements in respect of which every such person is liable to be rated, and a Statement of the rateable value of the same.

List open to inspection.

25. The Council shall give public notice, by advertisement in one or more Newspapers published within the Province and circulating within the town, of the completion of such List, and of the time and place at which objections thereto will be heard and determined as hereinafter provided. A true copy of such List shall be kept in the custody of the Clerk of the Council, and shall be open to the inspection of all persons interested therein at all reasonable hours.

Notice of objection.

26. If any person shall object to such List on the ground of any error, omission, irregularity, or overcharge therein, or unfairness in the valuation of any property included therein, he shall, within Fourteen days from the publication of such notice of the completion of such List, give notice of such objection to the Clerk of the Council in the form set forth in Schedule B to this Ordinance, or to the effect thereof.

Objections: how to be  
heard and determined.

27. Every such objection shall be publicly heard and determined by two or more Justices of the Peace, at a meeting to be held at the time and place fixed by the Council in the notice abovementioned or at some adjournment thereof. It shall be lawful for such Justices to allow such objections in whole or in part, and to alter the List in conformity with such allowance, or to overrule such objections, and the List so altered or unaltered, as the case may be, shall be signed by two Justices present at such meeting, and shall thenceforth be binding and conclusive upon all persons whom it may concern, and shall be called the "Ratepayers' Roll." The production of such Ratepayers' Roll, so signed as aforesaid, shall be evidence in any legal proceeding, to all intents and purposes, that it has been duly made and confirmed according to the provisions hereof: Provided that if two Justices shall not be present at the time and place so appointed for any such meeting, the meeting shall stand adjourned to that day week, and so on, from time to time, until two Justices shall attend.

Council may correct  
trifling errors in Roll.

28. It shall be lawful for the Council, from time to time, to correct any error of name or description which may be proved to their satisfaction to exist in any such "Ratepayers' Roll," provided that such correction shall not affect the amount of the rate payable in respect of any property described therein, nor the person liable to pay the same.

29. It shall be lawful for the Council in preparing, from time to time, the List of Ratepayers prescribed by Section 24 of this Ordinance, to adopt the "Ratepayers' Roll" theretofore in force, either in whole or with such alterations as may appear needful, and such Roll, when so adopted, shall be deemed to be a List of the Ratepayers made according to the provisions of the said Section 24, and shall be subject to revision, as provided in Section 27.

Roll for previous year may be adopted with alterations.

30. If, at the time of any election, the Ratepayers' Roll for the year in which such election is held shall not have been completed, the Roll for the previous year shall, for the purposes of such election, be considered to be in force.

If no Roll be made by time of election, previous Roll to be used.

#### MODE OF LEVYING RATES.

31. Previously to making or levying any rate, the Council shall cause a List to be prepared, setting forth the amount of the rate proposed to be made, the names of the persons liable to the payment thereof, the sum payable by each of such persons, and the property in respect whereof each such sum shall be payable; and the Council shall give not less than fourteen days' notice of the place where such List is deposited for inspection, and of the time and place at which objections thereto will be heard, as hereinafter mentioned.

Rate: how to be made.

32. If any person, whose name shall be on such list, shall object thereto on the ground that he has ceased to be liable to be rated in respect of any property for which in such list he is proposed to be rated, he shall give notice of such objection, and of the grounds thereof, to the Clerk of the Council, three clear days, at least, before the time appointed for hearing objections. At the time and place so appointed, or at any adjournment thereof, the Council shall hear and determine all such objections, and shall make all necessary alterations in such List, by striking thereout the name of any person who may have ceased to be liable to the payment of rates, and by inserting therein the name of any person who may, in the stead of the person first mentioned, have become liable to such payment. After all necessary alterations shall have been made in such List, the Council may, if it shall think fit, order the rate therein described to be made and levied, and the List to be sealed with the public seal of the Council, and signed by the Chairman thereof, and the production of such List, so signed and sealed, shall be evidence that the rate has been duly made by the said Council.

Objections to rate: how to be heard.

33. When the Occupier of any rateable property shall have quitted the same without having paid all the rates to which he shall have become liable in respect thereof, and then payable by him, the Council may either recover such rates from the person so having quitted, or may

Rates due from Occupier having quitted, may be recovered from Owner.

elect to recover the same from the Owner of the property, who shall thereupon be liable to pay the same.

Rates may be remitted on account of poverty.

34. It shall be lawful for the Council, if it shall be represented to it by any person liable to pay any rate, that he is unable, by reason of poverty, to pay such rate, and if the Council shall be satisfied of the truth of such representation, to remit and excuse the payment of such rate or any part thereof.

Rate Collectors to be appointed.

35. The Council shall appoint a fit person or persons to collect the rates, and shall take security from every Collector for the due execution of his office, which security shall be to the amount of the sum likely to be in the hands of the Collector at any one time, and shall be, by bond or otherwise, as the Council may determine.

Rates recoverable at suit of Collectors.

36. All rates shall be recoverable at the suit of any Collector appointed by the Council.

#### LOANS.

Power to borrow on mortgage.

37. The Council shall have power to borrow, by way of mortgage or otherwise, on the credit of the rates which it may be entitled to levy, any sum or sums of money that may be required for the purpose of making, carrying on or completing any permanent improvements that may directly benefit the town, but in no case shall the sum or sums so borrowed exceed in the whole the estimated revenue of the Council for the period of five years: Provided that no money shall be borrowed by the Council until the express sanction, in writing, of the Superintendent and Executive Council shall have been obtained, not only for the amount to be borrowed, but also for the works or improvements upon which it is proposed to expend the sum or sums so to be borrowed.

Mortgage to be by Deed.

38. Every mortgage shall be by Deed, and shall be passed under the common seal of the Council, at a meeting of the Council, and be signed by the Chairman of the meeting. A Register of all such mortgages shall be kept by the Council, and shall be open to public inspection at all reasonable hours, without fee or reward.

Mortgage may be transferred.

39. Any person entitled to any such mortgage may transfer his right and interest therein.

Transfer of mortgage to be registered.

40. Within thirty days after the date of Transfer, if executed within the Province, or otherwise within thirty days after the arrival thereof in the Province, such Transfer shall be produced to the Council, and thereupon an entry or memorial thereof shall be made in like manner, as in the case of the original Mortgagee; and for every such entry shall

be paid afee of Five Shillings, and after such entry every such Transfer shall entitle the Transferee, his Executors, Administrators, or Assigns, to the full benefit of the original mortgage, and the principal and interest thereby secured; and such Transferee may, in like manner, transfer the same again *toties quoties*, and it shall not be in the power of any person, except the person to whom the same shall last have been transferred, his Executors, Administrators, or Assigns, to make void, release or discharge the mortgage so transferred, or any money thereby secured.

41. Every work carried on by the Council with any money so borrowed as aforesaid, shall be subject to the same Rules, Regulations, supervision and control as are hereinafter provided in regard to particular works carried on by the Council after it shall have received any special Government aid for such works.

Works executed by loan subject to supervision.

#### GOVERNMENT WORKS IN THE TOWN.

42. It shall be lawful for the Superintendent to commit to the Council the expenditure of any moneys appropriated for the construction and maintenance of particular streets, bridges, drains and public works within the town, and to pay over the same to the Council, to be expended in such manner as the Council shall direct; the Plans and Specifications of all such works having first received the approval of the Superintendent. The Superintendent shall have authority to appoint any Engineer or other person to inspect all such works as aforesaid, during their progress, and to report thereupon, and in case it shall appear by the Report of such Engineer or other person, that such works are not being carried on in accordance with the Plans and Specifications so approved of as aforesaid; it shall be competent for the Superintendent to order such works to be forthwith stopped, and to make such further order in the matter as he may see fit.

Superintendent may entrust Government works in the town to the Council.

#### ACCOUNTS.

43. The Council shall, in books to be kept by it for that purpose, cause true Accounts to be kept of all sums of money by it received and paid, and of the several matters in respect whereof such sums shall have been received and paid: such Accounts shall be open to be inspected at all reasonable hours by any Ratepayer or by the Superintendent, or by any Officer appointed by him for that purpose.

Accounts to be kept, and to be open to inspection.

44. All such Accounts, with Vouchers and Papers thereto, together with a full Abstract or Balance-sheet thereof, signed by at least three Members of the Council, shall, at the annual meeting of Ratepayers, be submitted to such meeting, and shall (as soon thereafter as conveniently

Accounts and Balance-sheet to be laid before annual meeting.

may be) be examined and audited by two or more persons to be appointed for that purpose by such meeting. A copy of such Balance-sheet shall be posted up by the Council at or before the commencement of such meeting as aforesaid, upon some conspicuous part of the place in which such meeting shall be held.

#### OFFICERS.

Power to appoint Officers.

45. The Council may appoint such Clerks, Surveyors, Engineers, Valuers, Collectors, and other Officers, as may be necessary for carrying this Ordinance into operation, with such salaries and emoluments as may seem reasonable, and may dismiss or suspend such Officers and appoint others in their stead, and may reduce or increase such salaries and emoluments in such manner and at such times as such Council shall see fit, and may pay such salaries or emoluments out of the funds at the disposal of the Council.

Members of Council disqualified from being Contractors.

46. No Member of the Council shall, during the time he shall continue a Member thereof, become a Contractor with or hold any paid office in the gift of the Council; and any person offending against the provisions of this Clause shall, upon conviction thereof, forfeit and pay a penalty not exceeding One Hundred Pounds. Provided that nothing herein contained shall be interpreted to apply to any Member of the Council who shall be a Shareholder in a Public Company which shall have entered into any contract with the said Council.

#### BY - L A W S .

By-laws: on what subjects to be made.

47. It shall be lawful for the Council to make By-laws for—
- (a) The collection of rates :
  - (b) The prevention and extinguishing of fires :
  - (c) The suppression of nuisances :
  - (d) Regulating the traffic within the streets of the town, and preventing obstructions thereto :
  - (e) Preventing encroachments upon or injury to any streets, and for securing the cleanliness thereof :
  - (f) The preservation of the footpaths :
  - (g) Preserving all streams or watercourses from pollution, obstruction, or injury :
  - (h) Compelling all persons within the town to keep their premises free from offensive or unwholesome matters :
  - (i) Regulating and licensing Porters, Public Carriers, Carters, and Water-drawers :
  - (k) Regulating markets, market dues, fairs, and sales :
  - (l) The preservation of public decency and public health :
  - (m) The restraining noisome and offensive trades :
  - (n) The general good rule and good government of the town :

Provided always that no such By-laws shall be repugnant to or interfere with any Ordinance of the Superintendent and Provincial Council.

48. Each By-law so to be made as aforesaid, shall impose some maximum penalty not exceeding Ten Pounds for any neglect or breach thereof, and in the case of a continuing offence, a further penalty not exceeding Five Pounds for each day after written notice of such neglect or breach given to the Offender. Maximum Penalty under By-law.

49. No such By-law shall have any force or effect until the Superintendent, with the advice of his Executive Council, shall, under his hand, have signified his assent thereto; and when such By-law shall have been so assented to, the Superintendent shall cause publicity to be given thereto by Proclamation in the Provincial *Government Gazette*. By-laws subject to Superintendent's approval.

#### MANAGEMENT OF STREETS, SEWERS, &c.

50. The Council shall have the care and management of the public roads, streets, squares, paths, wharves, bridges and thoroughfares, and all streams, watercourses, ponds, ditches, and the like, not being private property, within the town: Provided that nothing herein contained shall authorise the Council contrary to, or inconsistently with any private right to use, injure, or interfere with any watercourse, stream or river in which the Occupier or Owner of any lands, mills, or machinery shall have a right or vested interest, without his consent, in writing, being first obtained. Streets, &c., under management of Council.

51. All main or public sewers and drains within the town, and all materials thereof, and all materials for making and repairing streets, and of works in progress of every description, or brought upon or near to any works in progress, for the purpose of being used thereon, shall vest in, and belong to, and be under the management and control of the Council. Sewers, Materials of Works, &c., vested in Council.

52. The Council shall adopt such means as may seem to it desirable for the preservation of the public health, for securing the necessary supply of water for domestic or sanitary purposes, and for cleansing and lighting the streets of the town, and shall and may form, cleanse, repair, and maintain in effectual operation the sewers and drains of the town, as shall to such Council seem fit, subject to the provisions hereinafter contained. Council may provide for supply of water, lighting, and sanitary Measures.

53. Fourteen days, at least, before fixing the level of any street which shall not have been hitherto levelled, and before making any sewer where none was before, or altering the level or course of, or abandoning or stopping any sewer, the Council shall give notice of its intention to perform such work, by posting a printed or written Council to give notice of alterations in sewers or levels of streets.

notice on a conspicuous place, in every such street through or in which such work is to be undertaken, in which notice shall be set forth the name or situation of the street intended to be levelled, and the names of the places through or near which it is intended that the new sewer shall pass, or the existing sewer be altered or stopped up, and also the places of the beginning and the end thereof, and such notice shall refer to Plans of such intended work, and name the place where such Plans may be seen, and a time when, and place where all persons interested in such intended work may be heard thereupon.

Plans of intended works.

54. Before giving notice of its intention to construct any work, of which by this Ordinance it is required to give notice, the Council shall cause a Plan and Section of the intended work to be made, on a scale not less for a horizontal plan than one inch to one hundred and ninety-eight feet, and for a vertical section, not less than one inch to ten feet, and in case of a sewer, showing the depth of such sewer below the surface of the ground, which Plans may be deposited in the office of the Council or some other convenient place, and shall be open at all reasonable hours for the inspection of all persons interested therein during the time for which such notice is required to be given.

Objections to proposed works: how to be dealt with.

55. The Council shall, at the time and place mentioned in the notice, consider, either by itself or by some competent person appointed by it for that purpose, any objections made against such intended work, and all persons interested therein or likely to be aggrieved thereby shall be entitled to be heard thereupon. The Council may, in its discretion, grant compensation for, abandon, or make such alterations in the intended work as it may judge fit: Provided always, that if any person whose property may be effected by such decision shall object to the amount awarded by the Council in compensation for the injury he may sustain, he shall be entitled to demand that such compensation shall be assessed in accordance with the provisions of "The Diversion of Roads Ordinance, Session XI., No. 3."

Power to make new sewers.

56. The Council shall, from time to time, subject to the restrictions herein contained as to the notice to be given and the Plans and Estimates to be prepared, cause to be made such main drain and other sewers as shall be necessary for the effectual drainage of the town, and also all such reservoirs, sluices, engines, and other works as may be necessary for cleansing such sewer. If, for completing any of the aforesaid works, it be found necessary to carry them into or through any land which is the property of private individuals, the Council may carry the same into or through such land accordingly, making full compensation to the Owners or Occupiers of any such land. The Council may also cause such sewers to communicate with and empty themselves into the sea or any public stream or river beyond the limits



of the town, or cause the refuse of such sewers to be conveyed by a proper channel to the most convenient site for its deposit, collection, or sale for agricultural or other purposes, as may be deemed most expedient, but so that the same shall in no case be allowed to become a nuisance.

57. The Council shall from time to time repair, and, as it sees fit, enlarge, alter, arch over, or otherwise improve all or any of the sewers vested in it: It may demolish or discontinue any sewer which may appear to it to have become useless, provided it be so done as not to create a nuisance. Power to alter or stop up old sewers.

58. If any person by means of any enlargement, alteration, or discontinuance of any sewer, or other proceeding of the Council, be deprived of the use of any sewer or drain which such person was theretofore lawfully entitled to use, the Council shall provide some other sewer or drain equally effectual for such purpose; and if the Council refuse, or do not within seven days next after notice, in writing, served upon it, begin and thereupon diligently proceed to restore to its former effective state such drain or sewer, the use whereof has been affected by the acts of the Council, or to provide such other sewer or drain as aforesaid, it shall forfeit to the person aggrieved any sum not exceeding Forty Shillings for every day after the expiration of such seven days during which he is deprived of the use of the drain or sewer to which he was so entitled. Remedy for injury to private individuals by alterations.

59. In all cases where a sewer of a sufficient size under the jurisdiction of the Council shall pass within one hundred feet of any house or building on a lower level than such house or building, the Council may, by notice, in writing, require the Occupier of such house or building forthwith, or within such reasonable time as shall be appointed by the Council, to construct or make from such house or building into the nearest common sewer, a covered drain of such materials, of such size, at such level, and with such fall, as shall be adequate for the drainage of such house or building, and of its areas, water-closets, privies, and offices, if any, and to carry and convey the soil, drainage, and wash therefrom into the said sewer, and to provide a fit and proper trap affixed to the mouth of such drain to the satisfaction of the Council; and if the Occupier of such house or building shall neglect or refuse, during twenty-eight days after the said notice shall have been delivered to him or left at such house or building, to construct such drain, or shall thereafter fail to carry it on and complete it with all reasonable dispatch, the Council may, and it is hereby empowered to cause the same to be constructed and made, and to recover the expense to be incurred thereby from such Occupier. Council may require branch drains to be made.

Penalty for making  
branch drains without  
permission.

60. Every person, not being employed or authorized for the purpose by the Council, who shall make any branch drain into any of the sewers or drains vested in the Council, shall forfeit to the Council such sum, not exceeding Twenty Pounds, as the Council may determine; and the Council may cause such branch drain to be stopped or re-made as it may think fit, and all the expense incurred thereby shall be paid by the person making such branch drain, and shall be recoverable by the Council from him.

No building, cellar, &c.  
may interfere with  
sewers.

61. No building shall be erected over any sewer belonging to the Council, without the consent of the Council first obtained, in writing. All vaults, arches, and cellars shall be substantially made, and so as not to interfere or communicate with any sewers belonging to the Council. If, after the coming into operation of this Ordinance, any building is erected in the town, or any vault, arch, or cellar be made therein contrary to the provisions herein contained, the Council may demolish or fill up the same, and the expense incurred thereby shall be paid by the person erecting such building, or making such vault, arch, or cellar, and shall be recoverable as damages.

All sewers to be fur-  
nished with stench  
traps.

62. All sewers or drains within the town, whether public or private, shall be provided by the Council or other persons to whom they severally belong, with proper traps or other covering for means of ventilation so as to prevent stench.

Use of town sewers  
outside the town.

63. Any person being the Owner or Occupier of any lands beyond the town, and in respect of which he would not be liable to the payment of the rates authorized to be levied under this Ordinance, may, with the consent of the Council first obtained, in writing, and upon payment to them of a reasonable sum of money, to be agreed upon between them, at his own expense, and under the superintendence of the Surveyor of the Council, cause to branch into and communicate with any of the sewers belonging to the Council any sewer or drain in respect of the said property which may be lawfully made therefrom, of such size and in such manner and form of communication as the Council may approve of.

#### PRIVIES, CESSPOOLS, NUISANCES, &c.

Council may require  
privies, &c., to be made  
and altered.

64. The Owner or Occupier of any dwelling-house within the town shall provide the same with a privy or privies, constructed in all things to the satisfaction of the Council, within one month next after notice, in writing, for that purpose given by the Council to him, and in default thereof the Council shall cause such privy or privies to be provided and the expense incurred thereby shall be recovered by the Council from such Owner or Occupier.

65. All drains, as well within as without the premises to which they belong, and all privies and cesspools within the town, shall be subject to the survey and control of the Council, and shall be altered, repaired, and kept in proper order, and cleansed at the costs and charges of the Owners or Occupiers of the premises to which the same belong, or for the use of which they are constructed, and the Council may cause the same to be repaired and cleansed, and recover the expenses incurred thereby from the Owner or Occupier of such premises.

Council may regulate cleansing of privies, &c.

66. It shall be lawful for the Council to make such provision as it shall think fit for the periodical removal of the refuse of every house or other building within the town, whether night soil, dung, ashes, slops, or other filth and rubbish, and for its conveyance to some convenient place for its deposit, and also from time to time to provide places convenient for deposit.

Council may provide receptacles for dung, rubbish, &c., and provide for its removal.

67. If at any time it shall be represented to the Council by any of its Officers, or by any duly qualified Medical Practitioner, that any stagnant water or accumulation of dung, soil, or filth, or other noxious or offensive matter within the town ought to be removed, as being injurious to the health of the Inhabitants, the Council shall forthwith give notice to the Owner or Occupier of the land or premises where the same may be to remove it forthwith, and if such Owner or Occupier shall refuse or neglect to comply with such notice, he shall be liable to a penalty not exceeding Five Pounds.

Council may require immediate removal of nuisances.

68. If it shall appear to the Council that any gully, drain, or hollow place on any private property within the town is a receptacle for filth or stagnant water, which is or is likely to be offensive or injurious to the health of the Inhabitants, the Council may, by Order, in writing, require the Owner or Occupier of such property to fill up such gully, drain, or hollow place within a time to be specified in such Order, and if such Owner or Occupier shall not comply with such Order within the time so specified, the Council may, by its Officers, enter upon the said property, and cause such gully, drain, or hollow place to be filled, either with earth from any other part of the said property, or otherwise, as it may deem fit, and may recover the expense of so doing from such Owner or Occupier.

Council may fill up hollows on private property.

#### LEVELS OF NEW STREETS AND HOUSES SUBJECT TO APPROVAL OF COUNCIL.

69. Before any person shall lay out any new street, begin to build any house, or to re-build any existing house within the town, he shall give to the Council notice thereof, in writing, and shall accompany such notice with a Plan, showing the level at which such street or the

Private individuals about to build or lay out streets to give notice to Council.

foundation of such house is proposed to be laid, by reference to some level ascertained under the direction of the Council. Whenever any house is taken down to or below the roof of the floor, commonly called the ground or street floor, for the purpose of being built up again, such building shall be deemed a re-building within the meaning of this Ordinance.

Council may disapprove of levels and fix others.

70. Within fourteen days after receiving such notice, the Council may signify its disapproval of the level at which it is proposed to lay such street or the foundation of any such house, and in case of such disapproval, may fix the level at which the same is to be laid.

In default of notice, Council may alter such streets or houses.

71. In default of sending such notice and Plan, or if such new street or building be begun or made at any level different from that fixed by the Council within the said fourteen days, or in any other respect contrary to the provisions of this Ordinance, the Council may, if necessary, cause such new street to be altered, or such building to be altered or demolished, as the case requires, and the expenses incurred by the Council in respect thereof shall be repaid to it by the person failing to comply with the provisions aforesaid, and shall be recoverable as damages.

If Council does not object, works may proceed.

72. If the Council fail to signify, in writing, its approval or disapproval of the level shown on such Plan as aforesaid, within fourteen days after receiving such notice and Plan as aforesaid, the person giving such notice may, notwithstanding anything herein contained, proceed to lay out and make the street, or build or re-build the house therein referred to, according to the level shewn on such Plan: Provided that such building or re-building be otherwise in accordance with the provisions of this Ordinance.

#### MISCELLANEOUS POWERS AND DUTIES OF COUNCIL.

Protection and removal of dangerous buildings, &c.

73. If any building, or wall, or anything affixed thereon, within the city, be deemed by the Council, or any Surveyor appointed by it, to be in a state dangerous to Passengers, or to the Occupiers of the neighbouring buildings, such Surveyor shall immediately cause a proper board or fence to be put up for the protection of Passengers, and shall cause a notice, in writing, to be given to the Occupier or Owner of such building or wall, if he be known, and resident within the town; and shall also cause such notice to be put on the door or other conspicuous part of the said premises, requiring such Owner or Occupier forthwith to take down, secure, or repair such building, wall, or other thing, as the case shall require; and if such Owner or Occupier do not begin to repair, take down, or secure such building, wall, or other thing, within the space of two days after any such notice has been so given or put up

as aforesaid, and complete such repairs, or taking down and securing as speedily as the nature of the case will admit, or if no Owner or Occupier can be found on whom to serve such Order, the Council shall, with all convenient speed, cause all, or so much of such building, wall, or other thing as shall be in a dangerous condition to be taken down, repaired, or otherwise secured in such manner as it shall deem requisite; and all the expense of putting up such fence, and of taking down, repairing or securing such building, wall, or other thing, shall be paid by the Owner or Occupier thereof.

74. If any such building, wall, or other thing, as aforesaid, or any part of the same be pulled down by virtue of the powers aforesaid, the Council may sell the materials thereof, or so much of the same as shall be pulled down, and apply the proceeds of such sale in payment of the expenses incurred in respect of such building, wall, or other thing, and restore any surplus to the Owner thereof on demand; nevertheless the Council, although they may sell such material for the purposes aforesaid, shall have the same remedies for compelling the payment of so much of the said expenses as may remain due after the application of the proceeds of such sale, as are hereinbefore given to them for compelling payment of the whole of the said expenses.

75. The Council may give notice to the Owner or Occupier of any house or building to remove or alter any porch, step, fence, veranda, or any other obstruction or projection erected, or placed against, or in front of any house or building within the town, and which is an obstruction to the safe and convenient passage along any street, or any encroachment thereupon, and such Owner or Occupier shall, within ten days after the service of such notice upon him, remove such obstruction, or alter the same in such manner as shall have been directed by the Council, and in default thereof shall be liable to a penalty not exceeding Five Pounds, and the Council in such case may remove such obstruction, projection, or encroachment, and the expense thereof shall be paid to the Council by the Owner or Occupier so making default.

76. No cellar or vault may be made under any street within the town, nor shall any opening be made in any street or footpath to make an entrance into any cellar or vault. Every person so making any such cellar, vault, or opening, shall be liable to a penalty not exceeding Ten Pounds, and to a further penalty not exceeding Ten Pounds for every day, after he shall have received notice from the Council to fill up such cellar, vault, or opening, during which the same shall remain unfilled.

77. The Council may order the Owner or Occupier of any house or building in, adjoining, or near to any street, to put up and keep in

Materials thereof may be sold to defray expenses.

Council may order removal of projections from buildings, &c.

No cellars to be made under, or openings in the streets.

Gutter pipes to be provided.

good condition a gutter-pipe or trough, to convey the water from the roof thereof, in such a manner that the water therefrom shall not fall upon the persons passing along the street, or flow over the footpath; and in default of compliance with such Order within seven days after service thereof, such Owner or Occupier shall be liable to a penalty not exceeding Forty Shillings for every day that he shall so make default.

Boards may be affixed in indicating names of streets.

78. The Council may, for the purpose of indicating the name of any street, or for other like purpose, affix a board, having the name of such street printed thereon, to any house, building, wall or fence within the town; and every person who shall wilfully remove, injure, or deface such board, shall be liable to a penalty not exceeding Five Pounds.

Power of entry upon private lands.

79. The Council shall have power, by itself or its Officers, to enter, at all reasonable hours in the day-time, into and upon any land, buildings and premises within the city, without being liable to any legal proceeding on account thereof: Provided always, that except when herein otherwise provided, the Council or its Officers shall not make any such entry, unless with the consent of the Occupier, until after the expiration of twenty-four hours' notice for that purpose given to the Owner or Occupier.

Council may temporarily stop thoroughfares.

80. The Council may stop up any street, and prevent the same from being used as a common thoroughfare for a reasonable time during the execution of any work authorized by this Ordinance.

Protection against accident; penalty for interfering with barriers.

81. The Council shall, during the execution of any work, or the stoppage of any street, take proper precaution for guarding against accident; and if any person shall, without the authority or consent of the Council, take down, alter, or remove any bar, chain, or other protection, or extinguish any light placed at or near to any bar, chain, or work for protection, he shall, for every such offence, on conviction thereof before any Justice of the Peace, be liable to a penalty not exceeding Five Pounds, or to be imprisoned for any period not exceeding fourteen days.

Council may compromise suits.

82. The Council may compound and agree with any person who may have entered into any contract with the Council, or against whom it may bring any action or suit for any penalty contained in any such Contract, or in any Bond or other Securities for the performance thereof, or for or on account of any breach or non-performance of any such Contract, Bond, or Security for any sum of money or recompense, as the Council may think proper.

Council may apportion certain expenses between Owner and Occupier.

83. Whenever any question shall arise as to whether any work required by the Council to be performed ought to be performed by the Owner or Occupier of any premises, the Council may determine the

matter, and may order that the expenses of executing any such work shall be borne by the Owner or Occupier, or by both, in such proportions as it may deem equitable.

84. If the Occupier of any premises shall prevent the Owner thereof from carrying into effect, in respect of such premises, any of the provisions of this Ordinance, after notice of his intention so to do has been given by the Owner to such Occupier, the Council may make an Order, in writing, requiring such Occupier to permit the Owner to execute all such works with respect to such premises as may be necessary for carrying into effect the provisions of this Ordinance; and if, after the expiration of ten days from the date of such Order, such Occupier continues to refuse to permit such Owner to execute such work, such Occupier shall, for every day during which he so continues to refuse, be liable to a penalty not exceeding Forty Shillings; and every such Owner, during the continuance of such refusal, shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such work.

Remedy if Occupier prevents Owner from executing works required.

85. If the Owner or Occupier of any premises made liable by this Ordinance for the repayment to the Council of any expenses incurred by it, do not, as soon as the same becomes due from him, repay all such expenses, the Council may recover the same from such Owner or Occupier by legal proceedings.

Power to recover expenses incurred by Council.

#### PROTECTION TO OFFICERS.

86. No act done by any Member or Officer of the Council, acting under the direction of the Council, and *bond fide* for the purpose of carrying into operation any of the provisions of this Ordinance, shall subject such Member or Officer personally to any action, suit, or demand whatever, but the responsibility of such act shall lie upon the Council.

Members and Officers not personally liable.

87. Any person who shall obstruct or attempt to obstruct any Member or Officer of the Council acting in the execution of this Ordinance, shall be liable to a penalty not exceeding Ten Pounds.

Penalty for obstructing Officers, &c.

#### SERVICE OF NOTICES.

88. All Notices, Orders, or Instructions which the Council is by this Ordinance authorized or required to give or receive, may be given or received by any Officers of the Council duly authorized by it for that purpose.

Officers of Council may receive and give its notices.

89. Where by this Ordinance any notice is required to be given to the Owner or Occupier of any land or premises, such notice, addressed to such Owner or Occupier, as the case may require, may be served by

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delivering the same to the Occupier, or by leaving the same for him with some inmate of his usual place of abode ; if there be no Occupier, such notice may be served by posting the same upon some conspicuous part of such land or premises : Provided always, that when such Owner and his residence are known to the Council, it shall be the duty of the Council, if he be resident within the town, to cause every notice addressed to him to be served by delivering the same to him, or by leaving it for him with some inmate of his usual place of abode, and if such Owner be not resident within the town, but be resident within the Colony of New Zealand, the Council shall serve such notice by sending the same by the Post, addressed to the residence of such Owner, and by publishing the same in one or more Newspapers of the Province. It shall not be necessary in any such notice to name such Occupier or Owner otherwise than by describing him as the Occupier or Owner of such land or premises.

#### POWER OF INTERFERENCE BY SUPERINTENDENT.

Superintendent may dissolve Council if it does not fulfil terms of loan, &c.

90. If the Council, after any money shall have been given or advanced to it out of the public revenues of the Province, whether as a loan or otherwise, or after a guarantee shall have been given in respect of any loan, shall refuse at any time to observe the conditions required by the terms of such loan or guarantee, then it shall be lawful for the Superintendent to declare that the functions and powers of the Council shall, from and after a day to be named by him and published in the *Provincial Government Gazette*, absolutely cease and determine, and its functions, powers and liabilities, together with all its property, real or personal, shall thereupon be transferred to, and vest in a Board of Commissioners, consisting of not more than Five Members, to be appointed by the Superintendent, and such Board shall, under such Rules and Regulations as the Superintendent may prescribe, exercise all the powers and discharge all the functions of the Council *mutatis mutandis* as fully and effectually as the Council could do. Provided that such Board shall enter upon no new work within the town, and that its powers and functions shall cease and determine as soon as any such loan, and all interest thereon, shall have been fully repaid and satisfied, or any such guarantee shall have expired or been otherwise determined.

If no Council elected, powers to pass to Superintendent.

91. If at any time the persons duly qualified to elect Members of the Council shall refuse or neglect so to do, or to elect a sufficient number of such Members to form a quorum, all the powers and duties herein vested in or imposed upon the Council (except the power to levy a rate) shall be transferred to and vest in, and be imposed upon the Superintendent.



## MISCELLANEOUS.

92. No penalty to be imposed on any one conviction under the provisions of this Ordinance shall exceed the sum of One Hundred Pounds. <sup>Limitation of penalties.</sup>

93. All fines and penalties imposed under this Ordinance or under any By-laws made by authority thereof shall be recoverable in a summary way. <sup>Penalties recoverable summarily.</sup>

94. This Ordinance shall be entitled "The Lyttelton Municipal Council Ordinance, 1863." <sup>Title.</sup>

SAMUEL BEALEY,  
Superintendent.

Passed the Provincial Council the  
Twenty-second day of Sep-  
tember, in the year of our  
Lord one thousand eight hun-  
dred and sixty-three, and  
reserved for the assent of His  
Excellency the Governor.

CHARLES BOWEN,  
Speaker.

HENRY BACON QUIN,  
Clerk to the Council.

## SCHEDULE A.

The town of Lyttelton is bounded on the north by the ridge of hills lying on the north side of Lyttelton; on the east by the spur of the hill running down to the sea immediately on the east side of Gollan's Bay; on the south by the sea, and on the west by the eastern boundary of the Native Reserve at Rapaki.

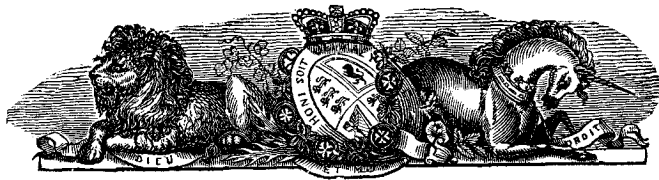
## SCHEDULE B.

*To the Lyttelton Municipal Council.*

I hereby give you notice that I object to the following portion of the List of Ratepayers for the town of Lyttelton now deposited for inspection at the office of the Clerk to the Council [*here recite the part objected to*], that the following are the grounds of my objection [*here state the grounds of objection*], and that I shall appear in support of such objection at the meeting of Justices to be held on the

Signature of Objector .....  
 Description.....  
 Address .....

*This Ordinance was assented to by his Excellency the Governor.  
 See notification in "New Zealand Government Gazette," No. 1, 12th  
 January, 1864, page 4.*



PROVINCE OF CANTERBURY.

ANNO VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

SESSION XX., No. 23.

The Appropriation Ordinance, 1863.

Published by Authority.

ANALYSIS.

- |  |  |
|--|--|
| <p>1. <i>Appropriation of Provincial Revenue for the year ending 30th June, 1864.</i></p> <p>2. <i>Provincial Treasurer shall issue and be allowed credit for sums appropriated as per Schedules B and C.</i></p> <p>3. <i>Provincial Treasurer to issue upon War-</i></p> | <p><i>rant by his Honor the Superintendent.</i></p> <p>4. <i>Provincial Treasurer shall be allowed credit for sums expended as per Schedule D up to 30th June, 1863.</i></p> <p>5. <i>Title.</i></p> |
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**B**E it enacted by the Superintendent of the Province of Canterbury, with the advice and consent of the Provincial Council thereof, as follows :—

1. Out of the public revenues of the said Province there may be issued and applied for the public service of the Province, and for defraying the charge of the Government thereof, for the period commencing on the First day of July, one thousand eight hundred and sixty-three, and ending on the Thirtieth day of June, one thousand eight hundred and sixty-four, in manner set forth in the Schedule A to this Ordinance, any sum or sums of money not exceeding the sums in such Schedule specified, amounting in the whole to the sum of Two Hundred and Ninety-three Thousand Three Hundred and Eighty-seven Pounds Three Shillings and Eightpence.

Appropriation of Provincial Revenue for the year ending 30th June, 1864.

2. Out of the public revenues of the said Province which shall have been raised by Debentures issuable under the authority of "The Lyttelton and Christchurch Railway Loan Ordinance, Session XIII., No. 1," there may be issued and applied, for defraying the charges of the Lyttelton and Christchurch railway works, for the period

Provincial Treasurer shall issue and be allowed credit for sums appropriated as per Schedules B. and C.

commencing on the First day of July, one thousand eight hundred and sixty-three, and ending on the Thirtieth day of June, one thousand eight hundred and sixty-four, in the manner set forth in the Schedule B to this Ordinance, any sum or sums of money not exceeding the sums in such Schedule specified, amounting in the whole to the sum of One Hundred and One Thousand One Hundred and Fifty Pounds, and out of the public revenues of the said Province, which shall have been raised by Debentures issuable under the authority of "The Canterbury Loan Ordinance, 1862," there may be issued and applied, for defraying the charges of the works set forth in the Schedule C to this Ordinance, any sum or sums of money not exceeding the sums in such Schedule specified, amounting in the whole to the sum of Sixteen Thousand Five Hundred Pounds.

Provincial Treasurer to issue upon Warrant by his Honor the Superintendent.

3. The Provincial Treasurer shall issue from time to time any sum or sums of money not exceeding the sums in such Estimates severally specified, to such persons, and in such portions as the Superintendent shall, by any Warrants under his hand, from time to time direct, and shall be allowed credit in his accounts for all sums so paid by him in pursuance of such Warrants; and the Receipts of the persons to whom such sums shall have been paid shall be a full discharge for the sum or sums for which such receipts shall be given.

Provincial Treasurer shall be allowed credit for sums expended as per Schedule D up to 30th June, 1863.

4. And Whereas, in defraying the charge of the Provincial Government and in the public service of the said Province for the nine months ending the Thirtieth June, one thousand eight hundred and sixty-three, certain sums of money, amounting in the whole to the sum of Fifteen Thousand Eight Hundred and Ninety Pounds Ten Shillings and Two-pence, were issued and paid by the Provincial Treasurer, in pursuance of Warrants under the hand of the Superintendent; and such sums were paid in the manner and on account of the services particularly set forth in the Schedule D to this Ordinance, but were not included in any Bill for the appropriation of the public revenues of the said Province for the said nine months: Be it therefore enacted that the Provincial Treasurer shall be allowed credit in his Accounts for all sums of money so issued and paid by him on the several Accounts set forth in the Schedule D hereunto annexed; and the Receipts of the persons to whom such sums of money shall have been paid under such Warrants, shall be a complete discharge for the sum or sums of money for which such Receipts shall have been given.

Title.

5. This Ordinance shall be entitled and may be cited as "The Appropriation Ordinance, 1863."

SAMUEL BEALEY,  
Superintendent.

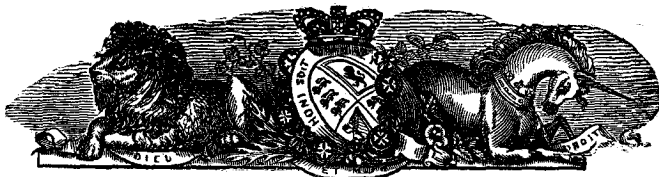
Passed the Provincial Council, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Twenty-ninth day of September, in the year of our Lord one thousand eight hundred and sixty-three.

CHARLES BOWEN,  
Speaker.

HENRY BACON QUIN,  
Clerk to the Council.

*Sum voted under Schedule A, £293,387 3s. 8d. Sum voted under Schedule B, £101,150. Sum voted under Schedule C, £16,500. Sum paid in excess of Appropriation Act, 1862, Schedule D, £15,890 10s. 2d.*





PROVINCE OF CANTERBURY.

ANNO VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

SESSION XXI., No. 1.

Railway and Harbour Works Ordinance,  
1864.

Published by Authority.

ANALYSIS.

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| <p><i>Preamble.</i></p> <p>1. <i>Railway and Harbour Works Account to be opened.</i></p> <p>2. <i>Certain moneys herein specified to be paid thereinto.</i></p> | <p>3. <i>Certain moneys herein specified to be paid therefrom.</i></p> <p>4. <i>Nothing herein contained to affect the Ordinances and Acts herein-named.</i></p> <p>5. <i>Title.</i></p> |
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**W**HEREAS it is expedient that further provision than now exists Preamble. should be made for the execution of harbour works and Railways within the Province of Canterbury, by the setting apart, for that purpose, of two-fifths of the territorial revenue payable to the Provincial Treasurer for the use of the Province of Canterbury: Be it therefore enacted by the Superintendent of the said Province, by and with the advice and consent of the Provincial Council thereof as follows:

1. The Provincial Treasurer shall open an Account, to be called Railway and Harbour Works' Account to be opened. "The Railway and Harbour Works' Account."

2. The Provincial Treasurer shall, from and after the First day of July, One thousand eight hundred and sixty-four, pay into "The Certain moneys herein specified to be paid hereinto. Railway and Harbour Works Account," the following moneys; viz.,

1. Two-fifth parts of all sums paid to the said Treasurer on account of territorial revenue arising within the Province of Canterbury.
2. All rents and net profits paid to the said Treasurer on account of Railways and Harbour Works within the said Province.
3. All sums borrowed and raised by Bonds, Debentures, or other Securities upon the security of the revenues of the Province,

for the purpose of the construction of such railways and harbour works.

Certain moneys herein specified to be paid therefrom.

3. The Provincial Treasurer shall pay out of "The Railway and Harbour Works Account :"—

1. The interest and sinking fund annually payable on all such Bonds, Debentures, and other Securities as aforesaid, including all Debentures issued under the provisions of "The Lyttelton and Christchurch Railway Loan Ordinance, Session XIII., No. 1," and of the Canterbury Loan Ordinance, 1862."
2. All such sums as shall, by due authority of Law, be appropriated towards the construction of railways and harbour works within the Province of Canterbury.

Nothing herein contained to affect the Ordinances and Acts herein named.

4. Nothing in this Ordinance contained shall prejudice, vary or affect any security granted under or by virtue of "The Loan Ordinance, Session VIII., No. 3," or of "The Lyttelton and Christchurch Railway Loan Ordinance, Session XIII., No. 1," or of "The Canterbury Loan Ordinance, 1862," or of any Act of the General Assembly of New Zealand, or of an Act of the Imperial Parliament, entitled "An Act to Guarantee a Loan for the Service of New Zealand."

Title.

~~4. This Ordinance may be cited as~~ "The Railway and Harbour Works Fund Ordinance, 1864."

SAMUEL BEALEY,  
Superintendent.

Passed the Provincial Council this  
Twenty-ninth day of April,  
one thousand eight hundred  
and sixty-four.

CHARLES BOWEN,  
Speaker.

HENRY BACON QUIN,  
Clerk to the Council.

Assented to on behalf of his Ex-  
cellency the Governor, at  
Christchurch, this Twenty-  
ninth day of April, one thou-  
sand eight hundred and sixty-  
four.