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12



ORDINANCES

OF THE

PROVINCE OF OTAGO, N. Z.

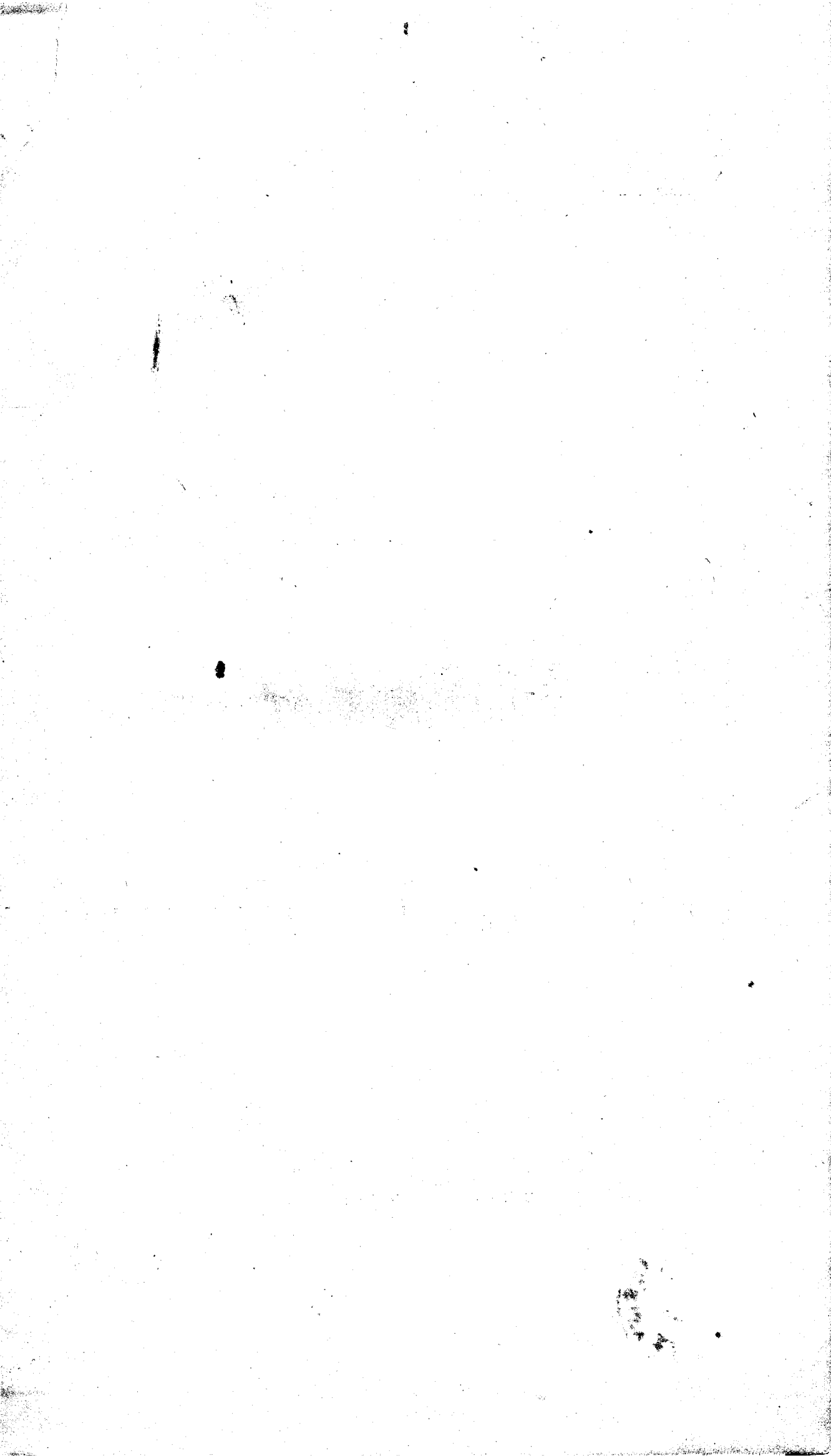


SESSION I. TO XIV. INCLUSIVE.

DUNEDIN :

PRINTED AT THE "OTAGO WITNESS" OFFICE.

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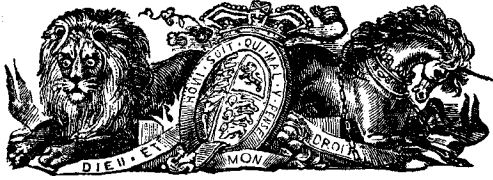
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EXECUTIVE COUNCIL ORDINANCE, 1854.

IN THE SEVENTEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

No. 1. A

ANALYSIS.

- | | |
|--|---|
| <p>Title.
Preamble.</p> <ol style="list-style-type: none"> 1. The Government to be administered by Superintendent with advice of an Executive Council. 2. Provincial Government Gazette. Public Seal. 3. Treasurer for the Province to receive and pay monies. 4. Under Warrant of Superintendent. 5. To give security. 6. Executive Council. 7. To consist of not more than three members of the Provincial Council. | <ol style="list-style-type: none"> 8. To be appointed by the Superintendent during pleasure. 9. Not to hold office of emolument under Superintendent unless elected subsequent to appointment. 10. May resign. 11. How officers for discharging the business of the Province to be appointed. 12. Rules for transacting the business of the several offices may be made. 13. Any officer suspended or removed may complain to Provincial Council. 14. Ordinance when to come into operation. |
|--|---|

AN ORDINANCE to constitute an Executive Government for the Province of Otago. Title.

WHEREAS it is expedient that an Executive Government be constituted in and for the Province of Otago. Preamble.

BE IT ENACTED by the Superintendent, with the advice and consent of the Provincial Council thereof, as follows:—

1. The administration of the Provincial Executive Government is hereby vested in the Superintendent, who shall act by and with the advice and consent of an Executive Council, to be appointed as is hereinafter provided. The Government to be administered by Superintendent, with advice of an Executive Council.
2. The Superintendent shall establish a Provincial Government Gazette, (of which Gazette number one already published, containing the Proclamation) Provincial Government Gazette. Public Seal.

tion appointing the first Session of this Council, shall be and is hereby declared to be the first number of the said Gazette), and shall provide and use the Public Seal of the Province, which Seal shall not be altered or changed, except by an Ordinance of the Provincial Council. Until such Seal shall be provided, he may use his own Seal.

Treasurer for the Province to receive and pay monies.

3. There shall be a Treasurer for the Province, who shall receive and pay all Monies receivable and payable, for, and on behalf of the Province.

Under warrant of Superintendent.

4. No Public Money shall be paid by the Treasurer, except under a written Warrant, signed by the Superintendent.

To give security.

5. The Treasurer shall, before entering on the duties of his office, give sufficient security for the faithful discharge of his trust to, and to the satisfaction of, the Superintendent.

Executive Council.

6. There shall be an Executive Council of the Province.

To consist of not more than three members of the Provincial Council.

7. Such Executive Council shall consist of not more than three members, who shall be also members of the Provincial Council.

To be appointed by the Superintendent during pleasure.

8. The Treasurer and the members of the Executive Council shall be appointed by, and hold office during the pleasure of, the Superintendent.

Not to hold an office of emolument under Superintendent unless elected subsequent to appointment.

9. No member of the Provincial Council shall be qualified to hold any office of emolument under the Superintendent, unless he be elected a member of the Council subsequent to his appointment to such office.

May resign.

10. It shall be lawful for any member of the Executive Council, or for any other officer to be appointed by the Superintendent in pursuance of this Ordinance, by written notice addressed to the Superintendent, to resign his office, and upon the receipt by the Superintendent of such resignation, the office of such member or officer shall become vacant: but nevertheless the person so resigning shall be bound to execute the duties of his office, after his resignation, for any period required by the Superintendent, not exceeding one month, and shall also be bound to hand over by a signed Inventory all documents, writings, books, money, and other property, connected with his office, to any person authorised by the Superintendent to receive the same.

How officers for discharging the business of the Province, to be appointed.

11. The Superintendent shall from time to time, by and with the advice and consent of the Executive Council, appoint all such officers as he shall deem necessary for the effective discharge of the business and affairs of the Province, and fill up all existing offices with fit and proper persons whenever a vacancy therein respectively shall occur. He shall also have power to suspend and remove any officer from his employment, for neglect of duty or for any other just or sufficient cause.

Rules for transacting the business of the several offices may be made.

12. The Superintendent shall prescribe rules for transacting the business of the several offices of the Province, and from time to time alter the same, as to him may appear necessary.

Any officer suspended or removed may complain to Provincial Council.

13. If any officer, to be appointed by the Superintendent as aforesaid shall deem himself aggrieved by his suspension or removal from office, he may present a petition to the Provincial Council, shewing that he has been suspended or removed from office without just or sufficient cause, and praying for an investigation into the ground or charge on which he may have been suspended or removed, and the Council shall investigate the same accordingly.

14. This Ordinance shall come into operation from and after the day of the passing thereof, and may be amended during the present Session. Ordinance when to come into operation.

Passed the Provincial Council this 10th day of January, 1854.

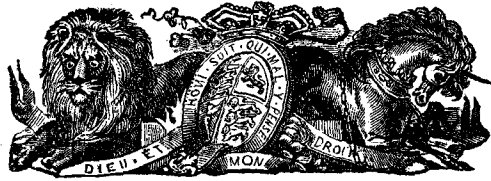
JAMES MACANDREW,
Speaker.

JOHN GILLIES,
Clerk of Council, pro. tem.

Assented to on behalf of the Governor, at Dunedin, the Tenth day of January, One Thousand Eight Hundred and Fifty-four.

W. CARGILL,
Superintendent of the Province of Otago.

NOTE.—This Ordinance has been amended by the "Executive Council and Official Appointment Ordinance, 1856."



APPROPRIATION ORDINANCE, 1854.

IN THE SEVENTEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

No. 2. A

ANALYSIS.

- | | |
|--|---|
| Title. | 2. Treasurer to pay monies on order of Superintendent. |
| Preamble. | |
| 1. Certain sums to be applied to the Service of the Year 1853-4. | 3. Commencement of Ordinance, and provision for amending. |
-

AN ORDINANCE to *Appropriate the Revenue for the Year ending 30th September, 1854.*

Passed the Provincial Council this 2nd day of February, 1854.

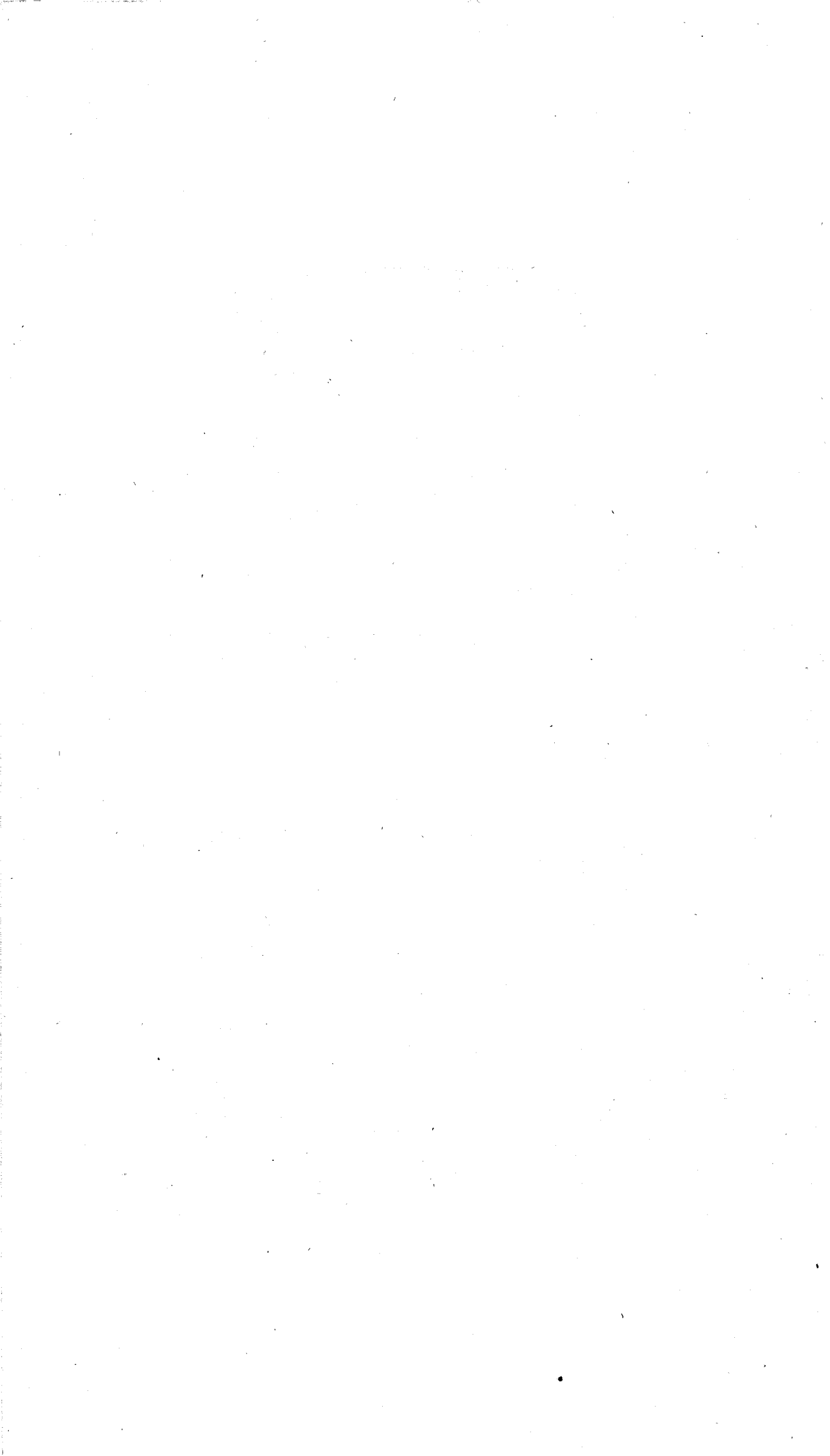
ARCHIBALD ANDERSON,
Speaker.

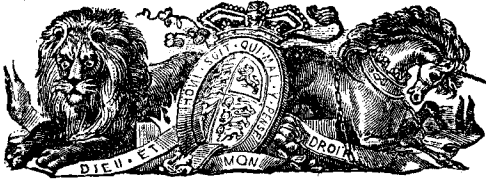
ROBERT CHAPMAN,
Clerk of Council.

Assented to on behalf of the Governor, at Dunedin, the
Second day of February, One Thousand Eight Hundred and
Fifty-four.

W. CARGILL,
Superintendent of the Province of Otago.

[Sum Voted—£1995 0s. 0d.]





GOVERNMENT GAZETTE ORDINANCE, 1854.

IN THE SEVENTEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

No. 3. A

ANALYSIS.

Preamble.

1. Government Gazette to be published as Superintendent directs.

2. Printed Gazettes to be evidence.

3. Commencement and provision for amendment.

AN ORDINANCE to *Regulate the Publication and Purpose of the Government Gazette for the Province of Otago.*

WHEREAS by an Ordinance of the Superintendent of the Province of Otago, and the Provincial Council thereof, Session I., No. 1, entitled "An Ordinance to constitute an Executive Government for the Province of Otago," it was enacted that the Superintendent should establish a Provincial Government Gazette, of which Gazette No. 1, then published, containing the Proclamation appointing the first Session of the Provincial Council, should be, and was thereby declared to be, the first number: And whereas it is expedient that further provision be made in that behalf:

BE IT 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 cause the Provincial 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 consent or direction of the Superintendent.

2. Printed copies of the said Government Gazette, published by and in name of the authorised printer thereof for the time being, shall be evidence in all Courts, of all public and official acts, instruments, and notifications therein published, and 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.

3. This Ordinance shall come into operation on the day of the passing thereof, and may be amended during the present Session.

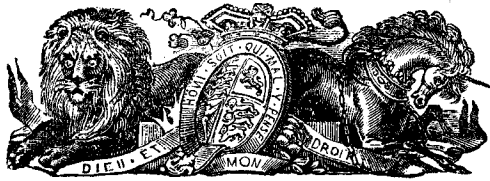
Passed the Provincial Council this 10th day of March, 1854.

ARCHIBALD ANDERSON,
Speaker.

ROBERT CHAPMAN,
Clerk of Council.

Assented to on behalf of the Governor, at Dunedin, the Tenth day of March, One Thousand Eight Hundred and Fifty-four.

W. CARGILL,
Superintendent of the Province of Otago.



PROVINCIAL REVENUE ORDINANCE, 1854.

IN THE SEVENTEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

No. 4. A

ANALYSIS.

Preamble.

1. Certain portions of Revenue made payable to the Provincial Treasurer.

2. Provincial Treasurer to receive such monies, and grant receipts, licenses, &c.
3. Revenue collected through certain offices excepted.

AN ORDINANCE for making certain portions of the Public Revenue of New Zealand, collected within the Province of Otago, payable to the Treasurer of the Province for the Public Service thereof.

WHEREAS by various Laws and Ordinances now in force within the Province of Otago, the Public Revenue collected within the Province is payable 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 Otago for the public service thereof, and that he should be authorised to grant and issue licenses, certificates, or other documents, for the exercise of any privilege or power within the Province, which by law are issuable by any Treasurer or Sub-Treasurer of the Colony, or of any Province or District thereof:

BE IT ENACTED by the Superintendent of the Province of Otago, with the advice and consent of the Provincial Council thereof, as follows:—

1. All sums of money collected within the Province by any Treasurer or Sub-Treasurer for the public service of the Colony of New Zealand, or of any part thereof, and all sums of money, except as hereinafter provided, collected within the Province by any other person or persons authorised by law to collect the same, and which are, or may at any time hereafter become payable by such person or persons to any Treasurer or Sub-Treasurer for the public service of the Colony, or of any part thereof, shall, from and after the

Certain portions of the Revenue made payable to the Provincial Treasurer.

thirtieth day of September, in the year of our Lord one thousand eight hundred and fifty-three, be payable solely to the Provincial Treasurer of the Province, or of any Provincial Sub-Treasurer duly authorised and appointed by the Superintendent, to the use of Her Majesty, her heirs, and successors, for the public service of the Province.

Provincial Treasurer to receive such monies, and grant receipts, licenses, &c.

2. It shall be lawful for the Provincial Treasurer and 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 to grant and issue any license, certificate, or other document for the exercise of any privilege or power within the Province which by law is issuable by the Treasurer or Sub-Treasurers of the Colony of New Zealand, or of certain Provinces or Districts within the same, for or in respect of payment of certain of such sums of money. 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, and such licenses, certificates, and documents shall entitle the persons to whom or in whose favour they are issued, to exercise within the limits of the Province the privilege or power thereby granted as fully as heretofore they have done when issued by the Treasurer or Sub-Treasurers of the Colony, or of certain Provinces or Districts as aforesaid.

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 annexed, or by any public officer of the same.

Passed the Provincial Council this 10th day of March, 1854.

ARCHIBALD ANDERSON,
Speaker.

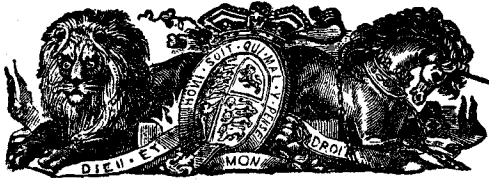
ROBERT CHAPMAN,
Clerk of Council.

Assented to on behalf of the Governor, at Dunedin, the Tenth day of March, One Thousand Eight Hundred and Fifty-four.

W. CARGILL,
Superintendent of the Province of Otago.

SCHEDULE. @

The Department of Customs.
The Supreme Court.
The Resident Magistrate's Court.
The Post-Office.
The Land Department.



DUNEDIN PUBLIC LANDS ORDINANCE, 1854.

IN THE SEVENTEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

No. 5. A

ANALYSIS.

- | | |
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| 1. Certain Lands reserved for public purposes declared public property. | 11. Proceedings for recovery thereof. |
| 2. Board of Commissioners to have the management thereof. | 12. Leases of said Lands for periods not exceeding 19 years. |
| 3. Constitution and qualification of Members of the Board. | 13. Grants of said Lands. |
| 4. Mode of election. | 14. Water Frontages. |
| 5. Three to go out of office yearly, and three to be elected in their stead. | 15. Centre area of Moray Place not to be built on. |
| 6. Vacancies occurring within the year to be temporarily filled up. | 16. Town Belt. |
| 7. Quorum. | 17. Rents to be paid and accounted for by Treasurer. How to be applied. |
| 8. Bye-laws to be made. | 18. Money to be paid under warrant of Superintendent. |
| 9. Duty of Commissioners as Conservators of said Land. | 19. Accounts to be paid, audited, and published. |
| | 20. Commencement of Ordinance. |

AN ORDINANCE for *Protecting, Leasing, and Improving the Lands in and about Dunedin, reserved for Public Purposes, and promoting those Purposes.*

WHEREAS certain Terms of Purchase of Land within the Settlement of Preamble. Otago had been issued by the New Zealand Company before the fourth day of July 1850, and the said Terms were in force on that day as contracts between the New Zealand Company and the Association of Lay Members of the Free Church of Scotland, constituted for promoting the said Settlement, commonly called the Otago Association: And whereas by the provisions of the Act of the Session of Parliament holden in the tenth and eleventh years of her Majesty, chapter one hundred and twelve, the lands of the said Company in New Zealand reverted to and became vested in her Majesty as part of the demesne lands of the Crown, subject nevertheless to

any contract then subsisting in regard to any of the said lands. And whereas by the foresaid Terms of Purchase it was agreed that the lands comprising the Settlement of Otago should, under the arrangements therein set forth, and subject to such amendments as should be made by the said Company and the said Association concurrently, be sold to persons to be brought forward or approved by the said Association, and that the Association, including those persons, should carry out the enterprise on their own principles, and as far as possible in their name: And whereas it was part of the said arrangements, and by the foresaid Terms of Purchase, expressly stipulated that in laying out the chief Town of the Settlement, named Dunedin, due provision should be made for the public purposes hereinafter mentioned: And whereas the Sales of Land effected by the said Association were made after, in pursuance of the said arrangements, certain lands in and about the Town of Dunedin were set apart, reserved, and destined for such public purposes by the said Company and the said Association concurrently, in and to which lands the community of the said Settlement of Otago thereby acquired right for the purposes foresaid: And whereas the said Association, who were contracting parties on behalf of the purchasers of land within the said Settlement, have intimated their desire, that others elected by and fully representing the community of Otago should come into the room and place of the said Association with relation to the said Public Lands: And whereas it will tend to the peace, order, and good government of the Province of Otago that the said Public Lands should be regulated in manner and to the effect after-mentioned:

BE IT ENACTED by the Superintendent of the Province of Otago, by and with the advice and consent of the Provincial Council thereof, as follows:—

Certain Lands reserved for public purposes declared public property.

1. The lands reserved for public purposes, such as Fortifications, Public Buildings, sites for places of Public Worship and Instruction, Baths, Wharves, Quays, Cemeteries, Squares, a Park, and other places for health and recreation in and about the Town of Dunedin, in pursuance of the foresaid Terms of Purchase of Land within the said Settlement agreed upon between the New Zealand Company and the Otago Association, and delineated on the plans or maps prepared by the Company's and the Government Surveyor, are and shall be, and are hereby declared to be, public property.

Board of Commissioners to have the management thereof.

2. A Board of Commissioners shall be formed for the purpose of carrying into effect the provisions of this Ordinance, and acting as Conservators, Trustees, and Managers of the foresaid lands, and shall be called "The Board of Commissioners for the Management of the Public Lands in Dunedin."

Constitution, and qualification of Members of the Board.

3. The said Board of Commissioners shall consist of the Members of the Provincial Council of Otago for the time being, and Six other persons, who shall be elected by, and themselves shall be, at the time of their election, persons qualified and entitled to vote in any of the Electoral Districts of the Province of Otago for the election of members of the Provincial Council, and of members of the House of Representatives.

Mode of Election.

4. The Superintendent of the Province shall, before the 1st day of April next, assemble the said Electors at a given time and place within the Town of Dunedin, of which notice shall be given in the Provincial Government Gazette and otherwise as he shall direct, at least ten days previously, for the purpose of electing the six Commissioners aforesaid. And he shall yearly thereafter, before the 1st day of April, assemble the said electors in like manner, for the purpose of electing three Commissioners as hereby enacted; and the electors assembled at such meeting shall make said election by a majority of their number; and the Superintendent shall appoint a proper person to preside at such meetings, who shall have a casting vote in case of equality.

5. Three of said six Commissioners shall go out of office yearly by rotation, and three persons qualified as aforesaid shall be elected in their stead. Provided always, that any Commissioner going out of office and qualified as aforesaid shall be eligible for re-election. And the Superintendent of the Province shall decide which three of the first six elected Commissioners shall go out of office at the end of the first year.

Three to go out of office yearly, and three to be elected in their stead.

6. In case of the insolvency, departure from the Province, or mental incapacity of any of the said six Commissioners, the seat of such Commissioner shall be vacant, and every such vacancy, and vacancy by death, shall be filled up within a month by the Superintendent of the Province electing another Commissioner, who shall hold office till next yearly election, but shall be eligible for re-election.

Vacancies occurring within the year to be temporarily filled up.

7. No meeting of the said Commissioners shall be competent for the despatch of any business unless one-third of the whole members of the Board of Commissioners be present; and all questions shall be decided by the majority of the votes of the members present other than the Chairman; but in cases wherein the votes are equal, the Chairman shall have a casting vote.

Quorum.

8. It shall be lawful for the said Commissioners to make bye-laws for the orderly conduct of the business of the Board; which bye-laws shall be laid before the Superintendent of the Province, and, being by him in Council approved, and published in the Government Gazette, shall become binding and in force.

Bye-Laws to be made.

9. It shall be lawful for the said Commissioners at any time to take, or cause to be taken, all necessary measures for preventing or abating any encroachment, nuisance, or trespass, whereby the aforesaid lands, or the rights of the public thereto, may be in anywise injured.

Duty of Commissioners as Conservators of said Lands.

10. Any person who shall be guilty of any encroachment, nuisance, or trespass on the said lands may either be deemed guilty of a misdemeanour, and upon conviction thereof shall be liable to suffer fine or imprisonment, or may be deemed guilty of a civil wrong, and shall be liable in damages.

Penalty for Trespass.

11. All actions or proceedings against persons committing such offences shall be at the instance of the Solicitor of the Province for the public interest, or of such other public prosecutor as the Superintendent of the Province shall appoint; and it shall be lawful for any two Justices of the Peace to take cognizance of and decide in a summary way in all such actions.

Proceedings for recovery thereof.

12. It shall be lawful for the Commissioners from time to time to let on lease for any period not exceeding 19 years any part of said lands for any purpose not inconsistent with the purposes for which they were destined and reserved by the aforesaid Terms of Purchase, and, on expiry of every lease, to grant a new lease for a similar period, or other period not exceeding 19 years as aforesaid. Providing always, that if the subject of any such lease shall be applied to any purpose inconsistent with the terms and conditions of lease, or the original destination of the lands of which it forms a part, such lease shall, in the option of the Commissioners, be *ipso facto* void and null.

Leases of said Lands for periods not exceeding 19 years.

13. If any grant of any part of said lands for any of the public purposes aforesaid shall be applied for, such application shall be accompanied with plans and specifications of the buildings or improvements proposed to be made thereon, and full information in writing of the objects and purposes of such application; and if, on consideration thereof, it shall appear to the Commissioners that the application should be entertained, they shall lay the whole, accompanied with any recommendation they shall think fit to make, before the Superintendent and Provincial Council.

Grants of said Lands.

- Water frontages.. 14. In letting water frontages for wharves, it shall be one of the conditions of lease that no such wharf, nor any wall or fence enclosing the same, shall be made or built within thirty feet of high-water mark; and the space between such erection and high-water mark shall be open at all times as a public highway or thoroughfare.
- Centre area of Moray Place not to be built on. 15. It shall not be lawful to erect any building whatever within or upon the centre area of the Square called Moray Place, delineated on the Record Map of the Town of Dunedin, except a parapet wall and railing, or fence, for enclosing the said area, which shall for ever remain otherwise an open area.
- Town Belt. 16. In leases of portions of that part of the said lands called the Town Belt, stipulations shall be made for preserving the trees and shrubs thereon, or such part of them as it may be desirable to preserve, with a view to the ornament and amenity of the ground, and also for draining and improving it, and ultimately laying it down in grass, with walks and carriage drives, as a public park or place of public recreation. Provided that no buildings or other erections, other than the necessary fencing, shall be erected on said lands.
- Rents to be paid and accounted for by Treasurer. How to be applied. 17. All rents by such leases, and other monies stipulated to be paid, shall be paid to the Provincial Treasurer; and the said rents, or such part as the Commissioners shall think proper of said rents, and of all other monies recovered or received by virtue of this Ordinance, shall be applied for the improvement of the said lands, and in furtherance of the purposes and objects for which the said lands were destined and reserved, in such manner, at such times, and to such extent, as the Commissioners shall direct.
- Money to be paid under warrant of Superintendent. 18. The Superintendent of the Province shall from time to time issue his warrant to the Provincial Treasurer for any sum or sums of money required by the Commissioners, not exceeding the sum received by the Provincial Treasurer in pursuance of this Ordinance, and at the time in his hands.
- Accounts to be paid, audited, and published. 19. Full and distinct accounts of all sums of money by the Provincial Treasurer received and paid in pursuance of this Ordinance shall be kept, and a full abstract or balance sheet thereof, certified to have been examined and audited by two or more persons who shall have been appointed for that purpose at yearly meetings of the Electors as aforesaid, shall be published annually in the Provincial Government Gazette.
- Commencement of Ordinance. 20. This Ordinance shall come into operation from and after the day of the passing thereof.

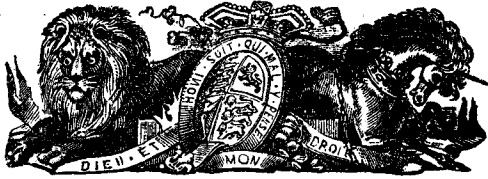
Passed the Provincial Council this 7th day of March, 1854.

ARCHIBALD ANDERSON,
Speaker.

ROBERT CHAPMAN,
Clerk of Council.

Assented to on behalf of the Governor, at Dunedin, the Tenth day of March, One Thousand Eight Hundred and Fifty-four.

W. CARGILL,
Superintendent of the Province of Otago.



EMPOWERING ORDINANCE, 1854.

IN THE SEVENTEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

No. 6. A

ANALYSIS.

Preamble.

1. Superintendent empowered to perform certain acts heretofore performed by the Governor, &c. Saving powers of the Governor.

2. Also certain acts heretofore performed by Resident Magistrate.

Saving certain powers of Resident Magistrate.

AN ORDINANCE to Empower the Superintendent of the Province of Otago to perform certain acts heretofore performed by the Governor or Lieutenant-Governors of New Zealand, and by the Resident Magistrate of Otago.

WHEREAS 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 by various Ordinances passed as aforesaid, certain powers are vested in the Resident Magistrate for Otago: And whereas it is expedient that such powers should be vested in and exercised by the Superintendent of the Province of Otago:

BE IT 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, 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, and as may be hereby conferred upon the Superintendent of the Province, without repugnance to any of the provisions con- ^{Superintendent empowered to perform certain acts heretofore performed by the Governor, &c. Saving powers of the Governor.}

tained in the Act of the Session of Parliament holden in the fifteenth and sixteenth years of the reign of Her Majesty, chapter seventy-two, entitled, "An Act to grant a Representative Constitution to the Colony of New Zealand," are hereby, within the limits of the Province of Otago, conferred on the Superintendent thereof. Provided always that 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.

Also certain acts heretofore performed by Resident Magistrate.

Saving certain powers of Resident Magistrate.

2. All powers of Executive Government within the Province of Otago, vested by any such Ordinance in the Resident Magistrate, shall be, and are hereby, transferred from said Resident Magistrate to, and shall be, and are hereby, vested in the Superintendent of the Province. Provided always that nothing herein contained shall be construed to limit or interfere with the powers of such Resident Magistrate as Returning Officer of any of the Electoral Districts within the Province of Otago, or any powers of Civil or Criminal Jurisdiction vested in such Resident Magistrate, or any powers exercised by him in virtue of any authority derived from the Supreme Court of New Zealand.

Passed the Provincial Council this 10th day of March 1854.

ARCHIBALD ANDERSON,
Speaker.

ROBERT CHAPMAN,
Clerk of Council.

Assented to on behalf of the Governor, at Dunedin, the Eighteenth day of March, One Thousand Eight Hundred and Fifty-four.

W. CARGILL,
Superintendent of the Province of Otago.

SCHEDULE TO THIS ORDINANCE.

Session II. No. 9.—An Ordinance to provide for the Registration of Deeds and Instruments affecting Real Property.

Session II. No. 12.—An Ordinance for Regulating the Sale of Fermented and Spirituous Liquors.

Session II. No. 13.—An Ordinance for Licensing Auctioneers.

Session II. No. 17.—An Ordinance for imposing a Tax on Raupo Houses.

Session III. No. 8.—An Ordinance to establish a Court of Requests for the more easy and speedy Recovery of Small Debts.

Session III. No. 21.—An Ordinance to amend an Ordinance for Regulating the Sale of Fermented and Spirituous Liquors.

Session V. No. 1.—An Ordinance for raising a Militia within the Colony.

Session VI. No. 1.—An Ordinance to empower the Governors 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.

Session VII. No. 4.—An Ordinance to Regulate the Appointment and the Duties of Sheriff in the Colony of New Zealand.

Session VII. No. 5.—An Ordinance to Regulate the Appointment and the Duties of Coroner in the Colony of New Zealand.

Session VII. No. 7.—An Ordinance for the Regulation of Prisons.

Session 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.

Session 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.

Session VII. No. 18.—An Ordinance to Regulate the Removal and the Making

and Repair of Arms, Gunpowder, and other Warlike Stores, within the Colony of New Zealand.

Session VII. No. 19.—An Ordinance to provide for the Prevention, by summary proceeding, of unauthorised Purchases and Leases of Land.

Session VII. No. 20.—An Ordinance to Establish Courts of Sessions of the Peace.

Session VII. No. 21.—An Ordinance to make provision for the safe custody of, and the prevention of offences by, persons dangerously insane, and for the care and maintenance of persons of unsound mind.

Session VIII. No. 2.—An Ordinance to prohibit the keeping of Gunpowder exceeding a certain quantity.

Session VIII. No. 4.—An Ordinance to provide for the Management of Savings Banks.

Session VIII. No. 5.—An Ordinance to Regulate the Slaughtering of Cattle in certain places.

Session VIII. No. 6.—An Ordinance to authorise and regulate the Impounding of Cattle.

Session VIII. No. 9.—An Ordinance for Registering Births, Deaths, and Marriages in the Colony of New Zealand.

Session VIII. No. 10.—An Ordinance for promoting the Education of Youth in the Colony of New Zealand.

Session VIII. No. 12.—An Ordinance to provide for the Protection of Footpaths in the Colony of New Zealand.

Session XI. No. 8.—An Ordinance for taking a Census of the Colony of New Zealand.

Session XI. No. 11.—An Ordinance for the Regulation of Building and Land Societies.

ORDINANCES OF NEW MUNSTER.

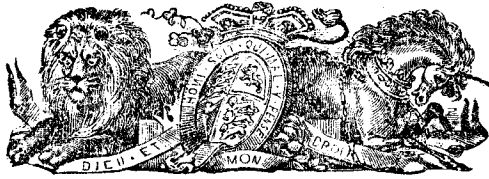
Session I. No. 7.—An Ordinance to authorise the Levying and Collecting of Rates for the making and Repairing of Roads, Streets, &c., in any Town of the Province of New Munster.

Session I. No. 9.—An Ordinance to increase the efficiency of the Constabulary Force.

Session I. No. 10.—An Ordinance to authorise the Levying and Collection of Tolls on Roads, and of Rates on Land in the Province of New Munster.

Session I. No. 11.—An Ordinance to abate the Dog Nuisance.





APPROPRIATION ORDINANCE, 1854.

(SUPPLEMENTARY.)

IN THE SEVENTEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

No. 7. A.

ANALYSIS.

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|--|--|
| 1. Augmentation and Appropriation of Grant for Roads. | 3. Treasurer authorised to pay on Superintendent's Warrants. |
| 2. Sum Appropriated for Erection and Repair of Public Buildings, and other purposes. | 4. Commencement of Ordinance. |
-

AN ORDINANCE to Augment and Apportion a Grant in aid of the Repair of Roads and Bridges; and to authorise Expenditure for the Erection and Repair of Public Buildings, and other purposes.

Passed the Provincial Council this 20th day of April 1854.

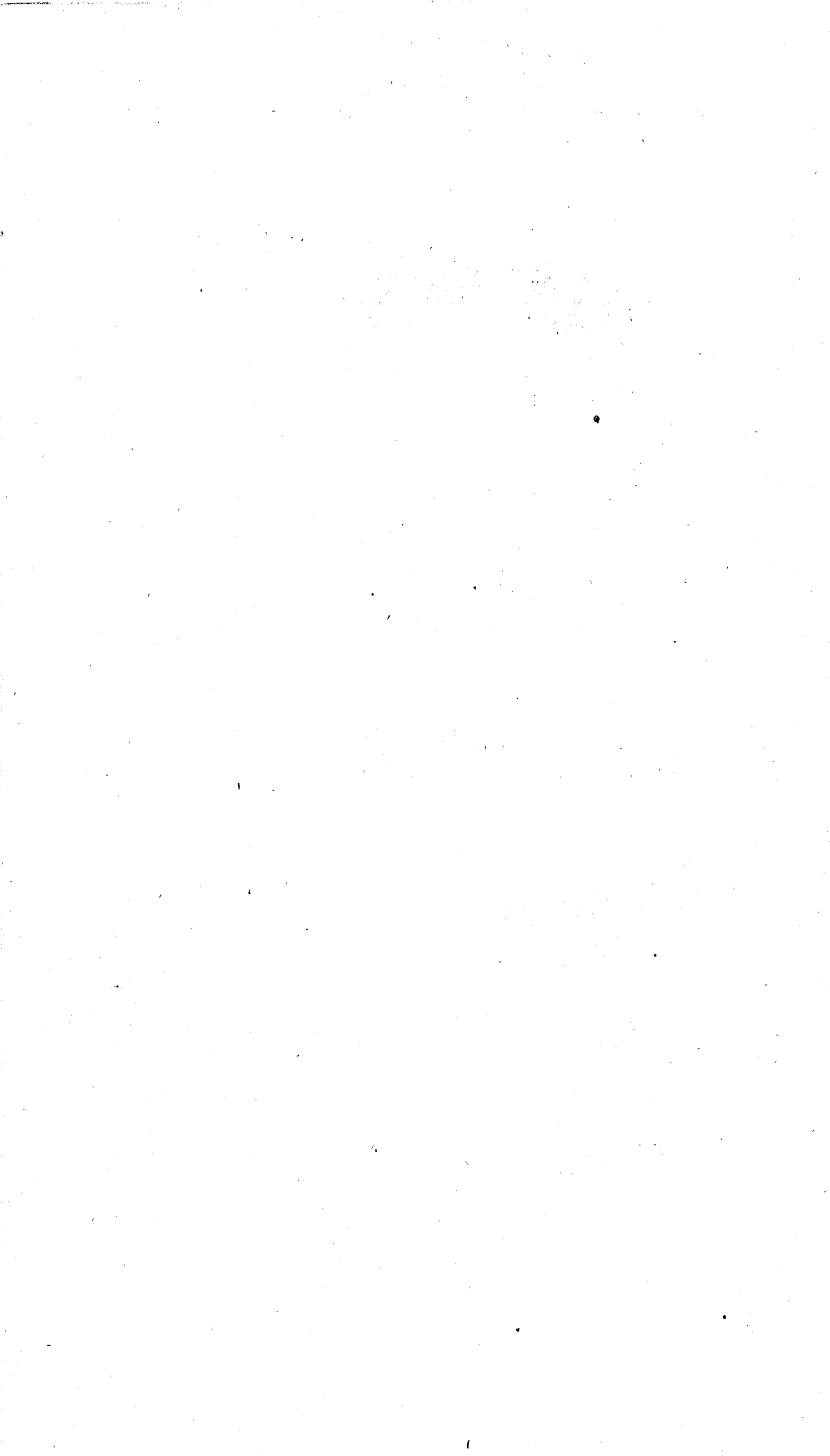
ARCHIBALD ANDERSON,
Speaker.

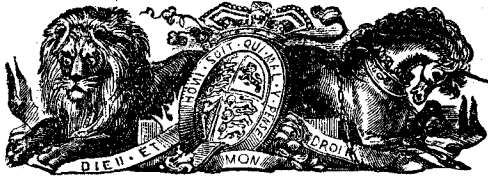
ROBERT CHAPMAN,
Clerk of Council.

Assented to on behalf of the Governor, at Dunedin, the
Twenty-fifth day of April, One Thousand Eight Hundred and
Fifty-four.

W. CARGILL,
Superintendent of the Province of Otago.

[Sum voted—£920, 17s. 6d.]





FERRIES ORDINANCE, 1854.

IN THE SEVENTEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

No. 8. A

ANALYSIS.

Preamble.

1. Ferries to be erected.
2. Land to be appropriated for Ferry Stations.
3. Money may be borrowed to defray expense.
4. No expense to be incurred without previous sanction of Provincial Council.

5. Ferries to be let.

6. Ferry-house may be licensed by Superintendent.

7. Rules for regulating Ferries to be made.

AN ORDINANCE to Establish and Regulate Ferries.

WHEREAS the establishment of Ferries on Rivers, Creeks, and Lakes, Preamble.
within the Province of Otago, would now, or hereafter, promote the
convenience of the Public, and greatly facilitate communication between
various parts of the Province, and between said Province and the neighbour-
ing Province of Canterbury :

BE IT ENACTED by the Superintendent of the Province of Otago, with the
advice and consent of the Provincial Council thereof, as follows :—

1. It shall be lawful for the Superintendent to authorise Ferries to be established and erected at convenient places on the Rivers, Creeks, and Lakes within the Province of Otago, for the conveyance of passengers, animals, and goods across the same. *Ferries to be erected.*

2. For such purpose it shall be lawful for the Superintendent to cause to be reserved and appropriated on each side of any river, creek, or lake, a water frontage of such extent as shall be considered suitable for the convenient erection of a Ferry, and also adjoining to the Ferry on either side of such river, creek, or lake, a piece of land not exceeding fifty acres for the use of the ferryman, or person in charge of the Ferry, and his family, and for erecting and maintaining thereon a house or inn, with stockyard, stables, and other accommodations for the convenience of the public. *Land to be appropriated for Ferry Stations.*

Money may be borrowed to defray expense.

3. It shall be lawful for the Superintendent, when funds are required for the erection or maintenance of any Ferry, to procure and lay before the Provincial Council detailed estimates of the expense; and, upon such estimates being approved by the Provincial Council, it shall further be lawful for him to borrow any sum of money not exceeding the amount of said estimates, to be applied for the purposes specified therein.

No expense to be incurred without previous sanction of Provincial Council.

4. Provided always, that no money borrowed, nor any part of the Public Revenue, shall be applied to the erection or maintenance of such Ferries, or any purpose connected therewith, without the express sanction of the Provincial Council.

Amended
Ferries to be Let.

5. The said Ferries shall from time to time be let by the Superintendent, with the consent of the Provincial Council.

Ferry-house may be licensed by Superintendent.

6. It shall also be lawful to the Superintendent to license any house or inn at a ferry-station, for the purpose of this Ordinance, at such times, in such manner, and upon such terms and conditions, and either with or without any annual payment, as to the Superintendent shall seem meet.

Amended
Rules for regulating Ferries to be made.

7. It shall also be lawful for the Superintendent, with the advice and consent of the Provincial Council, from time to time to make Rules for regulating the description of boats to be used on such Ferries; the keeping of them tight and in good repair; the fares and freights of passengers, animals, and goods; the exemptions (if any) therefrom; and, generally, for otherwise regulating the said Ferries in such manner as will be most conducive to convenience and safety. Provided always, that no such rules shall have any force or effect until after they have been published in the Provincial Government Gazette.

Passed the Provincial Council this 13th day of March 1854.

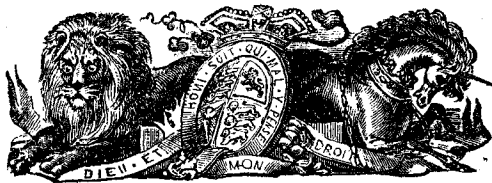
ARCHIBALD ANDERSON,
Speaker.

ROBERT CHAPMAN,
Clerk of Council.

Assented to on behalf of the Governor, at Dunedin, the
Twenty-fifth day of April, One Thousand Eight Hundred and
Fifty-four.

W. CARGILL,
Superintendent of the Province of Otago.

[This Ordinance has been amended by the "Ferries Ordinance, 1856," and the "Ferries Ordinance Amendment Ordinance, 1856."]



JETTY AND WHARF ORDINANCE, 1854.

IN THE SEVENTEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

No. 9. A

ANALYSIS.

Preamble.

1. Dunedin Public Land Commissioners authorised to erect Jetties.

2. To levy Tolls for the use thereof.

3. And to make Bye-laws for regulating the use thereof.

4. Commencement.

AN ORDINANCE to authorise the Erection and Maintenance, and to Regulate the use of Public Jetties and Wharves.

WHEREAS it is expedient to authorise the Board of Commissioners for Preamble.
the Management of the Public Lands in Dunedin, constituted by an Ordinance passed in the present Session of the Provincial Council of Otago, intituled "An Ordinance for Protecting, Leasing, and Improving the Lands in and about Dunedin reserved for Public Purposes, and Promoting those Purposes," (Session I. No. 5), to erect and maintain Public Jetties, and to regulate and levy Rates for the use thereof:

BE IT ENACTED by the Superintendent of the Province of Otago, with the advice and consent of the Provincial Council thereof, as follows:—

1. It shall be lawful for the Commissioners constituted by the above-recited Ordinance to erect, extend, maintain, and repair Public Jetties and Wharves, and all buildings and machinery necessary for the same. Dunedin Public Land Commissioners authorised to erect Jetties.

2. Also to levy Tolls, Dues, and Wharfages, not exceeding the rates set forth in the Schedule hereto annexed, unless by resolution of at least two-thirds of the said Commissioners the levying of other and higher rates shall have been authorised. To levy Tolls for the use thereof.

3. And further, to make such Rules and Bye-Laws for the management of such Public Jetties and Wharves, and the approaches thereto, as a majority present at any lawful meeting of the said Commissioners shall see fit; which And to make Bye-laws for regulating the use thereof.

Rules and Bye-Laws shall be laid before the Superintendent of the Province, and being by him in Council approved, and published in the Provincial Government Gazette, shall have the force of law.

Commencement.

4. This Ordinance shall come into operation from and after the day of the passing thereof.

Passed the Provincial Council this 14th day of March 1854.

ARCHIBALD ANDERSON,
Speaker.

ROBERT CHAPMAN,
Clerk of Council.

Assented to on behalf of the Governor, at Dunedin, the
Twenty-first day of March, One Thousand Eight Hundred and
Fifty-four.

W. CARGILL,
Superintendent of the Province of Otago.

In lieu of the Schedule appended to the Act, the following (published in Gazette, No. 10) was adopted, 15th June 1854:—

SCHEDULE.

DUES ON IMPORTS.

	s.	d.
1. Bottled Bear, per cask or case,	0	4
2. Bricks, per 1000,	2	0
3. Candles, per cwt.,	0	2
4. Carts, each, exclusive of Wheels,	2	0
5. Coals, per ton,	1	0
6. Drays, each,	3	0
7. Earthenware, per crate,	1	6
8. Firewood, per cord,	0	6
9. Flour, per ton,	1	0
10. Glassware, per cask,	1	0
11. Grain, per bushel,	0	0 $\frac{1}{4}$
12. Hogsheads of Beer, each (Barrels in proportion)	0	9
13. Iron, per ton,	1	0
14. Lime, per bushel,	0	0 $\frac{1}{4}$
15. Ploughs, each,	1	0
16. Puncheons (full) each,	1	0
17. Rice, per ton,	1	0
18. Salt, per ton,	1	0
19. Sawn Timber, per 100 feet,	0	2
20. Soap, per ton,	1	0
21. Spirits, per gallon,	0	1
22. Sugar, per ton,	1	0
23. Tea, per chest,	0	4
24. Tea, per half-chest,	0	2
25. Tobacco, (not destroyed for Sheep washing) per cwt.,	2	0
26. Wine, per gallon,	0	1
27. Wool, per bale,	0	6
Goods not above enumerated, per ton of 40 cubic feet, or of 20 cwt.,	1	0

DUES ON EXPORTS.

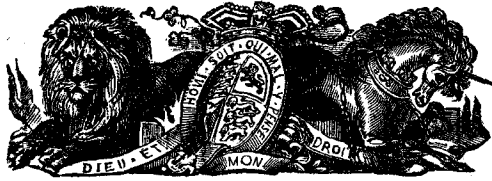
1. Wool, per bale,	0	6
2. Grain, per bushel,	0	0 $\frac{1}{4}$
Goods not enumerated above, per ton of 40 cubic feet, or of 20 cwt.,	1	0

Adopted by the Board this 15th day of June 1854.

ROBERT CHAPMAN,
Clerk to the Board.

Approved by me in Council.

W. CARGILL,
Superintendent of the Province of Otago.



PUBLIC ROADS ORDINANCE, 1854.

IN THE SEVENTEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

No. 10. A

ANALYSIS.

Preamble.

1. Superintendent to cause proper Road Lines to be laid down.
2. Roads may be formed on Crown Lands or private property.
3. Owner of private property to recover compensation; amount to be fixed by a Jury.
4. Jury bound to meet and determine amount of compensation.
5. Surveyor to survey and stake off proposed Roads.
6. Surveyor to give notice of, and hold meetings, and to hear suggestions from parties interested in line of Road.
7. Parties aggrieved may appeal to General Board of Road Trustees, who shall determine disputes.
8. Superintendent to divide Province into Districts. The Districts called upon to elect Trustees to come under the operation of this Ordinance.
9. Superintendent to give notice of Districts to be formed, and appoint a day for hearing objections.
10. Superintendent may increase number of Districts, and alter boundaries.
11. Election of Road Trustees, and qualification of Electors.
12. Trustees to be elected annually on the 2nd Tuesday of May.
13. Vacancies, how to be filled up.
14. Trustees elected, to be a General Board Meeting to be called by Superintendent.
15. Chairman to be appointed at first Meeting.
16. General Board to fix and determine on new lines of roads, and extensions of old lines.
17. General Board to make up and send Estimates for approval of Superintendent.
18. Proprietors of Land to be assessed for expense of surveying and laying down road lines.
19. Breadth of Roads. New roads must be formed by contract.
20. On whom assessments are to be levied.
21. District Trustees to have charge of District Roads.
22. District Trustees shall annually, in the month of August, make up Estimates of repairs necessary, and send copy to Superintendent.
23. Mode of assessing for repairing Roads, and rates thereof.
24. Proprietors of unoccupied land to be assessed double.
25. Meeting to be called for making assessment.
26. Appeal against assessment.
27. Persons giving false information to be assessed double.
28. Notice of day for hearing Appeals.
29. Labour may be taken in lieu of assessment.
30. Rate of wages to be allowed to parties giving work in lieu of assessment.
31. Collector to add 50 per cent. to assessed amount on parties failing to give labour when required.
32. Penalty for not paying assessment within one week after day of collection.
33. Warrant for levying same by Arrestment, Distress, and Sale.
34. Per centage to be charged on assessments not paid within six months.
35. Assessments on lands to be a real burden on such lands.
36. Assessments due on lands sold to be levied on seller or purchaser.
37. Provincial Treasurer may be collector of assessments.
38. Money for forming or repairing roads to be paid under warrants.
39. Accounts to be published annually.
40. Penalty for dragging sledges or riding-horses in ditches.
41. Provincial Council may apply Public Revenue in aid, or in lieu, of assessments.
42. Change of Trustees, &c., shall not affect Contracts, &c., of retiring Trustees, &c.
43. Commencement of Ordinance; and not to extend to the Town of Dunedin.

AN ORDINANCE *for Forming, Altering, and Maintaining Public Roads in the Province of Otago.*

Passed the Provincial Council this 19th day of April 1854.

ARCHIBALD ANDERSON,
Speaker.

ROBERT CHAPMAN,
Clerk of Council.

Assented to on behalf of the Governor, at Dunedin, the
Twenty-fifth day of April, One Thousand Eight Hundred and
Fifty-four.

W. CARGILL,
Superintendent of the Province of Otago.

[This Ordinance was repealed by the Roads' Ordinance, 1856.]



SCAB AND CATARRH ORDINANCE, 1854.

IN THE SEVENTEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

©
No. 11. A

ANALYSIS.

Preamble.

1. Repeals Ordinance of New Munster, Session I., No. 4.
2. Sheep to be annually dipped or dressed within two months after shearing, under a penalty; and a farther penalty if not done within three months.
3. Return to be made to Superintendent in form of Schedule A, under a penalty.
4. A List of Returns in the form of Schedule B to be published in Government Gazette annually in month of May.
5. What flocks are held to be infected with Scab.
6. What flocks are deemed infected with Catarrh.
7. Notices to be given by owners or managers of flocks infected.
8. Infected flocks to be herded and not removed off the Run, nor within 400 yards of public road.
9. When a flock infected with Scab is thoroughly cleaned, Inspectors necessary to obtain clean certificate.
10. Sheep to be removed from a Run to be inspected. Penalty for removing without certificate, and for false certificate. Certain notices must be given.
11. Flocks entitled to pass on certificate being shewn, due notice being previously given. Penalty for obstructing passage.
12. Flock to be conducted with expedition, and to be properly herded.
13. Any Justice may grant warrant for inspecting suspected sheep, and order remuneration to Inspectors. Damages allowed for false information.
14. Penalty on parties landing sheep without being inspected, and warrant granted for landing.
15. On Inspector's Report Justice may grant warrant for landing sheep.
16. Penalty for Sheep-owners refusing or obstructing inspection.
17. Carcase of infected sheep to be burnt or buried, under a penalty.
18. Penalty for burying the carcase of any dead animal near any water.
19. Separate Informations may be laid by Occupiers of land over which infected sheep shall be conducted.
20. Justices may grant warrant for removal of infected sheep, under proper rates. Penalty for disobeying.
21. Superintendent may appoint and remove Inspectors, and to make Rules for their guidance. Provincial Council may alter or amend Rules.
22. The owners of diseased sheep shall be liable to damages to parties injured.
23. Sheep on board ship to be deemed infected where one scabbed sheep is found. And where Catarrh has appeared within three months.
24. Fines, penalties, and damages, how recoverable.
25. Interpretation.

AN ORDINANCE to Prevent the Spread of the Diseases called SCAB and
CATARRH in Sheep or Lambs.

Passed the Provincial Council this 24th day of April 1854.

JOHN GILLIES,
Speaker.

ROBERT CHAPMAN,
Clerk of Council.

Assented to on behalf of the Governor, at Dunedin, the
Twenty-fifth day of April, One Thousand Eight Hundred and
Fifty-four.

W. CARGILL,
Superintendent of the Province of Otago.

[This Ordinance was repealed by the "Sheep Ordinance, 1856."]



PROVINCIAL COUNCIL ORDINANCE, 1854.

IN THE EIGHTEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

No. 12. A

ANALYSIS.

Preamble.

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| 1. Number of Members of Council. | 8. Mode of preparing Claim. |
| 2. Number of Electoral Districts. | 9. Claim to be enrolled in District where property is situated. |
| 3. Number of Members for each District. | 10. List of Claims and Classified List to be published. |
| 4. Electors to be entitled to vote in Districts for which they are registered. | 11. Meeting of Justices to be called for forming new Roll. |
| 5. A Classified List of Electors on present Electoral Roll to be prepared and published. | 12. New Roll, how to be formed. |
| 6. Notice to be given to lodge claims. | 13. New Roll to be used in Elections of Superintendent and Members of Council. |
| 7. Persons on Classified and New Rolls to be entitled to vote. | 14. And published for general information. |

AN ORDINANCE to increase the Number of Members of the Provincial Council, and also the Number of Electoral Districts and Polling Places, and to provide for making up a New Electoral Roll.

Passed the Provincial Council this 24th day of November 1854.

JOHN GILLIES,
Speaker.

ROBERT CHAPMAN,
Clerk of Council.

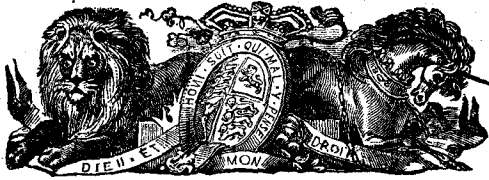
DUNEDIN, 29th November 1854.

I HEREBY DECLARE that I reserve this Bill for the signification of the Governor's pleasure thereon, as prescribed by the Constitution Act, section XXVII.

W. CARGILL,
Superintendent of the Province of Otago.

[This Ordinance, which was assented to by the Governor, was afterwards repealed by the "Provincial Council Ordinance, 1856."]





BOARD OF AUDIT ORDINANCE, 1854.

IN THE EIGHTEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

No. 13. A

ANALYSIS.

- | | |
|---|--|
| 1. Accounts of Provincial Government to be laid before Council. | 4. Auditors to examine Accounts and report. |
| 2. Auditors to be appointed. | 5. To call for Vouchers and examine Witnesses. |
| 3. Disqualification of Auditors. | 6. Penalty for refusing to attend. |
| | 7. Penalty for giving false evidence. |

AN ORDINANCE to provide for Auditing the Accounts of the Province of Otago.

BE IT ENACTED by the Superintendent of the Province of Otago, with the advice and consent of the Provincial Council thereof, as follows:—

1. A statement of all the receipts and expenditure of the Revenue of the Provincial Government shall be laid before the Provincial Council within ten days after the thirtieth day of September in each year, if the Provincial Council be then sitting; or if not, within ten days after the commencement of the Session next after the thirtieth day of September in each year. Accounts of Provincial Government to be laid before Council.

2. For the purpose of auditing the accounts of Receipts and Expenditure of the Revenue of the Province, there shall be constituted a Board of Audit, to be composed of Three persons, of whom one shall be from time to time appointed by the Superintendent, and Two shall be elected by the Provincial Council from amongst its Members for such period (not exceeding the duration of the Council by which they shall be elected) as may be declared at the time of any such election. Provided that at the time of any such election they shall not be persons holding any office under the Government. Auditors to be appointed.

3. Any Auditor elected by the Provincial Council, who shall accept any office under the Superintendent, shall forthwith cease to be and to discharge the duties of Auditor of the Public Revenue of the Province. Disqualification of Auditors.

Auditors to examine Accounts and report. 4. It shall be the duty of the Auditors to audit, examine, and report, upon all accounts of receipts and expenditure of the Public Monies of the Province.

To call for Vouchers and examine Witnesses. 5. It shall be lawful for the Auditors to call for vouchers and to examine witnesses relative to such accounts, and every person is hereby required to give such attendance, and produce such vouchers and documents, as the Auditors shall order and direct by a summons to be signed by their Chairman, stating the object for which such person is required to attend, and specifying the vouchers and documents to be produced.

Penalty for refusing to attend. 6. Every person, without reasonable cause, failing to attend as required by such summons, or to submit himself to examination, or to produce such vouchers and documents, and any person prevaricating before such Board of Audit, shall forfeit and pay for every such offence any sum not exceeding Forty Shillings, to be recovered in terms of the Ordinance, Session II., No. 5, of the Legislative Council of New Zealand, for Regulating Summary Proceedings before Justices of the Peace.

Penalty for giving false evidence. 7. Every person wilfully and knowingly giving false evidence before said Board of Audit shall forfeit and pay for every such offence any sum not exceeding £20, to be recovered as aforesaid.

This Ordinance shall come into operation on the day of the passing thereof.

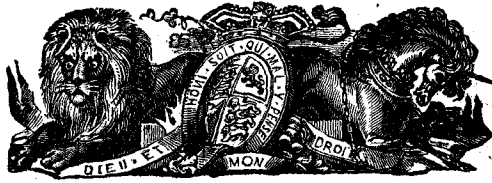
Passed the Provincial Council, this 23rd day of November 1854.

JOHN GILLIES,
Speaker.

ROBERT CHAPMAN,
Clerk of Council.

Assented to on behalf of the Governor, at Dunedin, the fourth day of December, One Thousand Eight Hundred and Fifty-four.

W. CARGILL,
Superintendent of the Province of Otago.



APPROPRIATION ORDINANCE, 1854.

IN THE EIGHTEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

No. 14. A.

ANALYSIS.

- Preamble.
- | | |
|---|--|
| 1. Certain Sums to be applied to the Service of the half-year ending 31st March 1855. | 2. Treasurer to Pay Monies on Warrant of the Superintendent. |
| | 3. Commencement of Ordinance. |
-

AN ORDINANCE to *Appropriate the Revenue for the Half-Year ending 31st March 1855.*

Passed the Provincial Council this 18th day of December 1854.

JOHN GILLIES,
Speaker.

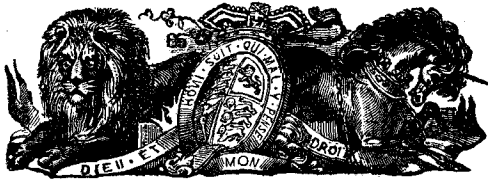
ROBERT CHAPMAN,
Clerk of Council.

Assented to on behalf of the Governor, at Dunedin, the eighteenth day of December, One Thousand Eight Hundred and Fifty-four.

W. CARGILL,
Superintendent of the Province of Otago.

[Sum voted—£2,760, 13s.]





IMMIGRATION AND BRITISH AGENT ORDINANCE, 1854.

IN THE EIGHTEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

No. 15. A

ANALYSIS.

Preamble.

1. Agents to be appointed.

2. Regulations for Immigration to be made for guidance of Agent.

3. Petitions, Addresses, &c., to be forwarded through Agent.

4. Correspondence with Agent.

5. Agent to enter into Contracts, &c., under instructions.

6. Agent to appoint Successor in certain cases.

7. Agent to appoint Sub-Agent.

8. James Crawford, junior, John Auld, and William Walter Cargill, Esquires, to be first Agents.

AN ORDINANCE for Promoting Immigration to the Province of Otago, and for appointing Agents in the United Kingdom for that and other purposes.

WHEREAS it is expedient that provision should be made for the Immigration from the United Kingdom of Great Britain and Ireland into the Province of Otago, 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, and for the protection and advancement of other interests of 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. There shall be an Agent or Agents in Great Britain for the Province of Otago, to be from time to time appointed and nominated by Ordinances of the Superintendent and Provincial Council of the said Province, for promoting Immigration to this Province, for protecting and advancing in Great Britain the political or other interests of the said Province; and, generally, for carrying into effect whatever instructions may be given to them in pursuance of the provisions of this Ordinance.

Regulations for Immigration to be made for guidance of Agent.

2. The Superintendent shall, from time to time, with the advice and consent of the Executive Council, make regulations for the conducting and management of Immigration; and he is hereby authorised to make such arrangements with the Agent or Agents, to be appointed as aforesaid, as may be necessary for conducting the same, and may, with advice as aforesaid, alter or rescind such regulations or arrangements, or any of them, and make others instead 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.

Petitions, Addresses, &c., to be forwarded through Agent.

3. All Petitions, Addresses, Memorials, or other Communications, which shall be addressed by the Provincial Council, or by the Superintendent, to Her Majesty the Queen, or to Her Majesty's Ministers, or to either House of Parliament, or to any other person or persons whatsoever, on behalf of the said Province, may be forwarded through the said Agent or Agents.

Correspondence with Agent.

4. All correspondence with the said Agent or Agents shall be conducted by the Superintendent, with the advice and consent of the Executive Council; and all Communications from the Superintendent, or from the said Agent or Agents, shall be laid before the Provincial Council within ten days after the despatch or receipt 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.

5. It shall be lawful for the said Agent or Agents 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 or they 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 and consent of the Executive Council of the said Province.

Agent to appoint Successor in certain cases.

6. It shall be lawful to the said Agent or Agents to resign such office, and by writing under his hand or their hands, to appoint some fit person in his or their stead; and such person shall be taken and deemed to be 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 Sub-Agent.

7. It shall be lawful for the said Agent or Agents, at their discretion, to delegate and employ Agents under them for the purpose of promoting Immigration to the Province of Otago, or for any other purpose, or upon any occasion whatsoever touching the affairs of the said Province. Provided always that, in all such cases, such Agent or Agents shall act strictly in accordance with the instructions which shall be issued to them from time to time by the Superintendent.

James Crawford, jun., John Auld, and William Walter Cargill, Esquires, to be first Agents.

8. James Crawford, junior, Esquire, and John Auld, Esquire, Writers to Her Majesty's Signet at Edinburgh, and William Walter Cargill, Esquire, Banker in London, shall be, and are hereby appointed, all or either of them, jointly or severally, to be the Agent or Agents, in the United Kingdom, for the Province of Otago.

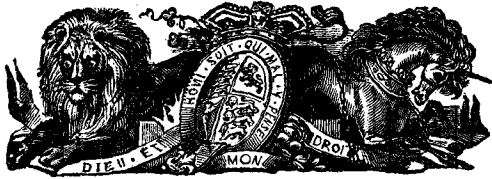
Passed the Provincial Council this 30th day of November 1854.

JOHN GILLIES,
Speaker.

ROBERT CHAPMAN,
Clerk of Council.

Assented to on behalf of the Governor, at Dunedin, the twenty-eighth day of December, One Thousand Eight Hundred and Fifty-four.

W. CARGILL,
Superintendent of the Province of Otago.



IMMIGRATION-APPROPRIATION AND DEBENTURES
ORDINANCE, 1855.

IN THE EIGHTEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

No. 16. A

ANALYSIS.

Preamble.

1. Appropriation of £4,500. for Immigration.

2. Superintendent may issue Debentures for Money required for Immigration.
3. Such Debentures, with Interest, to be a charge upon the Provincial Revenue.

AN ORDINANCE to *Appropriate a Sum for Immigration, and to empower the Superintendent to issue Debentures for the Money required.*

Passed the Provincial Council this 17th day of January 1855.

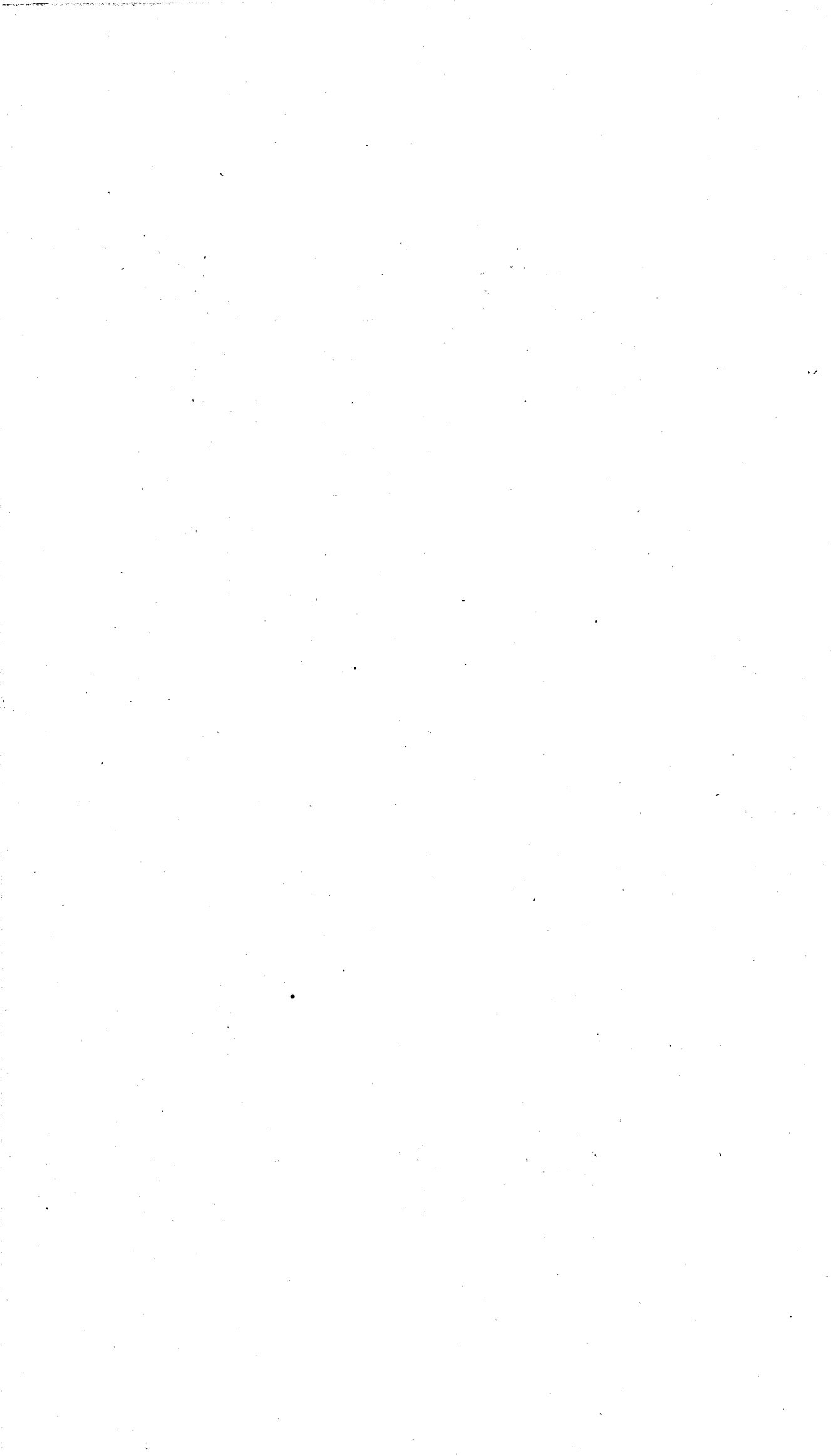
JOHN GILLIES,
Speaker.

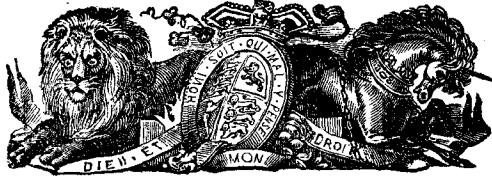
ROBERT CHAPMAN,
Clerk of Council.

Assented to on behalf of the Governor, at Dunedin, the nineteenth day of January, One Thousand Eight Hundred and Fifty-five.

W. CARGILL,
Superintendent of the Province of Otago.

[Sum voted—£4,500.]





EXCESS OF EXPENDITURE (1853-54) ORDINANCE.

IN THE EIGHTEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

No. 17. A

ANALYSIS.

Preamble. | credit for sums expended beyond the amount
1. Provincial Treasurer to be allowed to take | authorised by Appropriation Ordinances.

AN ORDINANCE to authorise the Provincial Treasurer to take credit for certain sums paid for the services of the Government in excess of the sums allowed by the "Appropriation Ordinance," Session I., No. 2, and the "Appropriation Ordinance (Supplementary)," Session I., No. 7, of the Provincial Council of Otago.

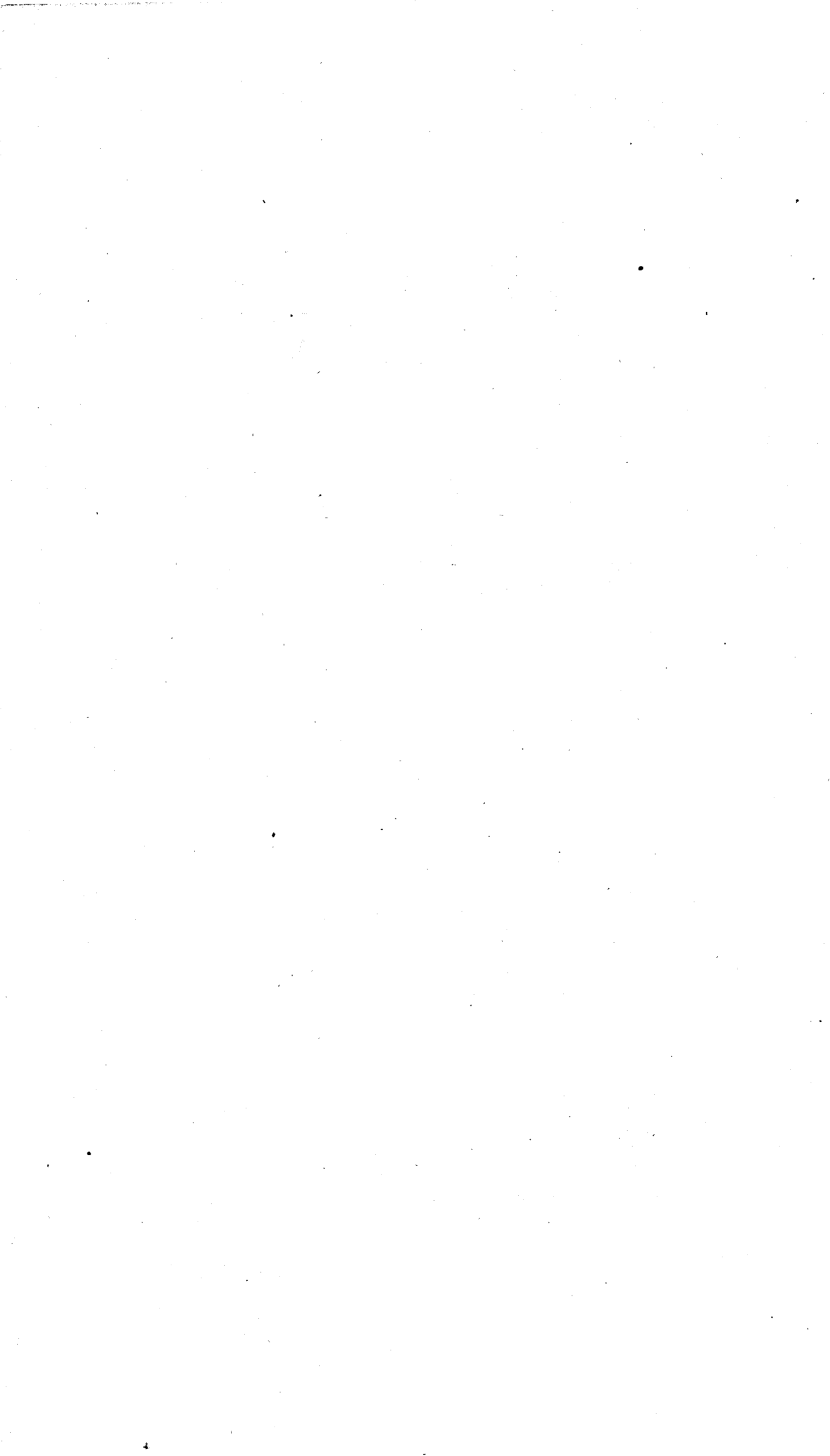
Passed the Provincial Council this 21st day of February 1855.

JOHN GILLIES,
Speaker.

ROBERT CHAPMAN,
Clerk of Council.

Assented to on behalf of the Governor, at Dunedin, the twenty-second day of February, One Thousand Eight Hundred and Fifty-five.

W. CARGILL,
Superintendent of the Province of Otago.





DOG NUISANCE ORDINANCE, 1855.

IN THE EIGHTEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

No. 18. A

ANALYSIS.

Preamble.

1. New Munster Ordinance, Session I., No. 11, repealed.
2. All owners of Dogs to Register them.
3. Registry Book open for inspection.
4. Fee for Registration to be paid to clerk to the Bench, who will supply Registration Ticket.

5. Penalty for refusing to exhibit Registration Ticket.
6. Penalty for having unregistered Dogs.
7. In certain cases Dogs may be destroyed.
8. In cases for damage, not necessary to prove defendant's knowledge of Dog's propensity to injure.
9. Monies levied to be appropriated to public uses, and recovered in a summary way.

AN ORDINANCE to *Abate the Dog Nuisance.*

WHEREAS it is expedient to repeal the Ordinance to abate 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 11, and to make further provision in that behalf as far as regards the Province of Otago.

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 shall be and the same is hereby, as far as regards the Province of Otago, repealed.

New Munster Ordinance, Session I., No. 11, repealed.

2. The owner, whether Native or European, of any Dog or Dogs six months old or upwards, shall annually upon the 1st day of April, register the same in a book to be kept for that purpose by the Clerk to the Bench of Magistrates.

All Owners of Dogs to register them.

Registry Book open for inspection.

3. In the Registry Book shall be entered the name and designation of the Owner, the name and description of the Dog, and the date of Registration; and the Registry Book shall be open to inspection at the Office of the Clerk to the Bench of Magistrates, on payment of a fee of sixpence by non-official persons.

Fee for registration to be paid to clerk to the Bench, who will supply Registration Ticket.

4. For the Registration of every such Dog the sum of Ten Shillings shall be paid yearly to the Clerk to the Bench of Magistrates, and the said Clerk to the Bench of Magistrates shall, in return for the Registration Fee, supply to each individual a Registration Ticket, containing the number in the Registration Book, the name of the Owner, the name and description of the Dog, and the date of registration.

Penalty for refusing to exhibit Registration Ticket.

5. Any person, without reasonable cause, refusing to exhibit such Registration Ticket, when required to do so by any Constable or other person duly authorised to ask for the same, shall be liable in a penalty not exceeding £5, to be recovered in the manner prescribed by section 9.

Penalty for having unregistered Dogs.

6. Any person maintaining, or having in his following any Dog, which shall have become six months old prior to the 1st day of April in any year, unregistered for three months after that date, shall be liable in a penalty of not less than Twenty Shillings, nor more than Five Pounds.

In certain cases Dogs may be destroyed.

7. All unregistered Dogs, wheresoever found, and all Dogs, whether registered or unregistered, found molesting sheep upon any sheep run may be destroyed.

In cases for damage, not necessary to prove defendant's knowledge of Dog's propensity to injure.

8. 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 this evidence may go in mitigation of damages.

Monies levied to be appropriated to public uses, and recovered in a summary way.

9. All Registration Fees and Penalties, levied under this Ordinance, are hereby reserved to Her Majesty, her heirs, and successors, for the public use of the said Province, and shall be subject to the appropriation of the Provincial Council thereof, and shall be payable at the office of the Clerk to the Bench of Magistrates, and shall be recoverable in a summary way at the suit of any person whom the Superintendent of the said Province may authorise by warrant under his hand to recover the same.

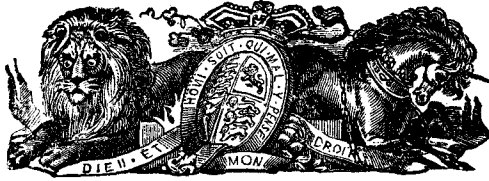
Passed the Provincial Council this 27th day of March 1855.

JOHN GILLIES,
Speaker.

ROBERT CHAPMAN,
Clerk of Council.

Assented to on behalf of the Governor, at Dunedin, the twenty-seventh day of March, One Thousand Eight Hundred and Fifty-five.

W. CARGILL,
Superintendent of the Province of Otago.



APPROPRIATION ORDINANCE, 1855.

IN THE EIGHTEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

No. 19. A

ANALYSIS.

Preamble.

- | | | |
|---|--|--|
| 1. Certain Sums to be applied to the Service of the half-year ending 30th September 1855. | | No. 3, and this Ordinance, so far as not expended, to be available for the year. |
| 2. Sums appropriated by Ordinance, Session II., | | 3. Treasurer to Pay Monies on Warrant of the Superintendent. |
| | | 4. Commencement of Ordinance. |

AN ORDINANCE to *Appropriate the Revenue for the Half-Year ending 30th September 1855.*

Passed the Provincial Council this 17th day of April 1855.

JOHN GILLIES,
Speaker.

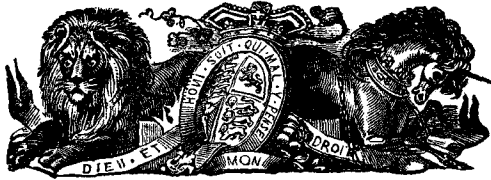
ROBERT CHAPMAN,
Clerk of Council.

Assented to on behalf of the Governor, at Dunedin, the seventeenth day of April, One Thousand Eight Hundred and Fifty-five.

W. CARGILL,
Superintendent of the Province of Otago.

[Sum voted—£1,698.]





AUCTIONEERS' LICENSE ORDINANCE, 1855.

IN THE EIGHTEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

No. 20. A

ANALYSIS.

Preamble.

- | | |
|--|--|
| 1. Ordinance, Session II., No. 13, and Session III., No. 10, (Legislative Council) repealed. | 7. Penalty for selling by Auction without license. |
| 2. No person to sell by Auction without license. | 8. Non-production of license. |
| 3. Form of license. | 9. Penalty for selling at illegal hours. |
| 4. Amount of Auctioneer's License. | 10. Ordinance not to extend to Government Sales. |
| 5. List of Licensed Auctioneers to be published. | 11. Commencement. |

AN ORDINANCE to repeal all former Ordinances and Laws relating to the Licensing of Auctioneers, and to make other provisions in lieu thereof.

WHEREAS an Ordinance was enacted by the Governor and Legislative Council of New Zealand, Session II., No. 13, entitled, "An Ordinance for Licensing Auctioneers;" and whereas an Ordinance was enacted by the Governor and Legislative Council of New Zealand, Session III., No. 10, entitled, "An Ordinance to amend an Ordinance for Licensing Auctioneers;" and whereas it is expedient that the above-recited Ordinances, so far as the same relate to the Province of Otago, should be repealed, and other provision made in lieu thereof;

BE IT THEREFORE ENACTED by the Superintendent of the Province of Otago, with the advice and consent of the Provincial Council thereof, as follows:—

1. The above-recited Ordinances, so far as the same relate to the Province of Otago, shall be, and the same are hereby, repealed. Ordinance, Sess. II., No. 13, and Sess. III., No. 10, (Legislative Council) repealed.
2. No person shall, after the passing of this Ordinance, sell any estate, goods, or effects, by way of Auction, or in any way whereby the highest bidder shall be deemed the purchaser, either by Public Sale or otherwise, unless he shall be duly licensed as hereinafter provided. No person to sell by auction without license.

- Form of license.** 3. Every such license shall be in the form in the Schedule hereunto annexed, and every such license shall expire on the first day of May next ensuing after the date of such license.
- Amount of Auctioneers' License.** 4. Such license shall be issued by the Provincial Treasurer to any person who shall apply for the same on payment of the sum of £20.
- List of Licensed Auctioneers to be published.** 5. The Provincial Treasurer shall, within ten days after the date of any such license, cause the name, place of abode, and calling of any person or persons to whom he shall have granted such license, to be advertised in a newspaper published in the Province of Otago.
- Hours of Business.** 6. No person so licensed shall exercise his business as 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.
- Penalty for selling by auction without license.** 7. If any person, not being duly licensed, shall sell any estate, goods, or effects, by way of Auction, or 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 the sum of £50, to be recovered in a summary way.
- Non-production of license.** 8. In all proceedings against any person for having acted as an Auctioneer without license, such person, unless he shall produce his license, or bring other satisfactory proof of his having been licensed at the time at which the alleged offence shall have been committed, shall be deemed to have been unlicensed.
- Penalty for selling at illegal hours.** 9. If any licensed Auctioneer shall exercise his business as an Auctioneer at any time or in any manner contrary to the provisions of this Ordinance, he shall forfeit and pay for every such offence any sum not exceeding the sum of £20, to be recovered in a summary way.
- Ordinance not to extend to Government Sales.** 10. Provided that nothing herein contained shall extend to any sale by order of His Excellency the Governor, or by order of His Honor the Superintendent of the Province of Otago, or any Collector or Sub-Collector of Customs, or by any Commissioner of Crown Lands, or to any sale of any vessel, or the apparel, or stores, or cargo of any vessel, which may be taken and condemned as a lawful prize, and sold for the benefit of the captors.
- Commencement.** 11. This Ordinance shall come into force on the 26th day of April 1855, and may be cited as the "Auctioneers' License Ordinance."

Passed the Provincial Council this 26th day of April 1855.

JOHN GILLIES,
Speaker.

ROBERT CHAPMAN,
Clerk of Council.

Assented to on behalf of the Governor, at Dunedin; the first day of May, One Thousand Eight Hundred and Fifty-five.

W. CARGILL,
Superintendent of the Province of Otago.

SCHEDULE.

Know all men, by these presents, that (name), of (place of abode), (trade or business), is hereby licensed to exercise the business or calling of an Auctioneer, until the 1st day of May 18 , having this day paid the sum of £20.

(Signed),

Treasurer.

Dated at (Dunedin) this day of 18 .



FENCING ORDINANCE, 1855.

IN THE EIGHTEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

No. 21. A

ANALYSIS.

Preamble.

1. Reciting Ordinances repealed.

2. Persons making dividing fence may make ditch,
&c., on adjoining land.

3. Half the cost of dividing fence to be paid by
occupier of adjoining land.

4. And to be recoverable in a summary way.

5. Half the cost of repairing dividing fence, &c.,
to be paid by adjoining occupier.

6. Limitation of amount to be recovered.

7. Fences described in the Schedule to be deemed
sufficient fence.

AN ORDINANCE to repeal the *Fencing Ordinance*, and to make other provisions
in lieu thereof.

WHEREAS an Ordinance was passed by the Legislative Council of New Zealand, Session VIII., No. 8, intituled "An Ordinance to encourage the Fencing of Land:" And whereas it is expedient that the said Ordinance be repealed and other provisions made in lieu thereof:

BE IT THEREFORE ENACTED by the Superintendent of the Province of Otago, with the advice and consent of the Provincial Council thereof, as follows:—

1. The said recited Ordinance, so far as regards the said Province of Otago, shall be, and the same is hereby repealed.

2. It shall be lawful for the owner or occupier of any land in the Province of Otago, not being within the limits of any Town, in making a fence dividing his land from the land adjoining thereto, to make a ditch not exceeding four feet in width in such adjoining land, and to throw the soil taken therefrom upon his own land to form a bank; and if any person making such dividing fence shall make the ditch upon his own land, it shall be lawful for him to make the bank and erect posts and rails upon such adjoining land: Provided always that it shall not be lawful to make any ditch or bank upon

any such adjoining land, in any case where a hedge of live thorns may have been planted and kept in good and thriving condition thereon, so as to disturb or injure such hedge, without the consent of the owner or occupier of such land first had and obtained: Provided always that all fences along public roads shall have a ditch two feet deep, and not more than two feet wide along the roadside.

Half the cost of dividing fence to be paid by occupier of adjoining land.

3. If any person shall heretofore have erected or made, or shall hereafter erect or make, any ditch, bank, or other sufficient fence, dividing his land from the land adjoining thereto, and the proprietor of the adjoining land or his tenant shall avail himself of such dividing fence or any part thereof, such proprietor or his tenant shall be liable to pay to the owner or occupier of the adjoining land, by whom such dividing fence was erected or made, the half of the value of so much of such dividing fence as shall be available as a fence to such adjoining land.

And to be recoverable in a summary way.

4. If any person liable to pay the half of the value of such fence as aforesaid shall not pay the same within two months, on demand made in writing by the person to whom the same shall be payable, the amount payable in respect of such fence shall be recoverable in a summary way before the Resident Magistrate or any two Justices of the Peace: Provided always that it shall be lawful for such Justices to direct the payment of the same either altogether or by instalments, and at such times as to the said Justices shall seem meet.

Half the cost of repairing dividing fence, &c., to be paid by adjoining occupier.

5. When any such dividing ditch, bank, or other fence, shall require cleansing, or shall be out of repair, and shall become insufficient, the same shall be cleansed and repaired at the joint expense of the proprietors or occupiers of the adjoining land, and any proprietor or occupier of land adjoining such fence (having given notice in writing to the other occupier of the land divided by such fence, or to his or her agent in the said Province) may, on refusal or neglect of such last mentioned proprietor or occupier for the space of one month to contribute one half of such expense, cause the same to be cleansed and repaired and made a sufficient fence, and shall thereupon be entitled to recover from such adjoining proprietor or occupier one-half of the cost of cleansing or repairing such fence, in a summary way as aforesaid: Provided always, that the party making such repairs shall be bound to prove to the satisfaction of the Magistrate or Justices before whom any action is brought for the expense of such repairs that the sum expended and sought to be recovered was necessarily and properly expended.

Limitation of amount to be recovered.

6. Provided always that no greater sum shall be recovered under the provisions of this Ordinance, in respect of the making or repairing of any such fence, than the sum of ten shillings per chain in country districts, and twenty-five shillings per chain in the town of Dunedin.

Fences described in the Schedule to be deemed sufficient fence.

7. In the construction of this Ordinance, the term "sufficient fence" shall be deemed and taken to include all fences of the description in the schedule hereunto annexed; and the word "tenant" shall be taken to include any person actually occupying any land, whether under or by virtue of a legal title thereto or otherwise.

Passed the Provincial Council this 26th day of April 1855.

JOHN GILLIES,
Speaker.

ROBERT CHAPMAN,
Clerk of Council.

Assented to on behalf of the Governor, at Dunedin, the ninth day of May, One Thousand Eight Hundred and Fifty-five.

W. CARGILL,
Superintendent of the Province of Otago.

SCHEDULE.

1. A bank not less than four feet six inches high, substantially formed, with turf on both sides, and having a ditch not less than four and a half feet wide on each side of such bank.

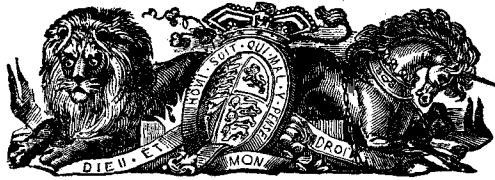
2. Any Fence formed of posts and one or more rails or wires, and with or without a bank, the upper rail or wire being not less than four feet six inches high from the surface of the ground, the space or opening betwixt the upper rail or wire and that immediately below it not to be more than fourteen inches, the space betwixt the lower rail and the surface of the ground or bank being not more than ten inches, and all intermediate spaces being not more than one foot—the posts not being more for rails than nine feet apart, and for wires than seven feet apart—the posts to be not less than twelve square inches in thickness, and the rails if round not less than three inches in diameter, and if split not less than one and a half inches thick and four inches broad—the rails to be either firmly mortised in or double nailed, and the wires either passing through the posts or firmly fixed with staples.

3. Any paling fence of four and a half feet high with posts and two rails of the above dimensions, and having split or sawn timber not less than half an inch thick placed perpendicular and well nailed to both rails, there being not more than five inches of opening betwixt each perpendicular piece of timber.

4. A stone or brick wall, or thick set thorn or brier hedge, not less than four and a half feet high, or where deficient of that height if surmounted by a paling or wire fence such as above described, to the height of four feet six inches, and the lower rail of which being not higher than the top of the growing thorns or briers.

[This Ordinance was amended by the "Fencing Ordinance, 1856."]





SUPPLEMENTARY APPROPRIATION ORDINANCE, 1855.

IN THE EIGHTEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

No. 22. A

ANALYSIS.

Preamble.

1. The following sums to be applied:—

(1.) £185 for fitting up the late Survey Office
as a temporary Lodging-house for Maories,
and for erecting a Lock-up house.

(2.) £600 to be applied for Immigration from
Australia.

(3.) £150 in supplement of Contingencies.

2. Treasurer to pay Monies on warrant of the
Superintendent.

AN ORDINANCE to appropriate certain Sums for Public Purposes, not provided for by Appropriation Ordinance for the year 1855.

Passed the Provincial Council this 23rd day of May 1855.

JOHN GILLIES,
Speaker.

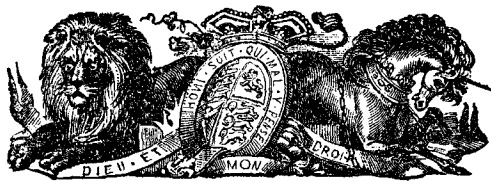
ROBERT CHAPMAN,
Clerk of Council.

Assented to on behalf of the Governor, at Dunedin, the
Twenty-sixth day of May, One Thousand Eight Hundred
and Fifty-five.

W. CARGILL,
Superintendent of the Province of Otago.

[Sum voted—£935.]





DUNEDIN TOWN BOARD ORDINANCE, 1855.

IN THE NINETEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

No. 23. A

ANALYSIS.

- | | |
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| 1. Town Board Constituted and Incorporated, and may hold property, and sue and be sued. | 11. Declaration of the state of the Poll. |
| 2. To consist of Nine Members, to go out of office by rotation. | 12. Procedure when equality of Votes at Polling. |
| 3. Qualification of Electors. | 13. Voting Papers to be preserved. |
| 4. Qualification of Members. | 14. Vacancies. |
| 5. Disqualification of Members. | 15. Meetings.—Majority.—Quorum.—Chairman.—No order to be revoked without notice. |
| 6. Mode of Election. | 16. Two members of the Board may call meetings. |
| 7. A Poll may be demanded. | 17. Town Board may name Committees.—Powers. |
| 8. Chairman and Returning Officer of Elections to be appointed by the Superintendent. | 18. Town Board to appoint Officers. |
| 9. Hours and Mode of Polling.—Earlier closing of the Poll. | 19. Who shall not be concerned in any contract. |
| 10. Only certain enquiries competent at Elections. | 20. Books of Minutes and Accounts to be kept. |
| | 21. Permission to inspect Accounts. |
| | 22. Officers to account. |
| | 23. Power to borrow money and grant securities. |
| | 24. Members of Board not to be personally liable. |
| | 25. Power to make Bye-laws. |

AN ORDINANCE to constitute a Public Board for the Town of Dunedin.

WHEREAS the administration and management of various matters and things concerning the Town of Dunedin may be beneficially devolved from time to time by Ordinance upon a Public Board, elected by the inhabitants of said Town ;

BE IT THEREFORE ENACTED by the Superintendent of the Province of Otago, with the advice and consent of the Provincial Council thereof, as follows :—

1. There shall be a Public Board within the Town of Dunedin for the purpose of carrying into execution the powers and provisions of this Ordinance, or of any other Ordinance, or any duties whatsoever, the execution whereof shall be devolved upon the said Town Board ; and on and from the

Town Board Constituted and Incorporated, and may hold property, and sue and be sued.

day of the first General Meeting thereof, such Town Board shall be, and they and their successors in office shall forever continue to be, a Corporation by the name of THE TOWN BOARD OF DUNEDIN; and, as such Corporation, it shall be lawful for them to accept, take, and hold, for the benefit of the said Town and the inhabitants thereof, any lands, buildings, hereditaments, goods, effects, or other property, and to have and to use a common seal; and they shall and may in their corporate name, and in name of their Clerk, or of any other officer authorised, sue and be sued, and take and resist all proceedings at law and in equity; and in every action or other legal proceeding relating to any such property, or to any debt, claim, or demand, it shall be sufficient to state such property to belong, or such debt, claim, or demand, to be due to the Town Board of Dunedin, or to their Clerk, or to any other officer authorised, suing for the same.

To consist of Nine Members, to go out of office by rotation. 2. The said Town Board shall consist of nine members; and four of the nine members to be first elected shall go out of office on the first Wednesday in the month of December 1856, and the remaining five members on the first Wednesday in the month of December 1857; and in every subsequent year those members, whether four or five, as the case may be, who shall have been longest in office, on the first Wednesday in the month of December in each year: And if a poll shall have taken place as hereinafter enacted, the four members who shall go out of office in the year 1856, shall be those who were lowest on the poll; and if no poll shall have taken place, then the four to go out of office shall be determined by lot.

Qualification of Electors. 3. Every person whose name shall be on the Roll for the time being of persons entitled to vote for members for the Town of Dunedin in the Provincial Council of the Province of Otago, shall be qualified to vote at the election of members of the Town Board.

Qualification of Members. 4. Every person whose name shall be on such Electoral Roll shall be qualified to be elected a member of such Town Board; and no member of the Town Board who is a Justice of the Peace shall be disqualified from acting as such in the execution of any Ordinance, the execution whereof is intrusted to the Town Board, by reason of his being a member of the Town Board: And no lender of money for the execution of any matters or things in pursuance of any such Ordinance, or assignee of any such lender, shall on that account be disqualified to act as a member of the Town Board or Justice of the Peace in the execution of any such Ordinance.

Disqualification of Members. 5. In case of the insolvency, absence from the Province for twelve calendar months, or mental or legal incapacity of any of the Members of the Town Board, the seat of such Member shall be vacant, and every such vacancy, and every vacancy by death or otherwise, shall be filled up in manner hereinafter provided: And no Member of the Town Board who shall be appointed to any place or employment of profit in the execution of any Ordinance, the execution whereof is intrusted to the Town Board, shall be capable, whilst he holds such place or employment, of acting as a Member of the Town Board in the execution of such Ordinance; and if any Member so disqualified shall nevertheless presume to act as a Member of the Town Board in the execution of such Ordinance, he shall, for every such offence, forfeit and pay a sum not exceeding Twenty Pounds to any person who shall prosecute for the same, to be recovered with expenses by way of summary proceeding before the Justices of the Peace.

Mode of Election. 6. The Superintendent of the Province shall, before the first day of October next, cause the electors to assemble at a given time and place within the Town of Dunedin, of which notice shall be given in the Provincial Government Gazette, and otherwise, as he shall direct, at least ten days previously, for the purpose of electing the Members of the Town Board, and he shall yearly thereafter, before the tenth day of January, cause the said electors to assemble in like manner for the purpose of electing Members of the Town

Board, in room of those who go out of office by rotation; and the electors assembled at such meeting shall make said elections by a majority of their number.

7. It shall be lawful for any two electors present at said meeting then to demand a poll; and the polling shall take place within six days thereafter, at some one or more convenient place or places in the Town of Dunedin, as the Superintendent shall fix.

A Poll may be demanded.

8. The Superintendent shall appoint a proper person to preside at meetings of the electors for the purpose of electing the members of the said Board; and such person so presiding shall thereby be disqualified for being elected a Member, and shall have no vote except a casting vote in case of equality; and when a poll is demanded he shall officiate as Returning Officer.

Chairman and Returning Officer of Elections to be appointed by the Superintendent.

9. The polling shall take place between the hours of nine o'clock forenoon and four o'clock afternoon, before the Returning Officer or a Deputy or Deputies to be appointed by the Superintendent; and the voting shall be conducted in the manner following, that is to say,—every elector may vote for any number of persons, (not exceeding the number of persons then to be chosen) by delivering to the Returning Officer or his Deputy or Deputies a voting paper, containing the Christian names and surnames, and designations, of the persons for whom he votes, and signed with the name of the elector so voting, and setting forth his own designation: Provided always that it shall be lawful for the Returning Officer, if there be no votes polled between ten o'clock forenoon on behalf of the candidate or candidates for whom a poll was demanded, to hold the poll closed, and to proceed as if it had not been demanded; and provided also that it shall be lawful for such Returning Officer, with the written consent of opposing candidates, to declare the poll closed at any time earlier than four o'clock.

Hours and Mode of Polling.—Earlier closing of the Poll.

10. No inquiry shall be permitted at any election as to the right of any person to vote, except only that the Chairman, Returning Officer, or Deputy, if required by any two electors, may put to any voter at the time of his giving his vote, and not afterwards, the following questions, and no others:

Only certain enquiries competent at Elections.

1. Are you the person whose name appears (A.B.) on the Electoral Roll now in force for the Town of Dunedin?
2. Are you the person whose name is signed (A.B.) to the voting paper now delivered in by you?
3. Have you already voted at the present election?

And no person required to answer the first of these questions at any meeting for election shall be permitted or qualified to vote until he shall have answered the same affirmatively; and in case of a poll being demanded, no person required to answer any of the said questions shall be permitted or qualified to vote until he shall have answered the first two affirmatively, and the last negatively.

11. The Returning Officer having publicly declared the poll closed, shall forthwith ascertain the number of votes given for every candidate, and publicly declare, according to the number of vacancies to be filled, the several persons who shall have the greatest number of votes to be duly elected.

Declaration of the state of the Poll.

12. In case of an equality of votes at any such election, the Returning Officer shall determine by lot the priority between the persons for whom an equal number of votes shall have been polled.

Procedure when equality of Votes at Polling.

13. The voting papers aforesaid shall be kept by the Returning Officer for the space of twelve months after the election, and any elector shall be permitted to inspect the same on payment of one shilling.

Voting papers to be preserved.

Vacancies.

14. If any person so elected shall decline the Office, or shall fail within 30 days to declare his acceptance thereof, at any meeting of the Town Board which may be held within that time, or by letter signed by him, addressed and delivered to the Clerk of the Town Board, the office shall be deemed vacant; in which case, and in every case in which any vacancy shall otherwise occur, every such vacancy shall be filled up by an Election, to be conducted in manner hereinbefore provided, and to take place upon a day to be fixed by the Superintendent, within 30 days after such vacancy shall have been made known to him by a certificate under the hand of the Clerk of the Town Board (who is hereby required forthwith so to make known the same); and every person so elected shall hold office until the time when the person in whose room he was chosen would regularly have gone out of office.

Meetings. — Majority. — Quorum. — Chairman. — No order to be revoked without notice.

15. The Town Board having met under authority of this or any other Ordinance, may from time to time adjourn to meet at such time and place as they shall appoint; and all their orders and determinations in the execution of any powers and authorities vested or to be vested in them, shall be exercised at meetings to be held in pursuance hereof, or of such other Ordinance (except in cases otherwise particularly provided for), by the major part of the members who shall be present, the whole number present not being less than three; and a Chairman shall in the first place be appointed at every meeting, who, in case of an equal number of votes, including the vote of the Chairman, shall have the casting vote: And no order or determination once made, agreed upon, or entered into, shall be revoked or altered at any subsequent meeting, unless notice of the intention to propose such revocation or alteration shall have been given at a previous meeting, and entered in the Book of Proceedings in which such order or determination is entered, and intimated in writing to every member of the Board not present at such previous meeting, who shall have been present at the meeting whereat such order or determination was made, and the like public intimation given as was required to render such order or determination valid.

Two members of the Board may call meetings.

16. It shall be lawful for any two members of the Town Board at any time to call, or to require the Clerk to call a meeting of the Board; provided always that notice of such meeting, and of the purpose thereof, shall be given in writing to the members of such Board.

Town Board may name Committees.— Powers.

17. The Town Board acting under any Ordinance shall have power at any General Meeting to name Committees of their own number for the more immediate direction and management of all or any of the matters lawful to the Town Board, and to give such Committees (whereof three shall be a quorum) such instructions and such powers as they shall from time to time think fit and expedient; and the regulations hereinbefore enacted relative to the meetings and adjournments, majorities, orders, determinations, powers, and authorities of the Town Board shall in like manner apply to and affect all such Committees.

Town Board to appoint officers.

18. It shall be lawful for the Town Board, acting under any Ordinance, to appoint Clerks, Collectors, Treasurers, (unless where monies are ordered to be lodged with the Provincial Treasurer), Surveyors, Overseers, and other Officers, with reasonable salaries or allowances for their trouble; and, if they shall so think proper, to take security from any such officer to be appointed for the purposes of any Ordinance, for the due and faithful execution of his office, and to limit the sum beyond which he shall not retain any money belonging to the Town Board.

Who shall not be concerned in any contract.

19. No person acting in or holding any such official situation shall directly or indirectly have or hold any share or interest in any contract to be entered into by the Town Board in pursuance of any Ordinance, under a penalty not exceeding Fifty pounds, to be levied and applied as the other penalties hereby imposed are directed to be levied and applied; and it shall be in the option of the Town Board, and competent to them to render such contract null and void.

20. The Town Board shall cause a book or books to be kept, in which shall be entered all the minutes of their orders and proceedings, as also a book or books, in which shall be entered true and regular accounts of all sums of money received and expended, and of the several articles, matters and things for which such sums of money shall have been disbursed: And the Town Board shall annually examine the vouchers and audit and settle the accounts of the respective clerks and treasurers appointed by them, and examine into the state of the revenues and debts of the several undertakings which may be placed under their administration, and make up abstracts of such accounts, which shall be signed by not less than three members of the Town Board, and shall be printed and published annually in the Government Gazette, or a newspaper, within one month after the said accounts are audited and signed as aforesaid.

Books of Minutes and
Accounts to be kept.

21. Such book or books and accounts shall at all reasonable times be open to the inspection of any of the members of the Board, who shall be at liberty to take copies thereof without paying anything for the same; and the said book or books shall be produced by the said clerk or treasurer at all meetings of the Board: And any person having paid assessment for the current year, and all arrears, if any, due by him, may see and take a copy of the said accounts, or any part thereof, on paying one shilling to the clerk or treasurer for each time of inspection.

Permission to inspect
Accounts.

22. If any officer appointed by the Town Board, in pursuance of this or any other Ordinance, shall, when required by the Board, refuse or wilfully neglect to render and give to them, or to such person as they shall for that purpose appoint, a true, exact, and perfect account in writing under his hands, with the proper vouchers, of all monies which he shall to the time of rendering such accounts have received, paid, and disbursed for or on account, or by reason of his office, as also all books, papers, writings, tools, matters, and things in his hands, custody, or power, belonging to the Town Board; and, in case any money so received by any such officer shall remain in his hands, to pay the same to the Board, or to such person as the Board shall authorise and empower to receive the same, then it shall be lawful for any two Justices of the Peace, upon complaint made by or on behalf of the Town Board, to hear and determine such complaint in a summary way, and to cause such money as shall appear to be due and unpaid, and all costs and expenses, to be levied by distress and sale of the goods and effects of such officer; and if it shall appear to any two Justices of the Peace that any such officer shall have wilfully refused to give such account, or to deliver up all or any books, papers, writings, tools, matters, and things, in his custody or power relative to the execution of his office, such Justice shall commit him to the common gaol, there to remain until he shall make and give a true and perfect account, and verify the same in manner aforesaid, and shall produce and deliver up the vouchers relating thereto, or until he shall deliver up such books, papers and writings, tools, matters, and things, as aforesaid, or have given satisfaction to the Town Board concerning the same; and the Town Board shall have power to make and receive composition for such matters and things, as well as for any money due and unpaid by any such officer.

Officers to account.

23. It shall be lawful for the Town Board to borrow any sum or sums of money requisite for the execution of any undertaking to be entrusted to them by any Ordinance of the Provincial Council, and for securing repayment of such borrowed money with interest, to grant assignments in the form or to the effect set forth in the schedule hereto appended, of any assessments, rates, dues, or money authorised by any such Ordinance to be levied; and the said Board are hereby required to lay out and apply the money so borrowed, and such assessments, only for their proper purposes, in pursuance of any such Ordinance; which assignments it shall be lawful to the grantees or others entitled to the money thereby secured, to transfer by indorsement in the form or to the effect also set forth in said schedule; and every indorsee may in like manner indorse the same; and all persons to whom any such as-

Power to borrow
money and grant
securities.

signments or indorsements shall be made, as aforesaid, and producing the same for entry in the books of the Town Board, shall be creditors on the assessments, rates, or dues specified in the aforesaid assignments, in equal degree one with another, or in such order as shall have been agreed upon at the time of the advance of their respective shares.

Members of Board not to be personally liable.

24. The members of the Town Board shall not be held or adjudged to have made themselves personally liable for the repayment of any money borrowed, or interest thereof, by reason of having signed any securities as aforesaid.

Power to make Bye-laws.

25. The Town Board shall have power, and are hereby authorised, to make all such Bye-laws as may appear to the Board to be necessary for fully carrying out the purposes of this Ordinance, and of any other Ordinance, the execution whereof may be devolved on the Board; provided always that such Bye-laws shall not be repugnant to the provisions of such Ordinances, and shall be submitted to the Superintendent and Provincial Council; and upon being approved shall have the same force and effect as if they had been inserted in any such Ordinance.

Passed the Provincial Council this 17th day of July 1855.

JOHN GILLIES,
Speaker.

ROBERT CHAPMAN,
Clerk of Council.

Assented to on behalf of the Governor, at Dunedin, the eighteenth day of July, One Thousand Eight Hundred and Fifty-five.

W. CARGILL,
Superintendent of the Province of Otago.

SCHEDULE.

ASSIGNMENT.

By virtue of an Ordinance passed by the Provincial Legislature of the Province of Otago, entitled "An Ordinance to constitute a Public Board for the Town of Dunedin," We, a quorum of the Members of the said Town Board, in consideration of the sum of advanced and paid to for behoof of the said Town Board, do hereby grant and assign to A.B. and his Executors, Administrators, and Assigns, (here specify the matter assigned) to be held from this day of , in the year of our Lord one thousand eight hundred and , until the said sum of , with interest after the rate of per centum per annum, shall be paid and discharged.—In witness whereof we have respectively hereunto subscribed our names this day of 18 .

INDORSEMENT.

I, A.B., do hereby transfer all my right to the within written Assignment of thereby secured to and his (or my) Executors, Administrators, and Assigns.



DUNEDIN ROADS AND STREETS ORDINANCE, 1855.

IN THE NINETEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

No. 24. A

ANALYSIS.

Preamble.

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| <ol style="list-style-type: none">1. Repeal of Ordinance, Session I., No. 7, New Munster.2. Town Board to have management of Roads, &c., within Dunedin, and the powers of Commissioners under Ordinance, No. 9, Session I., of New Munster Legislative Council.3. Board may enter upon certain lands for making Streets, &c.4. Board may order Fences to be erected.5. Footpaths and Crossings to be made and maintained.6. Drains, &c., to be made.7. Penalties on persons making encroachments.8. Expense of operations to be Real Burdens, and to be registered.9. Town Board to hold Special Quarterly Meetings. | <ol style="list-style-type: none">10. Notice to be given of such Meeting.11. Plans and Specifications of intended alterations to be made.12. Rates to be levied.—Mode of Assessment.13. Meeting to consider Assessment.14. Parties having objections to be heard.15. Assessments may be recovered from occupiers or tenants.16. Assessment may be distrained for on a warrant of a Justice of the Peace.17. Collector or other officer may sue for Assessment.18. Special rates may be levied.19. Proceedings for penalties, &c.20. Exemption of certain lands and buildings.21. Meaning of the word "proprietor" in this Ordinance. |
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AN ORDINANCE to Regulate the Management and Control of Streets and other things in and about Dunedin.

WHEREAS it is expedient to repeal an Ordinance, No. 7, Session I., of Preamble. the Legislative Council of New Munster, as far as regards the Province of Otago, and to make further regulations for the making, management, and maintenance of Roads, Streets, Bridges, Footpaths, and Drains, within the Town of Dunedin, and through, in, or upon the Town Belt;

BE IT THEREFORE ENACTED by the Superintendent of the Province of Otago, with the advice and consent of the Provincial Council thereof, as follows:—

Repeal of Ordinance,
Sess. I., No. 7, New
Munster.

1. The aforesaid Ordinance, as far as regards the Province of Otago, shall be, and the same is hereby, repealed.

Town Board to have
management of
Roads, &c., within
Dunedin, and the
powers of Commis-
sioners under Ordi-
nance No. 9, Sess. I.,
of New Munster Le-
gislative Council.

2. The Town Board of Dunedin, constituted by Ordinance No. 12,* passed in the present Session of the Provincial Council of Otago, shall have the management and charge, and the making, repairing, maintaining, and regulating of all Roads and Streets within the Town of Dunedin, and in, through, or upon, the lands commonly called the Town Belt, which are hereby declared to be the limits of the said Town; as also of making, altering, repairing, maintaining, and regulating all Bridges, Footpaths, and Drains, which may be necessary to be made through, upon, or in connection with said Roads or Streets; and of promoting, managing, and regulating all other improvements and undertakings within the said Town, or for the benefit of the inhabitants thereof; and within the limits of the same shall be deemed and taken to be, and shall have and exercise all the powers of Commissioners for the Repairs of Streets, within the intent and meaning of the Ordinance "to Increase the efficiency of the Constabulary Force," No. 9, Session I., of the Legislative Council of New Munster.

Board may enter up
on certain lands for
making Streets, &c.

3. It shall be lawful for the Town Board, and for their surveyors and workmen, from time to time to enter upon any land uninclosed or any land uncultivated or lying fallow, through or adjoining which any road or street passes, or is intended to pass, and to stake out such roads, and to cut or make such drains, ditches, or arches through, or into, any such land, and to make a temporary way or ways through or over such land, as the Town Board shall think proper, the Board making satisfaction to the owners of such land for the damage thereby occasioned; and if any person shall pull up, remove, or destroy any of the stakes or other marks used, or any part of the fences made in laying out any part of such roads or streets, or injure any drain, ditch, or arch, or temporary way, made as aforesaid, every person so offending shall forfeit and pay for every such offence any sum not exceeding £5.

Board may order
Fences to be erected.

4. It shall be lawful for the Town Board to require any proprietor, tenant, or occupant, to fence the land or ground belonging to or occupied by him adjoining to any street or road; and failing his doing so within a reasonable time, to be fixed by the Town Board, after requisition to be made to such proprietor, tenant, or occupant, or to any attorney, trustee, manager, or guardian of such proprietor, in such manner as the Board shall direct, it shall be lawful to the Town Board to cause such land or ground to be fenced at the expense of such proprietor, tenant, or occupant; and the expense being ascertained, the amount thereof, together with the costs of any proceedings for recovery of the same, shall form a burden upon the land, and may be recovered by summary proceedings before the Justices of the Peace, or any competent Court; and if paid by such tenant or occupant, he shall be entitled to recover the same from the proprietor or other parties holding right to the rents of such properties.

Footpaths and Cross-
ings to be made and
maintained.

5. It shall be lawful for the Town Board to make and keep in repair footpaths and crossings on the streets and roads, and to cause proprietors, tenants, and occupants, to make and keep in repair footpaths along their respective properties, according to such directions or regulations as may be issued by the Board; and failing any proprietor, tenant, or occupant, complying within a reasonable time, to be fixed by the Board, after requisition to be made to such proprietor, tenant, or occupant, or to any attorney, trustee, manager, or guardian of such proprietor, in such manner as the Board shall direct, it shall be lawful for the Town Board to cause such footpaths to be formed at the expense of such proprietor, tenant, or occupant; and the expense being ascertained, the amount thereof, together with the costs of any proceedings for recovery of the same, shall form a burden upon the property, and may be recovered in like manner, and by the tenant or occupant, as above prescribed with regard to the expense of fences.

* No. 23 A of this Series. ...Sec page 53 A.

6. It shall be lawful for the Town Board to make drains and gutters on any street or road, and to conduct the water therefrom into any adjoining land, ditch, or water-course; said drains, in so far as situated on any street or road, being maintained at the public expense; and in case the proprietor or occupier shall neglect or refuse to cleanse any ditch, water-course, or outlet upon his property, with which such drains or gutters shall communicate, when duly required in like manner as above prescribed with respect to Fences and Footpaths, the Board shall have power to cause the same to be done; and the expense thereof, together with the cost of any proceedings for recovery of the same, shall form a burden upon the property, and may be recovered in like manner, and by the tenant or occupant, as above prescribed with regard to the expense of Fences and Footpaths. ^{Drains, &c., to be made.}

7. If any person shall fill up or obstruct any ditch, drain, or gutter, for conveying water from any street or road, or shall encroach by making any house or other building, or any dyke, hedge, ditch, or other fence, or in any other manner whatever on any street or road, or shall make any drain, gutter, sink, or water-course across, under, or upon, or shall turn or conduct any drain or water-course across, under, or upon, or in any way break up the surface of any street or road, without the consent in writing of the Town Board, or of their Surveyor, such person shall forfeit, for every such offence, a penalty not exceeding five pounds; and it shall be lawful for the Town Board to cause such house, or other building, dyke, hedge, ditch, fence, drain, sink, water-course, gutter, or other encroachment, to be taken down or filled up at the expense of the person so offending. ^{Penalties on persons making encroachments.}

8. If the parties liable refuse or neglect to pay any expense incurred by the Town Board for operations performed in execution of the powers vested in said Board, it shall be lawful for the Town Board within sixty days after the same has become due, to cause to be lodged with the Registrar of Deeds for the Province of Otago a minute in the form or to the effect of the Schedule hereto appended, certifying the date when the said expense became due, and the non-recovery thereof (which certificate shall be conclusive proof of the facts so certified), and declaring such expense and the costs of all proceedings for recovery of the same, and interest on the whole at the rate of 10 per centum per annum, to be a real burden affecting the property described in said minute, until legally discharged by the Treasurer for the time being of said Town Board; and every such burden registered within the period above specified shall be effectual against and preferable to all conveyances, mortgages, and other burdens, as shall not have been registered prior to the registration of said minute: And the said Registrar of Deeds is hereby authorised and required to record in said Register ever such minute and every such discharge in like manner as any mortgage and discharge of a mortgage, is recorded therein, upon payment of a fee of 2s. 6d. for every such minute and discharge respectively. ^{Expense of operations to be Real Burdens, and to be registered.}

9. The Town Board shall hold four separate meetings in the year; that is to say, in the months of January April, July, and October every year, for the purpose of making visitations to ascertain the state or condition of the streets, roads, bridges, footpaths, and drains, and of hearing complaints or receiving informations respecting the same, and determining in regard thereto; but the Town Board may meet at other times for such purposes; and the Town Board having so met quarterly, or at other times, may from time to time adjourn to meet at such place and time as the members present shall appoint. ^{Town Board to hold Special Quarterly Meetings.}

10. Notice of the time and place of such quarterly meetings and other meetings for the purposes aforesaid (but not of adjourned meetings, unless the Board shall otherwise direct) shall be given by advertisements in a newspaper, or by handbills posted at public places in Dunedin, ten days before the day of meeting; and such notice shall specify the purposes of the meeting. ^{Notice to be given of such Meeting.}

Plans and Specifications of intended alterations to be made.

11. It shall be lawful for the Town Board from time to time to cause to be made Maps or Plans and Specifications of any intended alteration or improvement in the Town of Dunedin, and every person being an owner or occupier of any lands or tenements within the Town of Dunedin shall at all reasonable times have access to the said Maps, Plans, and Specifications, and shall be entitled to examine and make extracts from or copies of the same, or to request the Clerk of the Town Board to make extracts or copies, and in that case paying to such Clerk after the rate of sixpence for every one hundred words of such copies or extracts, over and above the Surveyor's fees for any copy of Maps or Plans; such fees to be regulated by a scale to be fixed by the Town Board.

Rates to be levied.—
Mode of Assessment.

12. For liquidating the expense of all works authorised by this Ordinance, and resolved to be executed by the Town Board (including a sum to cover the charges of Surveyors, Overseers, Collectors, and other officers, and other necessary charges and expenses), the said Board shall from time to time levy upon lands, buildings, and hereditaments, situated within the Town of Dunedin, and not hereby exempted from assessment, a Rate not exceeding in any one year two shillings and sixpence in the pound of the nett annual value of such lands, buildings, and hereditaments, according to an estimate of the nett annual value thereof from time to time to be made by such person or persons as the Town Board from time to time shall appoint to be assessor or assessors, who shall, within thirty days after the delivery to him or them of the warrant of his or their appointment, return to the Town Board an assessment, in which shall be specified in different columns the names of the respective owners and occupiers of all lands, buildings, and hereditaments comprised in such assessment, a description of the respective subjects, the full and fair annual value of the same, whether occupied or unoccupied, and the amount of Rate chargeable thereon respectively; provided always that it shall be lawful for the Town Board from time to time to regulate the mode of assessment and the duties of such assessors in such other manner as the said Board shall think fit.

Meeting to consider
Assessment.

13. Every such assessment shall be taken into consideration at a General Meeting of the Town Board convened for the purpose, whereof public notice shall have been given by two several advertisements in a newspaper, or otherwise, as the Town Board shall direct; and the assessment shall be altered or amended as the Town Board shall think fit, and thereafter shall be signed by three members of the Board or their chairman.

Parties having objections to be heard.

14. Every person whose property shall have been assessed by the Town Board shall have notice, to be left at his place of abode, or posted on a conspicuous part of the property assessed, of the nature and amount of the assessment; and it shall be lawful to any person objecting to any determination of the Town Board fixing the yearly value of any lands, buildings, or hereditaments, to state the grounds of his objections in writing within ten days from the service of such notice, and thereupon he shall be heard in support of his objections at a subsequent meeting to be convened, whereof public notice shall be given as aforesaid, or at any adjourned meeting; and the Board shall order the assessment to be amended, or repel the objections, or give such other decision as they may consider just.

Assessments may be recovered from occupiers or tenants.

15. The assessment from time to time so made shall be payable in one or more payments, and at such times and places as the Town Board shall determine, and may be levied either from the owners or other persons having right to the rents of such lands, buildings, and hereditaments, or from the occupiers or tenants thereof; and if from the occupiers or tenants, they shall be entitled to deduct the same from the rent payable to the owners or other parties holding right to such rents, or otherwise to obtain relief from them.

Assessment may be distrained for on a warrant of a Justice of the Peace.

16. If any person shall refuse or neglect to pay such assessment for the space of fourteen days after the same has become payable and been demanded

from him personally or at his dwelling-place, or by public general notice in the Government Gazette or a newspaper, it shall be lawful for such Collector and his assistants, without any previous action or suit, but simply by virtue of a warrant under the hand of any Justice of the Peace, which he is hereby empowered to grant, to enter into any part of the house, land, or tenement so assessed, and to levy the assessment by distress and sale of the goods and chattels therein or thereon: And in case it shall be impossible so to levy the assessment by reason of the property assessed being unoccupied or otherwise, the arrears shall at any subsequent time be leviable in like manner upon any goods which may be found upon such property, the party or parties whose goods and chattels shall be so distrained and sold being entitled to relief as aforesaid.

17. It shall be lawful for any Collector of Assessment, or other officer appointed by the Town Board, or for any other officer so authorised, to sue for and recover any assessment to which any person is liable in any Court of competent jurisdiction; and for the purposes of any such action or suit, such assessment shall be deemed to be due and payable to such Collector or other officer.

Collector or other officer may sue for Assessment.

18. Whenever the Town Board shall adjudge, which they are hereby authorised and empowered to do, any new Drain, Sewer, or other improvement, to be specially beneficial to any particular district, or any particular properties, within the Town of Dunedin, the expenses occasioned by the making of such Drain, Sewer, or other improvement, may be recovered as private improvement expenses from the owners, tenants, and occupiers of properties benefited thereby, and not exempted from assessment as hereinafter mentioned, by a Special Rate, over and above any other rates to which such persons may be liable under this Ordinance; and the sum to be annually levied by such special rate shall be a certain proportion, to be fixed by the Town Board, of the whole expense incurred as aforesaid, and shall be allocated and be payable by such owners, tenants, and occupiers yearly, or half-yearly, as the Town Board shall determine, during such period as shall be adequate for securing and paying off by means of such special rate both the said expenses, or any money borrowed for defraying the same on the security of said special rate, and also the interest of said expenses or borrowed money; and the amount of any such special rate, together with the costs of any proceedings for recovery thereof, may be recovered in like manner as any general rate authorised by this Ordinance to be levied; and the Town Board shall cause their Surveyor from time to time, as occasion shall require, to describe and define on a Map or Plan of Dunedin every separate and distinct district, for the purpose of special rating as aforesaid, and shall cause separate and distinct accounts to be kept of all monies collected and recovered under any special rate, and of all payments and disbursements in respect thereof; and they shall apply the monies so collected and recovered for the several purposes only for which the said special rates were laid on and authorised to be levied.

Special Rates may be levied.

19. All proceedings under this Ordinance, in so far as not otherwise expressly provided, may be laid and taken in the form prescribed by the Summary Proceedings Ordinance of the Legislative Council of New Zealand, Session II., No. 5, (1842).

Proceedings for penalties, &c.

20. No assessment shall be made on any Gaol, Hospital, Custom-House, Police Office, or Station House, or other Government offices or buildings; or on any waste lands of the Crown, or land reserved for Municipal or other public purposes, or lands or buildings belonging to Government; or on any property used solely for Religious and Educational purposes.

Exemption of certain lands and buildings.

21. The word "proprietor" and the word "owner" occurring in the fore-

Meaning of the word "proprietor" in this Ordinance.

going enactments shall be held to include all persons having right to the rents of lands, buildings, and hereditaments.

Passed the Provincial Council this 17th day of July 1855.

JOHN GILLIES,
Speaker.

ROBERT CHAPMAN,
Clerk of Council.

Assented to on behalf of the Governor, at Dunedin, the eighteenth day of July, One Thousand Eight Hundred and Fifty-five.

W. CARGILL,
Superintendent of the Province of Otago.

SCHEDULE.

FORM OF MINUTE.

AT Dunedin, the day of , in the year of our Lord one thousand eight hundred and .

IN pursuance of the powers of the Dunedin Roads and Streets Ordinance, 1855, passed by the Provincial Legislature of Otago, Session II., No. 13,* the Town Board of Dunedin certify that the sum of , being the amount (or a proportion) of the expense incurred by the said Board for (here specify the nature of the work done) became payable upon (specify the date) and is still owing, with of costs of proceedings instituted for recovery of the same, including the fee for recording this minute: And therefore the said Board declare the said two sums, amounting to , with interest thereon at the rate of ten per centum per annum till paid, to be a real burden upon (here specify the subjects) now or lately the property of E. F. (Signed) A. B., Chairman.

Extracted from the Minutes of the
Town Board of Dunedin by

C. D., Clerk.

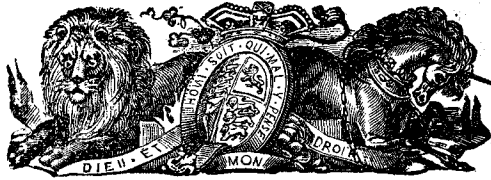
FORM OF DISCHARGE TO BE WRITTEN ON THE REGISTERED MINUTE.

IN respect of the within mentioned sum of , with of interest thereon, having been paid to me, I, Treasurer to the Town Board of Dunedin, do hereby discharge the within mentioned property of said debts.

Given under my hand this day of 18 .

_____, Treasurer.

* No. 24 A of this Series. See page 59 A.



SUPPLEMENTARY APPROPRIATION ORDINANCE, 1855.

IN THE NINETEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

No. 25. A

ANALYSIS.

Preamble.

1. The following sums to be appropriated:—

- (1.) £300 for Survey Department.
- (2.) £100 for Labour contingently.

- (3.) £100 for Expense of search for Dr. Shmidt.
- 2. Treasurer to pay Monies on warrant of the Superintendent.

AN ORDINANCE to appropriate certain Sums for Surveys and Labour.

Passed the Provincial Council this 12th day of September 1855.

JOHN GILLIES,
Speaker.

ROBERT CHAPMAN,
Clerk of Council.

Assented to on behalf of the Governor, at Dunedin, the
seventeenth day of September, One Thousand Eight Hundred
and Fifty-five.

W. CARGILL,
Superintendent of the Province of Otago.

[Sum voted—£500.]

