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ORDINANCES

OF THE

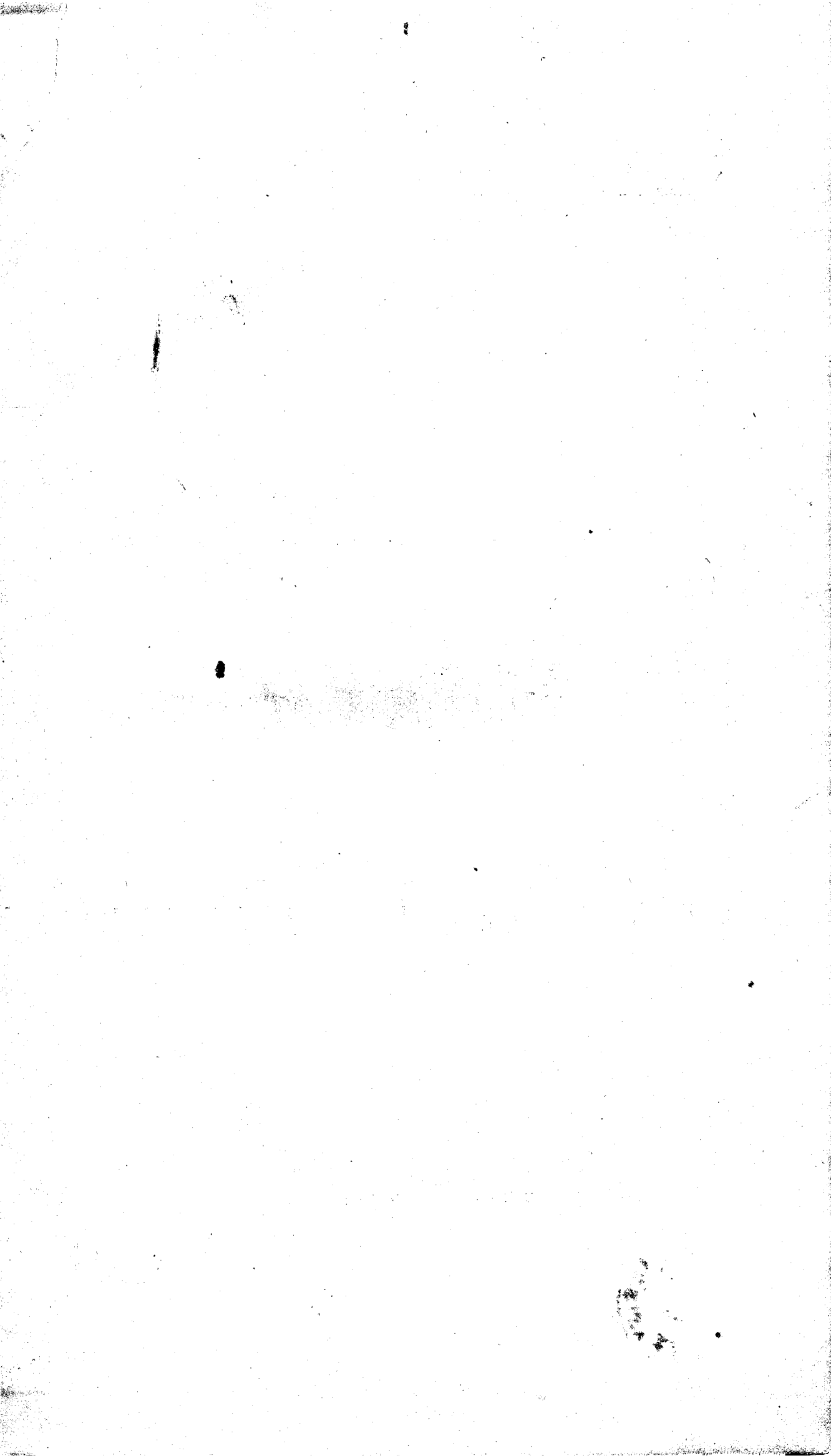
PROVINCE OF OTAGO, N. Z.



SESSION I. TO XIV. INCLUSIVE.

DUNEDIN :
PRINTED AT THE "OTAGO WITNESS" OFFICE.

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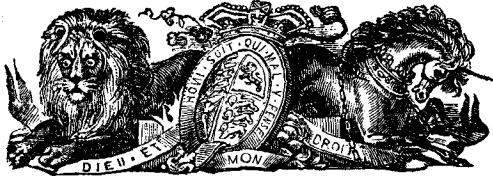
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EXECUTIVE COUNCIL ORDINANCE, 1854.

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

No. 1. A

ANALYSIS.

Title.

Preamble.

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.

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 Proclama-

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.

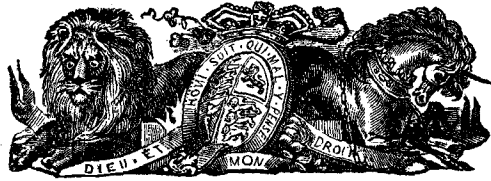
JAMES MACANDREW,
Speaker.

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

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

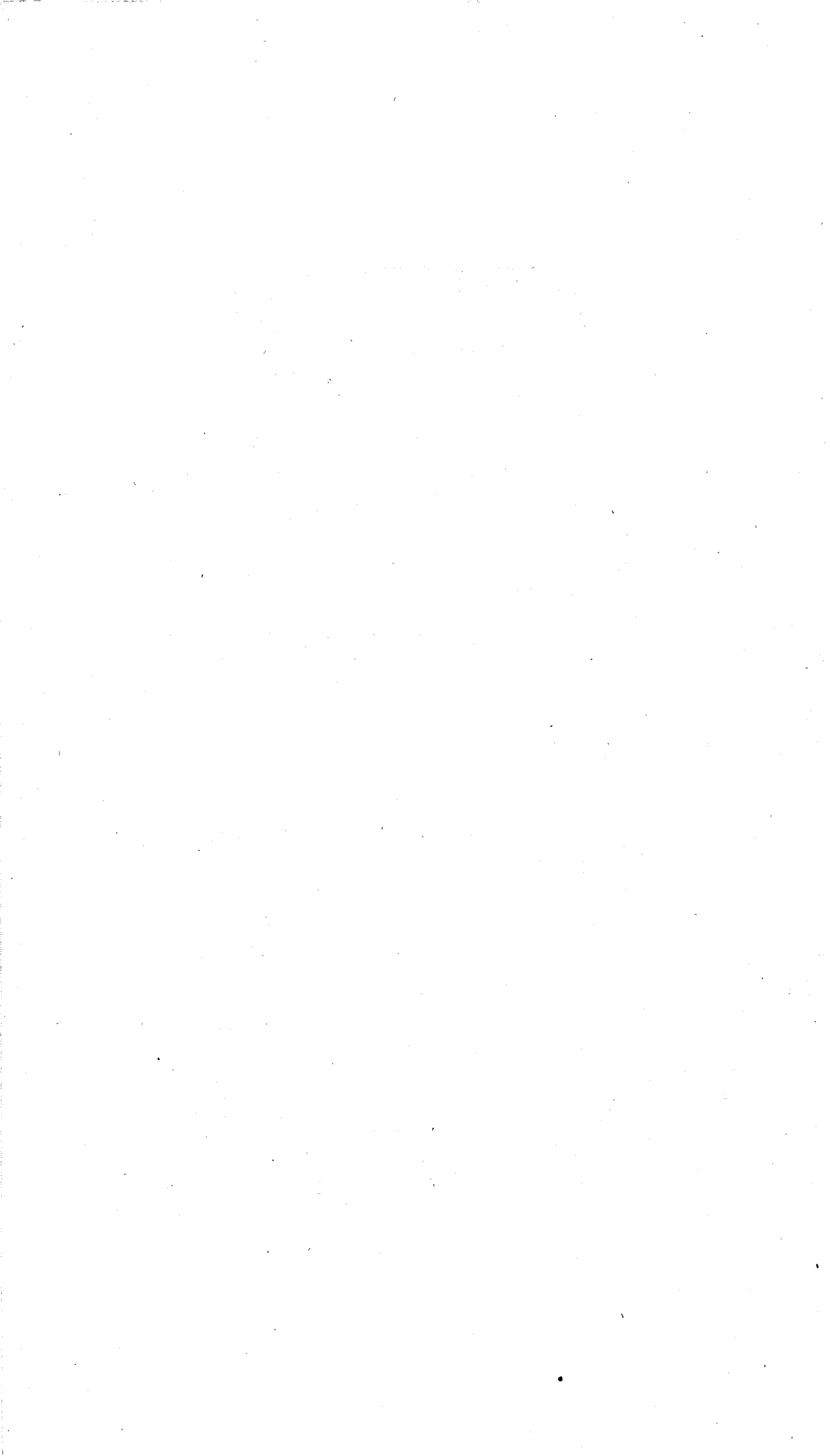
ARCHIBALD ANDERSON,
Speaker.

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 Os. 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.

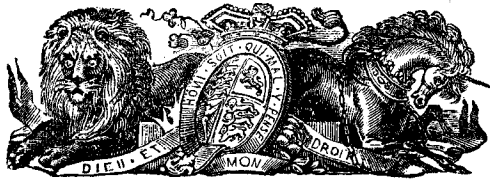
Passed the Provincial Council this 10th day of March, 1854.

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.

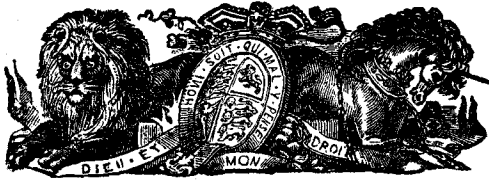
ROBERT CHAPMAN,
Clerk of Council.

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.

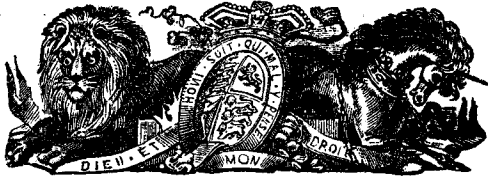
Passed the Provincial Council this 7th day of March, 1854.

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.

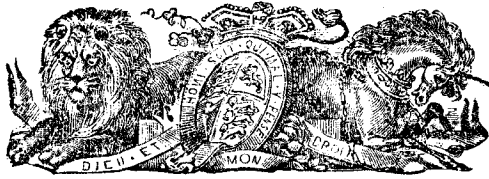
Session I. No. 7.—An Ordinance to authorise the Levying and Collecting of Rates for the making and Repairing of Roads, Streets, &c., in any Town of the Province of New Munster.

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.

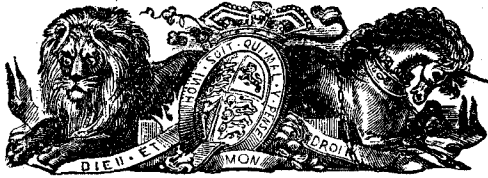
ROBERT CHAPMAN,
Clerk of Council.

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.
W. J. G. G.

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.
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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.

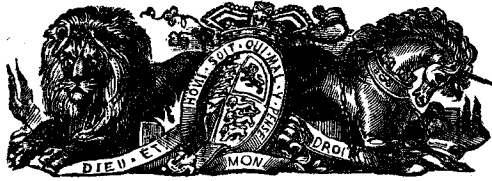
1. Wool, per bale,	0	6
2. Grain, per bushel,	0	0 $\frac{1}{4}$
Goods not enumerated above, per ton of 40 cubic feet, or of 20 cwt.,	1	0

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.

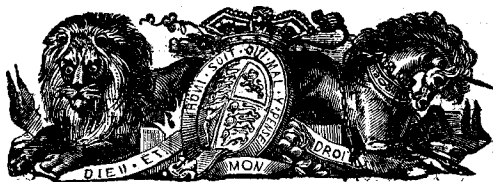
ARCHIBALD ANDERSON,
Speaker.

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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| <ol style="list-style-type: none">1. Number of Members of Council.2. Number of Electoral Districts.3. Number of Members for each District.4. Electors to be entitled to vote in Districts for which they are registered.5. A Classified List of Electors on present Electoral Roll to be prepared and published.6. Notice to be given to lodge claims.7. Persons on Classified and New Rolls to be entitled to vote. | <ol style="list-style-type: none">8. Mode of preparing Claim.9. Claim to be enrolled in District where property is situated.10. List of Claims and Classified List to be published.11. Meeting of Justices to be called for forming new Roll.12. New Roll, how to be formed.13. New Roll to be used in Elections of Superintendent and Members of Council.14. And published for general information. |
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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.

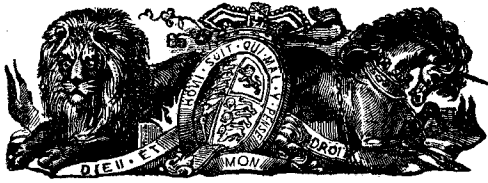
ROBERT CHAPMAN,
Clerk of Council.

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.

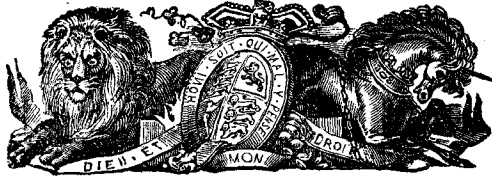
ROBERT CHAPMAN,
Clerk of Council.

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.

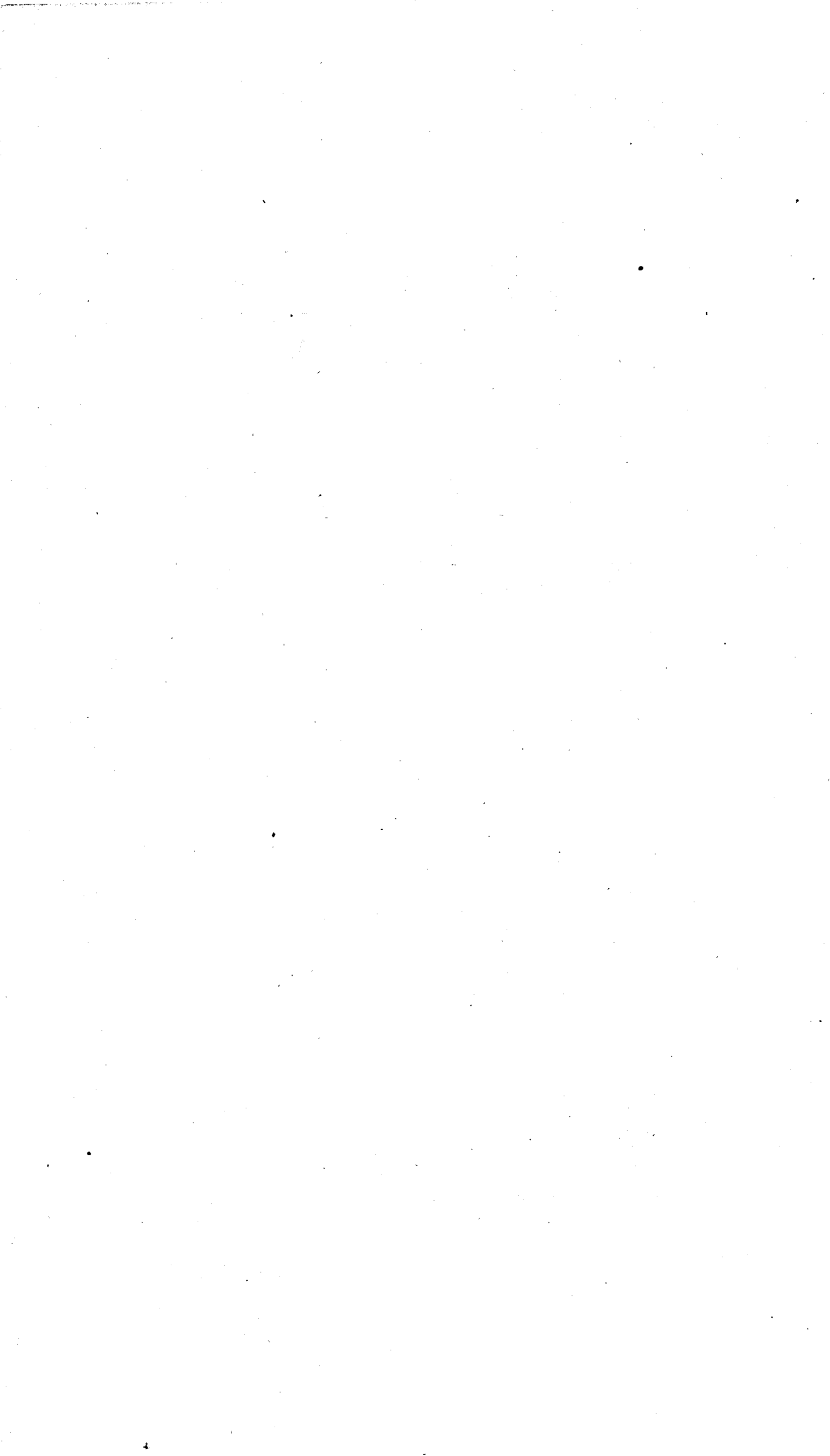
Passed the Provincial Council this 21st day of February 1855.

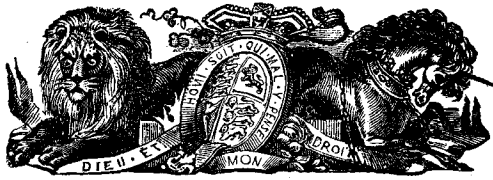
JOHN GILLIES,
Speaker.

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.

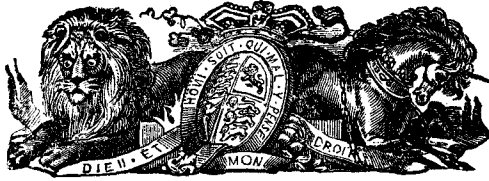
Passed the Provincial Council this 27th day of March 1855.

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.

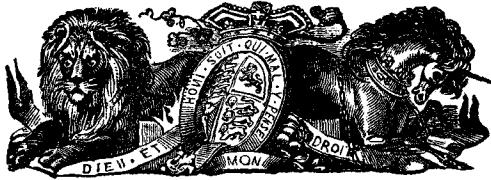
ROBERT CHAPMAN,
Clerk of Council.

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.

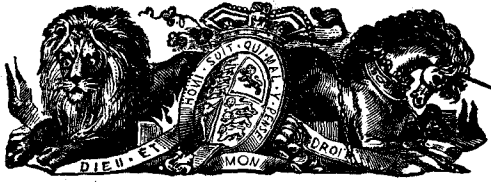
SCHEDULE.

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.

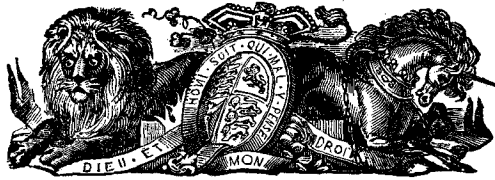
2. Any Fence formed of posts and one or more rails or wires, and with or without a bank, the upper rail or wire being not less than four feet six inches high from the surface of the ground, the space or opening betwixt the upper rail or wire and that immediately below it not to be more than fourteen 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.

- | | |
|---|--|
| 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.

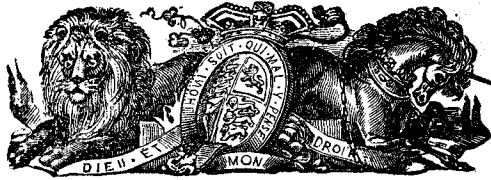
FORM OF DISCHARGE TO BE WRITTEN ON THE REGISTERED MINUTE.

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.

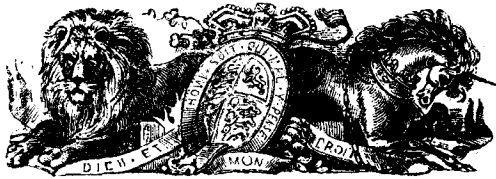
ROBERT CHAPMAN,
Clerk of Council.

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.]





EXECUTIVE COUNCIL AND OFFICIAL APPOINTMENTS'
ORDINANCE, 1856.

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

No. 1.

ANALYSIS.

Title.

Preamble.

1. The Executive Council to consist of not less than three Members, nor more than five.
2. May make rules for transacting business.

3. Official appointments made by Superintendent to continue in force till recalled, notwithstanding his death or retirement from office.

4. Short title.

ORDINANCE to amend "*An Ordinance to constitute an Executive Government for the Province of Otago.*" Title.

WHEREAS, by an Ordinance passed by the Superintendent of the Province of Otago, with the advice and consent of the Provincial Council thereof, Session I., No. 1, entitled, "*An Ordinance to constitute an Executive Government for the Province of Otago,*" it is amongst other things enacted, that the Executive Council of the Province shall consist of not more than three members, who shall be also Members of the Provincial Council. And whereas it is expedient that the number of such Executive Council so limited should be enlarged, and other provisions made as hereinafter set forth, Preamble.

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 Executive Council of the Province shall consist of not less than three nor more than five members, who shall be also Members of the Provincial Council. The Executive Council to consist of not less than three members, nor more than five.

May make rules for transacting business. 2. It shall be lawful for the Superintendent and Executive Council to make such rules for transacting the business of the Executive Council as they shall think proper.

Official appointments made by Superintendent to continue in force till recalled, notwithstanding his death or retirement from office. Short title. 3. No official appointment made by the Superintendent shall lapse by the death, retirement from office, or new election of the Superintendent, but shall continue in force until a new appointment is made, or the former appointment is otherwise recalled.

4. This Ordinance shall be termed, and may be cited and referred to, as the "Executive Council and Official Appointments' Ordinance, 1856."

Passed the Provincial Council this 10th day of March, 1856.

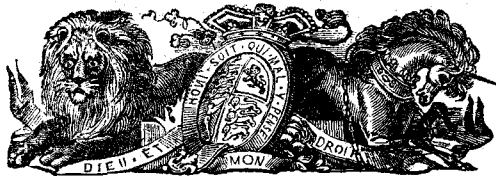
JAMES MACANDREW,
Speaker.

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-six.

W. CARGILL,

Superintendent.



FENCING ORDINANCE, 1856.

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

No. 2.

ANALYSIS.

Title.

Preamble.

1. Certain enactments in Fencing Ordinance, 1855, repealed.

2. Half of cost of sufficient Fence to be paid by proprietor or occupant of adjoining land.
3. Limitations of amount to be recovered.
4. Short title.

ORDINANCE to Amend the Law relative to Fences.

Title.

WHEREAS, by an Ordinance passed by the Superintendent and Preamble.
Provincial Council of the Province of Otago in the eighteenth year of the reign of Her Majesty Queen Victoria, Session 2, No. 10, entitled, "An Ordinance to repeal the Fencing Ordinance, and to make other provisions in lieu thereof," it is among other things enacted, that all fences along public roads shall have a ditch two feet deep, and not more than two feet wide, along the roadside; and it is also enacted, that 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: And it is also enacted that if any person shall have erected or made, or shall 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 it is also enacted, that no greater sum shall be recovered under the provisions of the said recited 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. And whereas experience has proved that the said enactments may be beneficially repealed, and other provision made instead thereof,

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

Certain enactments in Fencing Ordinance, 1855, repealed.

Half of cost of sufficient fence to be paid by proprietor or occupant of adjoining land.

1. The several before-recited enactments shall be, and are hereby repealed.

2. If any person shall heretofore have erected or made, or shall hereafter erect or make, a sufficient fence within the meaning of the said recited Ordinance, dividing his land from land adjoining thereto, the proprietor, tenant, or occupant of such adjoining land shall be liable for, and shall pay to such person, or any other in his right, within 12 months after a demand made upon him, personally or at his dwelling place, if within the province, and if furth thereof upon his known agent in the same manner, failing whom, by intimation in the Provincial Government Gazette, unless he earlier avails himself of the fence, in which case he shall be liable for, and shall pay within two months from the time of so availing himself of it, one-half of the value of so much of such fence as divides the said several properties; provided always that any tenant making such payment shall have relief against his landlord, or other person in right of the rent.

Limitations of amount to be recovered.

3. No greater sum shall be recovered under the provisions of the before-recited Ordinance and this Ordinance in respect of the making or repairing of such fence than the sum of fifteen shillings per chain in country districts, and thirty-five shillings per chain in the towns within the Province, proclaimed or to be proclaimed.

Short title.

4. This Ordinance shall be termed, and may be cited and referred to, as the "Fencing Ordinance, 1856."

Passed the Provincial Council this 10th day of March, 1856.

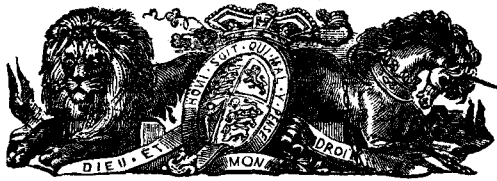
JAMES MACANDREW,
Speaker.

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-six.

W. CARGILL,

Superintendent.



FERRIES' ORDINANCE, 1856.

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

No. 3.

ANALYSIS.

Title.

Preamble.

1. Repeal of certain enactments in Ferries' Ordinance 1854.

2. Ferries to be Let by Superintendent and Ex-

ecutive Council.

3. Who shall make Rules for regulating the same.

4. Such Rules to be published in Gazette and laid before Provincial Council.

5. Short title.

ORDINANCE to Amend "*An Ordinance to Establish and Regulate Ferries.*" Title.

WHEREAS by an Ordinance passed by the Superintendent and Provincial Council of the Province of Otago in the seventeenth year of the reign of Her Majesty Queen Victoria, Session 1, No. 8, entitled "*An Ordinance to establish and regulate Ferries,*" it is among other things enacted that Ferries shall from time to time be Let by the Superintendent, with the consent of the Provincial Council; and it is also enacted that it shall be lawful to 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: And whereas it is expedient that the administration of the aforesaid matters should be confided to the Superintendent and Executive Council, and that the before recited enactments should be repealed to that effect,

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 certain enactments in Ferries' Ordinance, 1854.

Ferries to be Let by Superintendent and Executive Council.

1. The above recited enactments shall be, and are hereby, repealed.

2. It shall be lawful to the Superintendent, with the advice and consent of the Executive Council, from time to time to Let the Public Ferries within the Province for such periods, and on such conditions, not inconsistent with the provisions of the before recited Ordinance in so far as not repealed, and this Ordinance, as the Superintendent and Executive Council shall consider beneficial to the public.

Who shall make Rules for regulating the same.

3. It shall also be lawful for the Superintendent, with the advice and consent of the Executive 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 exemption (if any) therefrom; and generally for otherwise regulating the said Ferries in such manner as will be most conducive to convenience and safety.

Such Rules to be published in Gazette and laid before Provincial Council.

4. Provided always that no such Rules shall have any force or effect until after they have been published in the Provincial Government Gazette; and that if the Provincial Council be sitting at the time of the publication thereof, they shall be forthwith laid before the Provincial Council; and if the Provincial Council be not then sitting, shall be laid before the Provincial Council within three days after the commencement of the next ensuing Session.

Short title.

5. This Ordinance shall be termed, and may be cited and referred to as the "Ferries' Ordinance, 1856."

Passed the Provincial Council this 14th day of March, 1856.

JAMES MACANDREW,

Speaker.

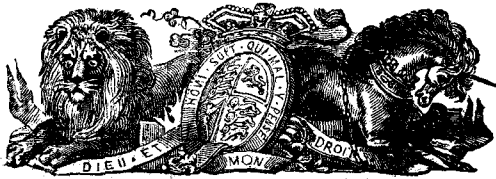
ROBERT CHAPMAN,

Clerk of Council.

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

W. CARGILL,

Superintendent.



EDUCATION ORDINANCE, 1856.

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

No. 4.

ANALYSIS.

<p>Title. Preamble. 1. Board of Education established. 2. Members of the Board. 3. Secretary to the Board. 4. The expense of conducting the business of the Board how to be provided. 5. Meetings of the Board. 6. Proceedings thereat. 7. Powers of the Board. 8. Board may name Committees. 9. A High School to be established in Dunedin. 10. Educational Districts to be erected, and Schools established therein, and to be placed under the charge of Inspectors. 11. Appointment and Duties of Inspectors. 12. Annual Report to be made by the Board and laid before the Provincial Council. 13. In any District in which a School is required, a meeting of inhabitants and others to be</p>	<p>called for resolving in regard to the proposed measure. 14. And appointing a School Committee. 15. Duties of School Committees. 16. Meetings of School Committees. 17. School and Schoolmaster's House. Cost thereof how to be defrayed. 18. Examination and inducting of Schoolmasters. 19. Their salaries. 20. To be paid by assessment. From whom, and how assessment to be levied. 21. May be dismissed in case of delinquency. 22. Or in case of teaching religious opinions at variance with the Holy Scriptures. 23. Hours for religious instruction. 24. Parents and Guardians may visit the Schools. 25. Female Teachers to be appointed. 26. Meetings of persons liable to be assessed. 27. Annual estimate of money required. 28. Short title.</p>
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ORDINANCE to provide the Means of Education within the Province of Otago. Title.

WHEREAS Secular Instruction should be available to children of all denominations within the Province of Otago; and whereas the reading of the Holy Scriptures and instruction in the principles of religious knowledge are consonant to the opinions, religious profession, and usage of the great body of the people of the said Province: And whereas the means of education within the Province fall far short of what is immediately required; Preamble.

and its circumstances and increasing population render it expedient that provision should be made for the establishment of Public Schools throughout the Province progressively with the increase of population, and for a system of superintendence and management 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:—

Board of Education established.

1. A Board of Education, consisting of the members hereinafter mentioned, shall be, and is hereby established for carrying into effect the purposes of this Ordinance; and on and from the day of the first meeting of said Board, the Members of the said Board shall be, and they and their successors in office shall for ever continue to be a corporation by the name of "The Otago Board of Education," and as such corporation it shall be lawful for them to accept, take, and hold for the advancement or benefit of Education within the Province any lands, buildings, goods, effects, or other property, and to have and to use a common seal; and they shall and may, in their corporate name, or in the name of their Secretary, bring any action and otherwise 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, it shall be sufficient to lay or state the property to be the property of the Otago Board of Education, or of the Secretary of such Board.

Members of the Board.

2. The Board shall consist of the following persons, viz.:—The Superintendent of the Province for the time being, the Members of his Executive Council for the time being, the Rector or Head Master of the High School of Dunedin, after mentioned, for the time being, and if elected as hereinafter enacted, of two Members of each School Committee, to be appointed as also hereinafter enacted; and so often as a vacancy shall occur by the resignation or death of any Member of said Board so elected by any such School Committee, or from any other cause, such School Committee shall elect another of their Members to fill such vacancy: Provided always that any acts or proceedings done or taken under this Ordinance by the Members of said Board for the time being during any such vacancy, shall, notwithstanding thereof, be valid and effectual; and every Member of said Board shall continue to hold and exercise full powers of office until the appointment of his successor in the office of Member of said Board, notwithstanding that in the case of any Member appointed by a School Committee, such Member may have ceased to be a Member of such School Committee; and an authenticated extract of the Minute or Deed of appointment or intimation thereof in the Government Gazette lodged with the Secretary to the said Board shall be conclusive evidence of the appointment of any such Member.

Secretary to the Board.

3. The Board shall appoint a Secretary, who may be either one of their own number, or some other person qualified, and who shall, under the direction of the Board, keep regular books and minutes of all the proceedings of the Board, and shall, in the performance of his duties, and in all respects be subject to the direction and control of the Board, and shall find such security as the Board shall direct.

The expense of conducting the business of the Board how to be provided.

4. The salary of the Secretary, and the expenses attending the execution of his duties, and the allowances to be given to the Inspector of Schools as aftermentioned, and all the necessary and incidental expenses attending the execution of the duties of the Board, shall be defrayed out of funds to be appropriated by the Superintendent and Provincial Council for educational purposes, and administered by the Superintendent, with the advice and consent of his Executive Council.

Meetings of the Board.

5. The Board shall hold at least two General Meetings in the year, that is to say, in the months of September and March every year, to be intimated

in such manner as the Board shall direct; and it shall be lawful for the Superintendent, or any two Members of the Board, at any time to call a meeting thereof; provided always that written or printed notice of such meeting, and of the purpose thereof, shall be given to the several members of the Board; and the Board having duly met, may from time to time adjourn to meet at such time and place as they shall appoint.

6. All the orders and determinations of the Board, in the execution of the powers vested in them, shall be exercised at the meetings to be held in pursuance hereof, by the major part of the members who shall be present, the whole number present not being less than three; and the Superintendent shall be *ex officio* Chairman of the Board; and in his absence from any meeting, some other Member of the Board shall be appointed Chairman of such meeting; and the Superintendent or Chairman presiding shall, in case of an equal number of votes, including his own vote, 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 at which such order or determination was made, and the like public intimation given as was required to make such order or determination valid.

7. The Board, over and above the matters hereby specially committed to their care, shall exercise a general superintendence of all public Schools under this Ordinance within the Province, and shall from time to time make and establish such rules and regulations as they may deem necessary for carrying this Ordinance into effect, and in particular for carrying out a system of inspection of Schools, and for the election of Schoolmasters qualified to impart religious and secular knowledge, and of general ability, and for the election, regulation, and procedure of all School Committees appointed under this Ordinance; and it shall be lawful for the Board to enforce the observance of all such rules and regulations, provided that the same shall not be inconsistent with the provisions of this Ordinance.

8. The Board shall have power to name Committees of their own number for the more immediate direction and management of all or any of the matters lawful for the Board, and to give such Committees (whereof three shall be a quorum, if they shall consist of three or more), 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 and determinations, powers, and authorities of the Board, shall, in like manner, apply to and affect all such Committees.

9. There shall be established in Dunedin, under a Rector or Head Master, of superior attainments, and well qualified assistants as they may be required, a Public School to be called the "High School of Dunedin," which shall be conducted on the principles in the art of teaching most approved and adopted in the best Schools of Great Britain, it being designed that it shall serve as a model to other Public Schools to be established within the Province; and at the aforesaid School not only the usual branches of a good elementary English education shall be taught, but also those higher branches of knowledge, the acquirement of which constitutes a liberal education; and said School shall be open to both male and female scholars, and arrangements shall be made for the advanced male and female classes being taught separately.

10. The Board shall erect the localities wherein a population has already settled, or may hereafter settle, into Educational Districts; and there shall be so many of such Educational Districts within the Province as the Board

to be placed under the charge of Inspectors.

shall from time to time with the increase of population think fit to erect; and one or more Public Schools, according to the amount of population, its want of Schools, and the means of maintaining the same, shall be established within every such District, and every such District shall be placed under the charge of an Inspector or Inspectors.

Appointment and duties of Inspectors.

11. The Board shall annually appoint Inspectors of such Districts and Schools who may be members of the Board, or other persons deemed by the Board to be qualified for the duty, and who shall have allowances for their trouble; and such Inspectors shall be subject to the direction and control of the Board, who shall issue to such Inspectors from time to time such orders and instructions as they may think fit; and it shall be the duty of such Inspectors to visit and inspect the Public Schools within every District assigned to them respectively, and to investigate and report on the educational condition of every such District in such manner, and according to such rules, as the Board shall appoint; and such Inspectors shall respectively make an annual report to the Board upon the state and means of education within every District so assigned to them; and shall also from time to time, as the Board shall direct, report to the Board upon any special matters, respecting which the Board may desire to be informed, in such manner as the Board shall prescribe.

Annual Report to be made by the Board and laid before the Provincial Council.

12. On or before the fifteenth day of October, 1857, and on or before the like period in every succeeding year, the Board shall, through the Superintendent of the Province, lay before the Provincial Council a report as to the transactions of the Board up to the thirtieth day of September immediately preceding; and in such annual reports the Board shall state the number of Schools in every Educational District within the Province, the statistics of School attendance at such Schools, the proportion of such attendance to the population of the District, the number of Schools which have been established under this Ordinance, and the number of additional Schools which may be required; the Districts and localities wherein the same have been established or are required, and what changes or alterations have taken place in regard to these matters since their last report, so as to exhibit yearly a complete account of the state of education within the Province, and accurate details in regard to any want of education which may exist therein.

In any District in which a School is required, a meeting of inhabitants and others to be called for resolving in regard to the proposed measure.

13. Whenever the Board have ascertained to their satisfaction, either upon the report of an Inspector of Schools or otherwise, that no means of Education exist in a locality or District, or that the means of education therein are inadequate, and that a Public School or Schools is or are required therein, the Board shall call a meeting, which shall be advertised as they may think fit, of the persons residing within the district liable to assessment as hereinafter enacted for the purpose of considering such proposed measure; and such meeting shall be attended by a Committee of the Board, including any Inspector on whose report the proceedings may have ensued (if they have ensued on a report); and such Committee shall give any explanations which the meeting may require in regard to the measure; and it shall be in the power of such meeting, by the votes of a majority then present, to resolve in regard to what steps shall be taken towards establishing and maintaining a Public School under this Ordinance within their District, and to give such instructions as they shall think fit to the School Committee to be appointed as after mentioned.

And appointing a School Committee.

14. At said meeting, or at an adjourned meeting, the majority of the persons liable to be assessed present thereat shall elect seven persons liable to the assessment, who, with other three such persons to be elected by the Board, if the Board shall think fit, shall form a School Committee; and such School Committee shall continue in office for one year from the date of their election, and thereafter until a new School Committee shall in like manner be appointed; it being lawful to re-constitute the School Committee annually at any

annual meeting of the persons liable to the assessment called under this Ordinance.

15. The Board shall communicate with the School Committee of the District wherein a Public School is to be established, with a view to the acquiring, completing, or erecting of proper buildings for a School House and Schoolmaster's House, and obtaining plans and proper estimates of the expense thereof, and contracting for the same; and the School Committee shall assist in making the necessary arrangements for procuring all the requisite accommodations for such School: And the selection of the Schoolmaster, and the regulation of all matters pertaining to the general management of the School shall be vested in the School Committee, provided that if in any School the provisions of this Ordinance are not faithfully carried out, it shall be in the power of the Board to appoint a special examination of such School, and to give such orders thereon as they may think proper.

Duties of School Committees.

16. Any member of a School Committee may convene a meeting of such Committee by circular letter addressed to the members thereof; and each member of such Committee present at any meeting thereof shall be entitled to a vote, and the majority of votes shall regulate; and the members present at any meeting shall appoint a chairman of such meeting, who, in case of an equal number of votes, including his own vote, shall have the casting vote; and three members of a School Committee shall constitute a quorum, and be entitled to execute all the powers conferred on such Committee by this Ordinance.

Meetings of School Committees.

17. The buildings and accommodations to be provided for the service of a Public School to be founded under this Ordinance shall include, where practicable, a commodious School-house, with suitable maps, plans, and other furnishings; a dwelling-house for the Schoolmaster, consisting of at least three apartments, together with a piece of ground not exceeding ten acres in extent, properly fenced, and as near to the dwelling-house as conveniently may be; and the cost of such buildings and accommodations shall be defrayed by the Board out of funds to be appropriated by the Superintendent and the Provincial Council for educational purposes.

School and Schoolmaster's House. Cost thereof how to be defrayed.

18. Every candidate for the office of Schoolmaster in any Public School shall produce a certificate signed by a minister of the denomination to which he belongs, attesting his religious and moral character, and shall be subjected to such examination as may be prescribed by the Board; and no person shall be inducted as such Schoolmaster until he shall have passed such examinations, and have obtained and produced to the School Committee a certificate by the Board approving of his appointment; and such examination shall be open to the School Committee, who may suggest such questions as they may think fit, except in the case of Schoolmasters who shall have been selected and appointed in Great Britain under authority of the Board.

Examination and inducting of Schoolmasters.

19. The yearly salary of the Rector or Head Master of the High School of Dunedin shall not be less than £200, and of every other Public Schoolmaster under this Ordinance shall not be less than £100, and of the Female Teacher at Dunedin hereinafter mentioned shall not be less than £100, all payable quarterly; and all of the said teachers shall be entitled to levy fees from scholars, their parents or guardians, at such rates, and payable at such terms, as the Board shall determine, and shall be bound to impute the fees so levied *pro tanto* of their respective salaries, and shall be entitled to any fees so levied or drawn by them above the amount of their said salaries; provided always that it shall not be lawful for them to demand or receive, and they are hereby prohibited from demanding or receiving any other fees or higher rate of fees than the Board shall authorise, and any such teacher contravening this enactment shall be liable to censure, and to a penalty of double the amount of the fees received; and after conviction by the Board of the first offence may be deprived of office according as the Board shall determine.

Their salaries.

To be paid by assessment. From whom, and how assessment to be levied.

20. The salaries of Public Schoolmasters under this Ordinance shall be yearly assessed upon the male persons residing within the Province of the age of twenty-one years and upwards; and the yearly rate of said assessment shall be of such amount as the Board shall yearly determine, but shall not in any one year exceed the rate of twenty shillings per head of the persons liable for the same; and shall be yearly laid on and collected, and if necessary may be sued for, in such manner as the Board shall from time to time direct; and if any person shall refuse or neglect to pay the same for the space of thirty days after the same has become payable, and been demanded by public general notice in the Government Gazette, or a newspaper, or in any other manner from time to time appointed by the Board, there shall be added to the sum due five shillings; and the collector shall not accept of payment of the original sum without payment also of the said additional sum; and it shall be lawful for such collector and his assistants, without any action or suit, or further intimation to the person liable, but simply by virtue of a warrant under the hand of any two Justices of the Peace, which they are hereby empowered to grant, to levy the amount due, together with any reasonable expenses incurred by distress and sale of the goods and chattels of the person liable.

May be dismissed in case of delinquency.

21. It shall be competent for the Board, on complaint of any two heads of families, being parents or guardians of children attending a Public School under this Ordinance, charging the Schoolmaster with crime or moral delinquency, or whenever the Board shall otherwise see reason, after due enquiry and consideration of any statement which such Schoolmaster may make in his defence, to censure, suspend, or deprive him as they may think fit.

Or in case of teaching religious opinions at variance with the Holy Scriptures.

22. If a complaint shall be presented to the School Committee by any two male heads of families, being parents or guardians of children who attend any Public School under this Ordinance, accusing the master of such School with teaching religious opinions at variance with the doctrines of the Holy Scriptures, the School Committee shall, with the sanction of the Board, and with such assistance as the Board shall direct, enquire into such complaint; and if it shall be proved that the Schoolmaster has taught such opinions, or has persevered in doing so after remonstrance, the School Committee may censure, suspend, or deprive the Schoolmaster as they may think fit; provided always that every such sentence shall be approved by the Board.

Hours for religious instruction.

23. Every School Committee under this Ordinance shall appoint certain stated hours for ordinary religious instruction by the Schoolmaster, at which children shall not be bound to attend if their parents or guardians object.

Parents and guardians may visit the Schools.

24. All parents and guardians of children attending any Public School under this Ordinance shall be entitled to visit such School at such hours and under such rules and regulations as may from time to time be prescribed by the School Committee, with the sanction of the Board.

Female Teachers to be appointed.

25. There shall be a Female Teacher connected with the High School of Dunedin, and it shall be lawful for any School Committee, subject to the approval of the Board, to appoint a female assistant to any Schoolmaster, for imparting instruction to female scholars in such accomplishments as the School Committee shall think fit, and to fix the salary of such female assistant, which shall be paid out of fees and the funds to be raised by annual assessment as hereinbefore mentioned.

Meetings of persons liable to be assessed.

26. A meeting of the persons assessed, or liable to be assessed, under this Ordinance in each District, shall be held in each District upon some day in the month of October in each year, at such time and place as may be fixed by the Board, who shall annually give such public notice of such meeting as they may think fit; and meetings of said persons may be called from time to time, with public notice as aforesaid, by the Board on their own motion, or on requisition of any two or more of such persons, and may be held at such

place as may be mentioned in such notice, and at such time as may be appointed therein, not being less than two nor more than four weeks from the date of such notice; and every such meeting may adjourn from time to time; and at all such meetings of the persons assessed, or liable to be assessed under this Ordinance, each such person present thereat shall be entitled to vote; and every such meeting shall elect a chairman, who shall be entitled both to a deliberative and a casting vote, and may also elect a clerk, and every such election of chairman or clerk, and every act or resolution of such meeting shall be carried or otherwise disposed of according to the majority of the votes of the said persons present thereat.

27. On or before the fifth day of October, 1857, and on or before the like period in every succeeding year, the Board shall make, and, through the Superintendent of the Province, transmit to the Provincial Council an estimate of the sums which they consider will be requisite for the purposes of this Ordinance (in so far as the same do not fall to be provided for by the fees and assessment hereby authorized) during the then current year, that is to say, from the first day of October preceding to the thirtieth day of September following; and such estimate shall form part of the annual report hereinbefore directed to be transmitted by the Board to the Superintendent, to be laid before the Provincial Council; and shall set forth in a separate and distinct manner the particular purposes for which the sums therein contained are required. Annual estimate of money required.

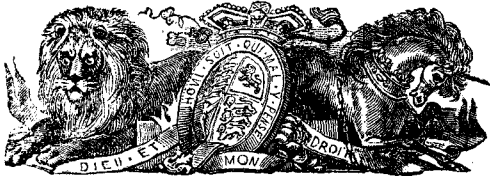
28. This Ordinance shall be termed, and may be cited as the "Education Ordinance, 1856." Short title.

Passed the Provincial Council this 14th day of March, 1856,
 JAMES MACANDREW, ROBT. CHAPMAN,
Speaker. Clerk of Council.

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

W. CARGILL,
Superintendent.





ROADS' ORDINANCE, 1856.

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

No. 5.

ANALYSIS.

Title.

Preamble.

1. Two Ordinances repealed. Dunedin Roads' and Streets' Ordinance not to be affected by this Ordinance.
2. The Province may be divided into Districts. Nine constituted. Power to alter them.
3. General Board of Road Trustees for whole Province. Constituted a Corporation. May hold Property. And have a common Seal. And sue and be sued.
4. Members of the General Board, of whom to consist. How to be elected. Vacancies, how to be supplied.
5. Constitution of General Board not to be affected by non-elections. Members for the time being to act.
6. District Board of Trustees. Each Board to bear the name of its District, and to be subject to the supervision of General Board.
7. Qualifications of Trustees. A Trustee may act as Resident Magistrate or Justice of the Peace. Lenders of Money not disqualified. Disqualifications.
8. Electors and Election of Members of District Boards. First Electoral Meeting. Subsequent Electoral Meetings. Penalty for Clerk not duly calling Electoral Meetings.
9. Mode of proceeding at Electoral Meetings. Chairman. His powers and duties. Penalty for failing to make a return of the persons elected.
10. Number of Members of each District Board. Procedure if Electors fail to meet and elect.
11. Vacancies in District Boards, how to be supplied. Tenure of office of Members.
12. First Meeting of General Board. Half-yearly Meetings. Superintendent or any two Members may call meetings. Notice of meetings, how to be given. Members to defray their own expenses. Majority. Quorum. Superintendent, when present, to preside. When absent a vice-chairman to be appointed. Casting vote. Orders once made not to be revoked without previous notice.
13. First meeting of each District Board. Quarterly and other meetings. Chairman. Regulations as to meetings, adjournments, quorum, majority, and determinations of District Boards.
14. Powers of General Board.
15. Powers of District Boards.
16. The General Board and District Boards may respectively name committees.
17. And appoint officers, from whom security to be taken.
18. Minute Books and Account Books to be kept. Accounts to be audited.
19. Any person may take copies of Accounts. Fee. Abstract to be published. Penalty of neglect.
20. Officers to account. Proceedings on officers misconducting themselves.
21. General Board to classify Roads into—1, Main Roads—2, Branch Roads. Classification may be altered.
22. Map or plan of Districts and Roads to be made, and to be evidence, and may be altered.
23. Purposes for which money voted for Roads to be applied.
24. Exemptions from Road assessment.
25. District Rates to be levied for Branch Roads;

- and there may be Special Rates for particular parts of a District. Separate accounts of the Receipts and Expenditure of such Rates to be kept.
26. District and Special Rates to be approved by District Board. Yearly maximum thereof. Power to increase the same with consent of Rate-payers.
 27. Procedure in laying on District and Special Rates.
 28. Rates payable as General Board may direct. May be levied from owners or occupiers. Their relief the one against the other.
 29. Mode of recovery of Rates.
 30. Loans for any particular road may be accepted.
 31. Trustees not to be personally liable.
 32. Trustees may enter upon lands for making roads, making satisfaction to owners, &c. Penalty for injury to works.
 33. Power to widen roads.
 34. Lands may be purchased for improving roads.
 35. Disputes as to price or compensation to be referred to arbitration. Mode of procedure.
 36. Proceedings, if parties refuse to enter into arbitration.
 37. Rule as to costs in arbitration.
 38. Allowance to arbitrators, &c. Penalty for refusing to act.
 39. Useless roads may be shut. Procedure in such cases.
 40. And may be exchanged or sold, the first offer being made to adjoining owner.
 41. Application of compensation money in certain cases when more than £20.
 42. Application of it when less than £20.
 43. Without a good title, and in other cases, purchase money of land to be consigned.
 44. But subjects required by the Trustees may become their property without title.
 45. Power to get materials, satisfaction being made. Exceptions.
 46. Penalty for taking away materials procured for roads.
 47. Trustees to make footpaths.
 48. And to make side drains.
 49. And to make ditches, &c. Rules as to cleansing ditches.
 50. Trustees may raise, lower, or widen any private road entering upon public road.
 51. Penalty for injuring roads and footpaths.
 52. Power to make Bye-laws.
 53. Proceedings for penalties, &c.
 54. Meaning of the word proprietor in this Ordinance.
 55. Short title.

Title. *ORDINANCE to amend the laws relating to Public Roads within the Province of Otago, and to regulate the management thereof.*

Preamble. **W**HEREAS an Ordinance passed by the Superintendent and Provincial Council of Otago, Session I. No. 10, entitled, "An Ordinance for forming, altering, and maintaining, Public Roads in the Province of Otago," is defective in various particulars; and the same, as also an Ordinance passed by the Lieutenant-Governor and Legislative Council of New Munster, in 1849, Session I. No. 10, entitled "An Ordinance to authorise the Levying and Collection of Tolls on Roads, and of Rates on Land in the Province of New Munster," should be repealed as aftermentioned, and other regulations made,

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

Two Ordinances repealed. Dunedin Roads' and Streets' Ordinance not to be affected by this Ordinance.

1. The first above-recited Ordinance, and also the second above-recited Ordinance in so far as it regards the Province of Otago, shall be and are hereby repealed. Provided always that this Ordinance shall not extend or apply to the Town of Dunedin, and the roads and streets thereof, nor affect or control the provisions of an Ordinance passed by the Provincial Legislature, Session II. No. 13, entitled "*An Ordinance to Regulate the Management and Control of Streets and other things in and about Dunedin.*"

The Province may be divided into Districts.

Nine constituted.

Power to alter them

2. For the purposes of this Ordinance the said Province, excepting the Town of Dunedin, may from time to time be divided into Districts; and until otherwise provided, in virtue of the powers hereinafter mentioned, there shall be nine districts which shall be named and bounded as in Schedule A to this Ordinance annexed. Provided always that it shall be lawful for the Superintendent, with advice and consent of the General Board of Road Trustees hereinafter constituted, from time to time, by Proclamation in the Government Gazette, to alter, vary, diminish, or enlarge the boundaries of any or all of such Districts, and to increase the number of Districts by forming and naming new Districts.

General Board of Road Trustees for whole Province.

3. For carrying into execution throughout the Province, excepting the Town of Dunedin, the several powers and provisions of this Ordinance,

there shall be a General Board of Trustees to be elected as hereinafter enacted: and on and from the day of the first meeting of such General Board, the said General Board of Trustees shall be, and they and their successors in office shall for ever continue to be a Corporation by the name of the "General Board of Road Trustees for the Province of Otago;" and as such Corporation it shall be lawful for them to accept, take, and hold for the several purposes of this Ordinance, within the Province generally, or any particular District or part thereof, any lands, buildings, goods, effects, or other property, and to have and to use a common seal, and they shall and may, in their corporate name, or in name of their clerk or collector of assessments, sue and be sued, and take and resist all proceedings at law and in equity; and in every action or other legal proceedings relating to any such property or to any assessment or other claim or demand, it shall be sufficient to state such property to belong, and such assessment, claim, or demand to be due to the General Board of Road Trustees for the Province of Otago, or to their clerk or collector of assessments.

Constituted a Corporation.

May hold property. And have a common Seal.

And sue and be sued.

4. The members of the said General Board of Trustees shall consist of the Superintendent of the Province for the time being, who shall be *ex officio* chairman of the said Board, of the members of his Executive Council for the time being, and if elected as hereinafter enacted, of two members of each of the District Boards of Trustees hereinafter constituted, to be yearly elected by every such District Board respectively, at a meeting to be held by every such District Board after the yearly election of the members thereof as hereinafter enacted, or an adjourned meeting; and so often as a vacancy shall occur by the resignation, death, or otherwise of the member so elected by any such District Board, such District Board shall elect another of their members to fill such vacancy; and the whole or any of the members of the said General Board of Trustees shall continue to hold and exercise full powers of office until the appointment of their successors in the office of members of the said General Board, even although in the case of any member elected by said District Board, such member may have ceased to be a member of the Board by which he was appointed; and an authenticated extract of the minute or deed of appointment, or intimation thereof in the Government Gazette, lodged with the Clerk to the said General Board shall be conclusive evidence of the appointment of any member of the said Board.

Members of the General Board, of whom to consist.

How to be elected.

Vacancies, how to be supplied.

5. Provided always that in the event of any of the Electoral Constituencies hereby or otherwise created, or any District Board, neglecting duly to exercise their electoral privileges or functions as hereby provided, the constitution, powers, and duties of the said General Board of Trustees shall not in any wise be thereby impaired or affected: but on the contrary, the General Board shall be held to have been duly constituted by the election of the other members thereof; and it shall be lawful for such other members fully to exercise the powers and duties of the said General Board, subject to the provisions herein contained.

Constitution of General Board not to be affected by non-elections. Members for the time being to act.

6. For the purpose of providing for the management and superintendence of roads by persons in every District immediately interested therein, there shall be in every District aforesaid a District or Local Board of Trustees to be elected in manner and to possess the powers hereinafter provided; and such Board shall bear the name of the District, and shall have the more immediate direction, management, and superintendence of the public roads, locally situated therein, subject to the supervision and control of the said General Board of Trustees, and to the provisions of this Ordinance.

District Board of Trustees.

Each Board to bear the name of its District, and to be subject to the supervision of General Board.

7. Every person of the male sex and twenty-one years of age and upwards, who is rated or liable to be rated for roads within any part of the Province, in virtue of this or any other Ordinance, shall be qualified to be elected a member of any District Board of Road Trustees: And no person duly appointed a Trustee for the execution of this Ordinance shall, by reason of such appointment, be disqualified from acting as Resident Magistrate or Justice of Peace. And no lender of money for the purposes of this Ordinance

Qualifications of Trustees.

A Trustee may act as Resident Magistrate or Justice of the Peace. Lenders of money not disqualified.

Disqualifications. nance, nor assignee of such lender, nor any person receiving interest for any such money lent shall on that account be disqualified to act as a Trustee or a Justice of Peace in the execution of this Ordinance: But no person so elected shall directly or indirectly derive any emolument or profit from any business or work of any description performed or to be performed by him under this Ordinance, nor be capable while he holds office as a Trustee of enjoying any office of profit to be created or established by virtue of this Ordinance.

Electors and election of members of District Boards. First electoral meeting. Subsequent electoral meetings. Penalty for clerk not duly calling electoral meetings.

8. In every District aforesaid a meeting of the male persons rated or liable to be rated for roads therein shall be convened by the Superintendent of the Province upon not less than ten days' previous notice in the Government Gazette or otherwise as he shall see fit, at such place therein, and at such time, not being more than two months after the passing of this Ordinance, as he shall appoint, for the purpose of electing qualified persons to be the members of the District Board of Road Trustees: And yearly thereafter the clerk to the said General Board of Road Trustees shall convene a meeting of such electors within every such District at a convenient place within the District, upon not less than ten days' previous notice, to be given by him in such manner as the General Board of Trustees shall direct, for the purpose of electing Trustees for the year ensuing; and in default of at any time giving due notice of any of said meetings such clerk shall forfeit and pay to the General Board of Trustees a penalty not exceeding ten pounds.

Mode of proceeding at electoral meetings. Chairman. His powers and duties. Penalty for failing to make a return of the persons elected.

9. The electors assembled at every such meeting shall, by a majority of their number, appoint a chairman and make their elections of not less than three persons qualified as aforesaid to form the District Board of Road Trustees; and the state of the votes shall be ascertained by a show of hands, or in such other manner as to the chairman shall seem expedient; and at the meeting of which he is chairman he shall be disqualified to be elected a Trustee, and shall have no vote except a casting vote in every case of equality of votes; and he shall declare the state of the votes to the meeting; which declaration shall be final; and shall forthwith make a true return in writing of the names and designations of the persons elected; such return to be made in the case of the first elections, to the Superintendent, and in the case of subsequent elections to the Clerk to the General Board of Trustees; and in default of so doing shall forfeit and pay to the said General Board of Trustees a penalty not exceeding five pounds.

Number of members of each District Board. Procedure if electors fail to meet and elect.

10. It shall be lawful for the General Board of Trustees, from time to time as they shall think fit to regulate the number of members of each District Board of Trustees, having regard to the population of the District and the business of the Board. And failing the said electors in any such District, from whatsoever cause, duly meeting and electing the full number of Trustees for the District, it shall be lawful to the General Board of Trustees to remedy the neglect, so often as it shall happen, by authorising a meeting or meetings of the electors to be called for the purpose of completing the required elections; and if the electors in any such District shall neglect or refuse to meet, after being twice duly required, it shall be lawful to the General Board of Trustees to elect so many persons to be members of such District Board as with those elected by the District, if any, will not exceed the number of Trustees eligible for such District.

Vacancies in District Boards, how to be supplied. Tenure of office of members.

11. Every vacancy in the office of member of a District Board of Trustees, whether by non-acceptance, resignation, death, or other cause, shall be filled up by the remanent members of the District Board of Trustees in which such vacancy shall occur electing a qualified person to supply the same; and all persons elected members of such District Boards shall hold office till the next annual or general election; but shall, at such annual or general election, if still qualified, be eligible for re-election.

First meeting of General Board.

12. The first meeting of the said General Board of Trustees shall be held at such time and place, and after such notice in the Government Gazette and

otherwise, as the Superintendent shall direct; and the said General Board shall hold not less than two general meetings in the year at stated half-yearly periods to be fixed by such Board, for executing the several powers and duties confided to them; but it shall be lawful for the Superintendent or any two members of the said Board at any time to call, or to require the clerk of the said Board to call, a meeting thereof; and the said General Board having at any time, and from time to time, so met, may adjourn to meet at such time and place as the Board shall appoint; provided always that notice of all meetings shall be given to the members in such manner as the Board shall from time to time appoint; and at all their meetings the members shall defray their own expenses; and all their orders and determinations in the execution of such powers and authorities shall be exercised at meetings to be held in pursuance hereof, unless otherwise particularly provided for, by the major part of the members of said Board who shall be present, the number present being not less than four members of said Board for the time being; and the Superintendent shall, as *ex officio* chairman of the said General Board, when present, preside at all meetings of the said Board; and when absent some other member of the Board chosen by the Board shall preside as vice-chairman; and the chairman or vice-chairman presiding shall have a casting vote, in addition to his own vote; and no order or determination at any meeting of said General Board 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 Minute Book or Book of Proceedings of the said Board, and shall have been transmitted to every member thereof not present at such previous meeting who shall have been present at the meeting whereat such order or determination was made.

Half-yearly Meetings.
Superintendent or any two Members may call meetings.

Notice of meetings, how to be given.

Members to defray their own expenses.

Majority.

Quorum.

Superintendent, when present, to preside. When absent a vice-chairman to be appointed.

Casting vote.
Orders once made not to be revoked without previous notice.

13. The first meeting of each of the said District Boards of Trustees after the first annual elections shall be held at such time and place within each District, and after such notice in the Government Gazette and otherwise as the Superintendent shall direct; and the first meeting of each of said District Boards after the second and subsequent yearly elections of the members thereof shall be held within one month after such yearly elections respectively, and shall be convened by the clerk to the General Board of Trustees after such notice as the said General Board of Trustees shall direct; and each District Board shall hold not less than four meetings in the year at stated quarterly periods to be fixed by such Board, for executing the several powers and duties committed to such Board; and a chairman shall in the first place be appointed at every meeting, who, in case of an equal number of votes, including his own vote, shall have the casting vote; and in all other respects the regulations hereinbefore enacted relative to the meetings, calling, and notices thereof, adjournments, quorum, majorities, orders, determinations, powers, and authorities of the said General Board of Trustees shall apply to and affect the meetings, adjournments, quorum, majorities, orders, and determinations of each of said District Boards of Trustees respectively.

First meeting of each District Board.

Quarterly and other meetings.

Chairman. Regulations as to meetings, adjournments, quorum, majority, and determinations of District Boards.

14. The said General Board of Trustees, subject to the provisions herein contained, shall have the management, direction, and control of all public roads within the Province, except within the Town of Dunedin; and shall have the care and direction of all rates and funds to be raised, collected, or appropriated for the purposes of this Ordinance; and also shall have supervision and control over all the District Boards constituted in virtue of this Ordinance, and over the officers thereof.

Powers of General Board.

15. Subject to the provisions in this Ordinance contained, and to the authorities and powers of the General Board of Trustees, every District Board of Trustees respectively shall have the care, direction, and management of the several public roads, both main and branch roads, lying within their District, and of the repairing and maintaining of the same and of the public works connected therewith; and shall direct and superintend the expenditure of all monies entrusted and paid over to them for the purposes of such roads

Powers of District Boards.

or works or other purposes of this Ordinance, and also shall have and exercise all such other powers competent to the General Board of Trustees as the said General Board may from time to time specially delegate to such District Board.

The General Board and District Boards may respectively name committees.

16. The said General Board, and also every District Board of Trustees shall respectively have power, at any General meeting of such Board, to name Committees of their own number for the more immediate direction and management of all or any of the matters lawful to such 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 such Boards respectively shall in like manner apply to and affect all such Committees.

And appoint officers, from whom security to be taken.

17. It shall be lawful to the General Board of Trustees from time to time to appoint clerks, collectors, treasurers, surveyors, overseers, and other officers, with reasonable allowances for their trouble; and every District Board may from time to time appoint a fit person or persons to be their clerk and treasurer, and determine, with consent of the General Board, the amount of his or their salary which shall be paid out of the local or district funds hereinafter mentioned, or out of such other funds as the General Board shall determine. And the said General Board, and the said several District Boards respectively, are hereby authorised and required to take such security from any of the said officers for their intromissions, and for the faithful discharge of their duty, as may be deemed expedient.

Minute Books and Account Books to be kept.

18. The General Board, and the several District Boards of Trustees respectively, shall cause minute books to be kept, in which shall be entered the minutes of all their orders and proceedings; as also account books, in which shall be entered true and regular accounts of all monies received and expended on account of roads, bridges, and works under their charge, specifying the sums applied to ordinary repairs, and to improvements of each road, bridge, and work; and to management and expenses; and the sums due and not recovered; as also the amount of debt and interest thereof; and such accounts shall be annually made up, and shall be audited and signed by three members of the Board from time to time appointed by the Board to examine and audit the same; provided always that it shall be lawful to the General Board to order accounts to be so audited at any time.

Accounts to be audited.

Any person may take copies of Accounts. Fee. Abstract to be published. Penalty of neglect.

19. Any person having paid the rates due by him may see and take a copy of the said accounts or any part thereof on paying to the clerk or treasurer one shilling for each time of inspection; and an abstract of such accounts shall be printed and published in the Government Gazette, or a newspaper shall be circulated within the Province, within one month after the accounts are audited and signed as aforesaid; and any clerk or treasurer neglecting to make up, or refusing or not permitting inspection of such accounts as aforesaid, or failing to print and publish the abstract thereof as aforesaid, shall, on complaint to the General Board, forfeit and pay such penalty, not exceeding five pounds, as the General Board shall see fit to inflict.

Officers to account.

20. All such officers as shall be appointed in virtue of this Ordinance shall, as often as required by the Board of Trustees who have appointed them, or by the General Board, render and give to such Board, or to such person as such Board shall for that purpose appoint, a true, exact, and perfect account in writing, under their respective hands, with the proper vouchers, of all monies which they shall respectively to the time of rendering such accounts have received, paid, and disbursed for, or on account, or by reason of their respective offices; and in case any money so received by any such officer shall remain in his hands, the same shall be paid to the General Board, or to the District Board whose officer he is, or to such person as either of such Boards shall authorise and empower to receive the same; and if any such officer

shall refuse or wilfully neglect to render and give up such account, or to produce and deliver up such vouchers, or shall for the space of fourteen days after being thereunto required by either of said Boards, so refuse or neglect to render and give up to such Board, or to such person as such Board shall direct or appoint, all books, papers, writings, tools, matters, and things in his hands, custody, or power, belonging or relating to his office or the matters thereof, then it shall be lawful for any two Justices of the Peace, upon complaint made by, or on behalf of, either of said Boards, to hear and determine such complaint in a summary way, and to cause such money as shall appear to be due and unpaid, to be levied by distress and sale of the goods and effects of such officer, rendering to him the surplus (if any) of the money remaining due, after deducting the costs of the proceedings; and if sufficient goods and effects cannot be found, or if it shall appear to such Justices that such officer shall have wilfully refused to give such account, or to deliver up any books, papers, writings, tools, matters, and things in his custody or power relating to the execution of his office, such Justices shall commit him to the common jail of the Province, there to remain until he shall make and give a true and perfect account, and verify the same in manner aforesaid, and shall deliver up the vouchers relating thereto, and shall have paid the money, if any, remaining in his hands, according to the direction of the General Board, or of the District Board whose officer he is, or shall have compounded for such money, and paid such composition, (which composition such Boards are hereby empowered to make and receive) or until he shall deliver up such books, papers, writings, tools, matters, and things, or have given satisfaction to such Boards concerning the same: but no such officer who shall be committed on account of his not having sufficient goods and effects as aforesaid, shall be detained in prison by virtue of this Ordinance, for any longer time than six calendar months.

Proceedings on officers misconducting themselves.

21. The General Board of Trustees shall divide and classify all public roads within the Province into two divisions and classes;—the first class shall be called Main Roads, and shall include, subject to the discretion of the said General Board, all general Public Roads and leading communications between the larger divisions of the Province; and the second class shall be called Branch Roads, and shall comprise all other public roads in the Districts aforesaid, except any such roads as the said General Board shall, upon due enquiry and consideration, determine to be unnecessary and useless to the public, and to discontinue as public roads, and shut up as in manner hereinafter enacted: Provided always that the said General Board, after they have made such classification of roads, may from time to time, as they shall see occasion, alter the same, and declare by their order that any Main Road shall become a Branch Road, or that any Branch Road shall become a Main Road, and the same shall thereupon become so accordingly; and also may make such orders according to the powers vested in them by this Ordinance, as may be found necessary in consequence of such alteration.

General Board to classify Roads into
—1, Main Roads
—2, Branch Roads.

Classification may be altered.

22. The General Board of Trustees shall cause a map or plan of the Province to be made, on which the boundaries of the several districts aforesaid shall be plainly marked and set out, and all the public roads within every district shall be delineated and set down; the Main Roads and Branch Roads respectively being distinguished by different colours; and the said map or plan shall be kept in the custody of the clerk to the said General Board; and the same or a copy thereof, being stamped with the seal of the said Board, shall be received as evidence in all suits, controversies, and disputes touching the existence, limits, situation, or classification of any such roads: Provided always that such map or plan may be from time to time altered or amended as circumstances may render necessary by the authority of such Board.

Map or plan of Districts and Roads to be made, and to be evidence, and may be altered.

23. The sums of money which may from time to time be appropriated out of the General Revenue of the Province for roads, shall, by the General Board of Trustees, be applied, subject to the provisions herein contained, to the formation, repair, maintenance, management, and improvement of Main Roads, and to the execution of any work or improvement which the General Board may deem to be of general utility, and to the salaries of the officers of

Purposes for which money voted for Roads to be applied.

the General Board, and to such other necessary expenses as may be incurred in and about the management of such Main Roads.

Exemptions from Road assessment.

24. No assessment made in pursuance of this Ordinance shall be laid or levied on any Waste Lands of the Crown, or on any lands belonging to the Government, or on any land used solely as the site of a church or school, or of a manse or parsonage, or schoolmaster's house, or as a glebe for the use of any officiating clergyman or schoolmaster.

District Rates to be levied for Branch Roads; and there may be Special Rates for particular parts of a District.

25. There may be levied upon lands situated within each of the districts aforesaid one yearly District Rate, of such amount as, with money otherwise obtained, if any, shall defray the current expenses of maintaining and improving the roads within any such District, and keeping down the interest of money borrowed on security of such District Rate, and paying off the principal of such monies within the period or periods for which the same may have been borrowed: Provided always that instead of, or besides and over and above one District Rate for the whole of a district, there may be from time to time, as occasion shall require, Special Rates for separate and distinct parts of any district aforesaid, for the purpose of making any bridge, arch, embankment, ditch or drain, or any cutting or filling up any hollow, or otherwise improving any road within any such separate part of any district aforesaid; and separate and distinct accounts shall be kept of all monies to be collected and received from each district or distinct part of a district, and of all payments and disbursements in respect thereof, and the monies to be collected and received from each district or distinct part of a district, in payment of any such District Rate, or of any such Special Rate, shall be applied only for the several purposes for which such rates respectively have been levied; and each of such districts, or of such parts of a district, shall respectively bear the expenses incurred in laying on, collecting, and disbursing such respective rates; and in case any expenses so incurred shall apply to or be incurred in respect of two or more parts of a district, the same shall be apportioned and divided between or among such parts of the district in a fair and equitable manner.

Separate accounts of the Receipts and Expenditure of such Rates to be kept.

District and Special Rates to be approved by District Board.

26. Every such District Rate, and every such Special Rate, shall be recommended or approved of by the District Board of Trustees of the District within and for the use of which the same respectively is to be levied, and shall be levied by and under the authority of the General Board of Trustees, upon lands situated within such district, or distinct part of such district, except such lands situated therein as are hereinbefore exempted from assessment; and every such District Rate and Special Rate respectively shall not exceed in any one year one shilling per acre, any part or portion of an acre being reckoned an entire acre, and rated as such: Provided always that it shall be lawful, with the consent in writing of two-thirds of the rate-payers resident within any such district, or distinct part of such district, to be so assessed, to increase such District Rate or such Special Rate respectively to any amount beyond one shilling per acre; such consent to be ascertained in such manner as the District Board shall determine and the General Board approve.

Yearly maximum thereof.

Power to increase the same with consent of Rate-payers.

Procedure in laying on District and Special Rates.

27. In every case in which a District Board of Trustees shall recommend or approve of the levying of a District Rate in their District, or of a Special Rate in any part of their District, such District Board shall report to the General Board of Trustees what amount of money will be required to meet and supply the several purposes in view, and all incidental expenses, the yearly rate by which the same may be raised, the persons from whom it falls to be levied, a description and the acreage of their several properties in respect of which they are assessed, and any other matters which may be calculated to facilitate and accomplish the object contemplated. And if the measure shall be approved of by the General Board, with or without modification or amendment, notice shall be given to the persons to be assessed of the amount of yearly rate intended to be levied from them respectively, and of the lands and acreage thereof in respect of which such rate is to be so levied; and opportunity shall be afforded to them to be heard in such other manner, and after such notice, as the General Board shall direct; and the General

Board having finally decided on all objections, if any, and on all other incidental matters, the said General Board shall cause Precepts to be issued in such form as the said Board shall approve, for the payment of such District Rate or Special Rate by the persons named or referred to therein, or others liable, to the person or persons thereby appointed to be collectors of the same, and at the place or places, and within the time or times to be specified therein; and thereupon it shall be incumbent on the persons and others aforesaid to pay, and on the said Collector or Collectors to collect and receive the monies stated in such precepts, and thereby authorised to be levied.

28. Every rate by this Ordinance authorised to be levied shall be payable in one or more payments, and at such times and places as the General Board of Trustees shall direct, and may be levied indiscriminately from the owners and other persons having right to the rents of the properties assessed, or from the tenants and occupants thereof; but shall be borne one-half by the owners and other persons having right to the rents, and the other half by the tenants and occupants; and either paying the whole shall have relief against the other accordingly: Provided always that it shall be lawful for the General Board, to regulate otherwise the payment and burden of such rate.

Rates payable as General Board may direct.
May be levied from owners or occupiers.
Their relief the one against the other.

29. If any person shall refuse or neglect to pay any rate by this Ordinance authorised to be levied, for the space of thirty days after the same has become payable, and been demanded by the Collector thereof by public general notice in the Government Gazette or a newspaper, there shall be added to the sum due at the rate of ten per centum thereof every year during which, or any part of which the same remains unpaid; and the Collector shall not accept of payment of the original sum without payment also of said additional rate; and it shall be lawful for such Collector and his assistants, by virtue of a warrant under the hand of the Resident Magistrate or any two Justices of the Peace, which they are hereby empowered to grant, to enter into any part of the subjects assessed, and to levy the amount due, together with any reasonable expense incurred, by distress and sale of the goods and chattels therein or thereon; and in case of the same not being levied by reason of the property assessed being unoccupied, or any other cause, the arrears shall at any subsequent time be leviable in like manner by distress and sale of any goods and chattels which may be found in or upon the premises.

Mode of recovery of Rates.

30. It shall be lawful for the General Board of Trustees to accept, with consent of the District Board, Loans of such sums of money as may be requisite for the making, maintaining, and improving of any particular road or roads, or any part of said road or roads, within the District; and for securing the repayment thereof with interest to assign any assessment authorised to be levied for such road or roads, or any part of such road or roads; and the money so lent shall be laid out and applied for such express purpose; and no lender shall be liable upon any pretext beyond the amount of his loan.

Loans for any particular road may be accepted.

31. No member of said General Board of Trustees and of said District Boards of Trustees shall be held or adjudged to be personally liable upon any pretext for the repayment of any money borrowed for the purposes of this Ordinance or the interest thereof, or for payment of any sum or performance of any obligation for payment or performance of which he shall not have bound himself personally as an individual independent of his office as a trustee.

Trustees not to be personally liable.

32. It shall be lawful for said Road Trustees, and for their surveyor or surveyors and workmen employed by them from time to time, to enter not only upon the land through which, or whereupon any road laid down and delineated on the Government or Record Maps or Plans of the Province, passes or is intended to pass, but also for the purposes of this Ordinance upon any adjoining lands or grounds, and to stake out such road, and to cut and make any drains, ditches, or arches through or into such lands and adjoining or contiguous to any part thereof, and to make a temporary way or ways through

Trustees may enter upon lands for making roads, making satisfaction to owners, &c.

Penalty for injury
to works.

or over any such adjoining lands, not being a garden, orchard, or inclosed ground planted for ornament or shelter, as the said Trustees shall think fit, the said Trustees making satisfaction to the owners and occupiers of such lands and grounds for the damages that shall be thereby occasioned, such damages, in case of dispute concerning the same, to be ascertained and settled in the same manner that the value of land to be taken and acquired is hereinafter directed to be ascertained and settled; and if any person shall pull up 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 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 five pounds.

Power to widen
roads.

33. The least legal breadth of public roads to be hereafter laid off shall be sixty-six feet, inclusive of the bank, ditch, and fence on either side thereof, and the General Board of Trustees shall have power, and they are hereby authorised, if they shall see fit, to extend the width of any Public Road or part thereof, to sixty-six feet, on making full satisfaction, in manner hereinafter directed, to the proprietors and occupiers of any ground, buildings, or fences taken or removed for the purpose of such widening.

Lands may be pur-
chased for improv-
ing roads.

34. It shall be lawful for the said General Board of Trustees to obtain and acquire, by purchase, lease, or otherwise, and it shall be lawful for all persons, companies, and bodies, corporate or unincorporate, as also all attornies, trustees, managers, or directors whatsoever not otherwise so empowered, and guardians, tutors, and curators of every person whatsoever, under any legal disability or incapacity, to sell, devise, and convey all such lands, buildings, and such real subjects as shall by such trustees be deemed necessary to be acquired by them for making, widening, diverting, altering, improving, or repairing such roads, or for storing materials, depositing mud, sand or other matter removed from any such roads, or for taking materials from, or otherwise appearing to them proper to be used in any way authorised by them, and to treat, contract, and agree for the value thereof, or the compensation for any loss or damage occasioned by any operation of any such trustees, or to submit and refer to arbitration the price or value thereof, and the compensation for loss or damage, and any other matter in dispute, as hereinafter enacted.

Disputes as to
price or compen-
sation to be referred
to arbitration.
Mode of proce-
dure.

35. If such persons, proprietors or others, shall be willing to treat, but shall be dissatisfied with the price or compensation offered, or in case of any other dispute arising with them, the matter in dispute shall be referred to four arbitrators, two to be chosen by the Superintendent, and two to be chosen by the other party or parties, with power to the said arbitrators to appoint one of their number to be their chairman, and also to appoint an umpire, who shall sit along with them in hearing and taking evidence and trial of the case, and also to appoint a clerk, whose duty it shall be to arrange for the trial, and to give intimation to the parties of the time and place fixed for the trial, and require them then and there to attend and adduce their witnesses, and to take notes of the evidence and minutes of the proceedings, and act otherwise as the arbitrators shall direct; and it shall be lawful for any Justice of the Peace, upon the application of either party, to grant warrant to summon any witness or witnesses whom such party intends to examine to appear before the arbitrators at the time and place fixed for trying the case under a penalty not exceeding five pounds, to be incurred by each witness as often as he fails to appear without a sufficient cause, and to be recovered at the suit of the party intending to adduce such witness if he choose to prosecute for the same; and the trial shall, if practicable, be proceeded with and concluded in one day; or if from any necessary cause one or more adjournments be made, such adjournments, as often as they occur, shall be to the next lawful day, unless from the indisposition of any of the said arbitrators, parties, or witnesses, or other sufficient cause, the said arbitrators shall order otherwise; and the said umpire shall have no vote in the final decision of the case if the four arbitrators, or the majority of them, shall agree in the final decision, but otherwise the vote of such umpire shall be given, and the case decided accordingly; and the decision

so given, whether by the arbitrators, or by arbitrators and umpire, as the case may be, shall be final and conclusive.

36. In case any of such persons, proprietors, occupiers, or others as aforesaid shall refuse or delay to treat, or shall not be satisfied with the price or compensation offered, and shall refuse to refer the matter in dispute to arbitration as aforesaid, it shall be lawful for the Superintendent, after fifteen days' previous notice in writing to such of said persons, proprietors, occupiers, or others aforesaid, as have a known residence within the Province, or to the known agent resident within the Province of such persons personally, or by leaving such notice at their respective dwelling places, or if said persons have no known residence or known agent within the Province, by thirty days' previous notice in the Provincial Government Gazette, and their continuing to refuse or delay to treat, or refer the matter in dispute to arbitrators as aforesaid, to appoint by writing under his hand three qualified and impartial men to value the lands, buildings, and other subjects, to be taken for the purpose of making the alteration or diversion and improvement aforesaid, and to estimate the loss and damage to the proprietors and occupiers thereby occasioned; and the said valuers are hereby required, in making the said valuation and estimate, to take under consideration all the circumstances of the case, and to report the amount of such valuation and estimate, and the ground thereof, to the Superintendent, if the same can be done before the operations contemplated are completed, and if the same cannot be done satisfactorily until afterward, they shall lodge an interim report so stating, and intimating what they have reserved for consideration; and upon completion of the operations, or sooner if practicable, they shall resume consideration of the whole matter, and finally report thereon.

Proceedings if parties refuse to enter into arbitration.

37. If such arbitrators shall award a greater compensation than the Trustees shall have offered, but less than the proprietor or occupier shall have required, the costs of the proceeding shall be borne by said Trustees, and the said proprietor or occupier equally; and if the said arbitrators shall award to such proprietor or occupier the sum so required or any greater sum, the whole of the said costs shall be paid by said Trustees; and on the other hand if the said arbitrators shall award the sum offered by such Trustees, or a less sum, the whole of the said costs shall be paid by the said proprietor or occupier.

Rule as to costs in arbitration.

38. Each of the persons appointed as an arbitrator, umpire, or valuator, shall be summoned to act in said capacity by authority of the Superintendent, and every such person so summoned to act in any matter arising out of this Ordinance, attending and officiating as such arbitrator, umpire, or valuator, shall be allowed twenty shillings per diem for his expenses and loss of time; and any such person so summoned by authority of the Superintendent, who shall have accepted either of the offices aforesaid, neglecting or failing to appear, or without lawful excuse refusing to act as an arbitrator, umpire, or valuator, may be fined by the Superintendent for every such offense in any sum not exceeding five pounds.

Allowance to arbitrators, &c. Penalty for refusing to act.

39. Where any new road shall be made in lieu of another road, or where any road shall have become, or be useless or of no importance to the public, it shall be lawful for the General Board of Trustees to give orders for shutting up such road after the expiration of two months from the date of the publication of such order or resolution in the Provincial Government Gazette, or a newspaper published within the province, unless such order or resolution be appealed from as hereinafter enacted: Provided always that thirty days' notice of the intention to propose a resolution or order to that effect shall be given by advertisement in the Provincial Government Gazette, and such newspaper, if any; and any person interested may complain of the determination of the Trustees in any such matter within two months after the date of the publication of such order or resolution as aforesaid, but not afterwards, to the said General Board of Trustees, who are hereby authorised to determine all such complaints, and to order the map or plan of roads hereinbefore mentioned to be

Useless roads may be shut. Procedure in such cases.

altered or amended in conformity to their decision; and all such determinations of the said General Board not complained of, or complained of and determined, shall be final and conclusive, and shall not be subject to challenge or review in any court by any process or proceeding whatsoever.

And may be exchanged or sold, the first offer being made to adjoining owner.

40. It shall be lawful for said General Board of Trustees to exchange any road or part thereof so shut up, or any piece of ground or building no longer wanted by the trustees, with the owner of any immediately adjoining land for any other land or building they may require for the purposes of this Ordinance; as also to sell and dispose of by public auction any road, piece of ground, or building acquired by them, which shall by them be adjudged to have become useless or of no importance to the public; and all such exchanges or sales are hereby declared to be valid to all intents without any conveyance whatsoever: Provided always that before so selling and disposing of any such road, piece of ground, or building, the Trustees shall first offer the same to any person whose lands shall immediately adjoin thereto; and if such person shall refuse (except on account of the price thereof) to purchase the same on solemn declaration being made by the clerk to the Trustees before a Justice of the Peace stating that such offer was made and refused, such declaration shall be sufficient proof that such offer was made and refused; but in case such person shall agree to purchase the same, but shall not agree with respect to the price, it shall be determined by arbitrators in manner hereinbefore directed as to lands acquired by the Trustees; and the money to arise from such sale shall be applied to the purposes of the roads within the district, but the purchaser shall not be answerable or accountable for any misapplication of such money.

Application of compensation money in certain cases when more than £20.

41. If any money agreed or awarded to be paid for any lands, buildings, or real subjects, purchased, taken, or used for the purposes aforesaid, and belonging to any public body, or to any Trustees, or to any person under any legal disability or incapacity, shall be more than twenty pounds, then and in all such cases the same shall, at the option of the person or persons for the time being entitled to the rents and profits of the subjects so purchased, taken, or used, or of his, her, or their guardians in case of infancy or lunacy, to be signified in writing under their hands, and if needful, under the direction and authority of a competent court of law, be paid into any bank, and be placed in his, her, or their account, in order that the same and the interest arising therefrom may be applied to the use and behoof of the person or persons entitled thereto respectively, or otherwise the same shall be paid at the like option to two trustees, to be nominated by the person or persons making such option and approved of by the General Board of Trustees, such nomination and approbation to be signified in writing under the hands of the nominating or approving parties, in order that such principal sum and the interest arising therefrom may be applied as aforesaid.

Application of it when less than £20.

42. Where any such money agreed or awarded to be paid as before mentioned shall be less than twenty pounds sterling then and in all such cases the same shall be applied to the use of the person who would for the time being have been entitled to the rents and profits of the subjects so purchased, taken, or used for the purposes of this Ordinance in such manner as the General Board of Trustees shall think fit, or in case of infancy or lunacy, then to his, her, or their guardians to and for the use and benefit of such person or persons so entitled respectively.

Without a good title, and in other cases, purchase money of land to be consigned.

43. In case any person or persons to whom any sums of money are awarded as aforesaid shall refuse to accept the same, or shall not be able to make a good title to the premises to the satisfaction of the said General Board of Trustees, or cannot be found, or in case the person or persons entitled to the premises be not known or discovered, then and in every such case it shall be lawful for the said General Board to order the sum or sums of money, so awarded to be paid into the Provincial Treasury or into a bank in New Zealand, to the credit of the parties interested, and subject to the order, control, and disposition of the Supreme Court of New Zealand.

44. All lands, buildings, and other real subjects which may be acquired by the General Board of Trustees shall become the property of the said Trustees by the simple discharge of the agreed price or appraised value thereof, or by consignment of the said price or value in the hands of the Provincial Treasurer, or by all claims of damage for the same being renounced or abandoned, whereupon such Trustees may take and use the said lands, buildings, and other subjects, and shall hold the same as validly as if the respective proprietors thereof had executed in their favour regular conveyances of the same: Provided always that it shall nevertheless be lawful for the General Board in every case to require a valid title.

But subjects required by the Trustees may become their property without title.

45. It shall be lawful for the said Trustees to search for, dig, and carry away materials for making and repairing any roads and all footpaths thereof, or building, making, or repairing any bridge or other works connected with said roads, from any land where the same may be found; and to convey or land the same through or on the ground of any person, the said Trustees making or tendering such payment and satisfaction for such materials, and for the surface damage done to the lands from whence such materials shall be dug or carried away, or over or on which the same shall be carried or landed, as the said Trustees shall consider reasonable; and in case the said Trustees and the proprietor or occupier of such lands shall differ as to the amount of such payment and satisfaction for damages, any competent court may, on the application of either party, hear and determine all questions as to the amount of such payment and damages, and any other questions respecting the said materials: Provided always that such materials shall not be required for the private use of the owner or occupier of such land, and that such land or ground is not an orchard, garden, or enclosed ground planted for ornament or shelter; and provided also that before taking such materials from any enclosed land fourteen days' previous notice in writing, signed by two Trustees, shall be given to or left at the usual residence of the proprietor and occupier of the land or quarry from which it is intended to take the same, or his or her known agent, to appear before the General Board of Trustees to shew cause why such materials shall not be so taken; and in case such proprietor, occupier, or agent shall attend pursuant to such notice, or shall neglect or refuse to appear, the said General Board shall authorise or prohibit the taking of such materials, or make such order as they shall think fit.

Power to get materials, satisfaction being made. Exceptions.

46. It shall not be lawful for any person to take away any materials which shall have been procured or provided, or used for the repair or use of any road, or to take materials out of any quarry which shall have been opened by the said Trustees for the purpose of getting materials for any road, so as to interrupt or interfere with their operations; and every person so offending shall for every such offence forfeit and pay any sum not exceeding five pounds.

Penalty for taking away materials procured for roads.

47. It shall be lawful for the said Trustees to make and keep in repair footpaths on any road; and they are hereby required, at as early a period as they shall find it to be suitable, to make and maintain a footpath on all public roads.

Trustees to make footpaths.

48. It shall be lawful for the said Trustees to make sufficient side-drains on any road, with power to conduct the water therefrom into any adjoining land, ditch, or watercourse in such manner as shall be least injurious to the proprietor or occupier of such land; the said side-drains to be maintained at the expense of the said Trustees.

And to make side drains.

49. It shall be lawful for the said Trustees to make sufficient ditches along the side of any such road; provided that if the land is enclosed on the side of such road, such ditch may be made on either side of the fence;

And to make ditches, &c.

Rules as to cleans-
ing ditches.

and also to make proper ditches and outlets from said ditches through any lands adjoining to any such road in such manner as shall be least injurious to the proprietor and occupier of said land; and the proprietor and occupier of such land shall be obliged in all time thereafter, to keep clear such side ditches and other ditches and outlets, as well as all such ditches already made, along the sides of any road when so required by said Trustees or their surveyor; and in case the proprietor or occupier shall neglect or refuse to clear such side ditches or other outlets when duly required, such Trustees or surveyor are hereby empowered to cleanse the same and levy the expense thereof from the proprietor or occupier in the same manner as other penalties by this Ordinance empowered: Provided always that nothing herein contained shall prohibit any proprietor or occupier from substituting to the satisfaction of the Trustees any other equally effectual ditch or outlet in place of that constructed by the Trustees.

Trustees may
raise, lower, or
widen any private
road entering upon
public road.

50. The said Trustees, in making, widening, altering, or improving any public road, are hereby empowered to raise, or lower, or widen, as shall seem to them expedient, any private road or passage entering upon such public road in order to render the junction thereof easy and commodious; and the proprietor or occupier of any private road or passage entering upon any public road shall build sufficient conduits or bridges over the side-drains and ditches of such public roads so entered upon opposite to such private road or passage, and thereafter maintain and uphold the same all to the satisfaction of the said Trustees; and in case such proprietor or occupier shall neglect or refuse to build or maintain the said conduits or bridges, it shall be lawful for the said Trustees to build or repair the same, and to charge such persons respectively with the expense thereof; and it shall not be lawful for any such proprietor or occupier to make or keep any mound, sloping bank, or projection into or upon the sides of any public road, or to cut and slope away any part of the sides of any such road, or keep or use any such slopes; and if any proprietor or occupier shall neglect or refuse to remove any such mound, bank, or projection, or to make up such cutting or sloping, it shall be lawful for the said Trustees to remove such obstruction, and repair such defect at the expense of such proprietor or occupier.

Penalty for injur-
ing roads and foot
paths.

51. If any person shall ride upon or lead or drive any horse, beast, or cattle, or carriage of any description, or any wheelbarrow, sledge, or cart, or roll any wheel, upon any footpath, drain or ditch, on or by the side of any public road, or shall wilfully obstruct or injure or damage the same, or the hedges, posts, rails, and fences thereof, or shall wilfully pull down or damage any bridge, fence, or erection made by the Trustees, or repaired or repairable by them, every person offending in each of the cases aforesaid shall, for each and every such offence, forfeit and pay any sum not exceeding fifty shillings over and above the damages occasioned thereby.

Power to make
Bye-laws.

52. The General Board of Trustees 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: Provided always that such bye-laws shall not be repugnant to the provisions of this Ordinance.

Proceedings for pe-
nalties, &c.

53. 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 2, No. 5, 1842.

Meaning of the
word proprietor in
this Ordinance.

54. The word "proprietor" and the word "owner" occurring in the foregoing enactments shall be held to include all persons having right to the rents of lands.

55. This Ordinance shall be termed and may be cited and referred to as Short title.
the "Roads' Ordinance, 1856."

Passed the Provincial Council this 14th day of March, 1856.

JAMES MACANDREW,
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-six.

W. CARGILL,
Superintendent.

SCHEDULE.

No. 1.—NORTH-EAST VALLEY DISTRICT.

This District comprises the District of the same name, as delineated on the public map.

No. 2.—WAKARI DISTRICT.

This District comprises the District of the same name, as delineated on the Suburban selection maps of the Settlement—the Upper Kaikorai District; Sections Nos. 1 to 17 inclusive of the Lower Kaikorai District, and from thence in a straight line, being the north-eastern boundary of Section No. 50, Block VI., Town District, until it joins the road line at Section No. 75, Block VI., Town District; and from thence along the south-western boundary line of Nos. 76, 77, 78, and 79 to No. 80; and from thence again to the Town Belt of Dunedin, so as to include the Sections numbered 80 to 90 inclusive, Block VI., Town District. From No. 21, Lower Kaikorai District in a straight line running through the Trigonometrical Station on the Kaikorai hill until it joins Abbot's Creek, then following that stream to its source: and from thence again in a straight line to the south-western corner of Section No. 155, Wakari District.

No. 3.—TOWN DISTRICT.

This District comprises that part of the District of the same name not included in the Wakari District No. 2, to a road line running south-east, in a right line from the Town Belt of Dunedin to the Ocean Beach, together with sections numbered 18 to 33 inclusive of the Lower Kaikorai District, and the sections numbered 1 to 32 of the Ocean Beach District.

No. 4.—ANDERSON'S BAY DISTRICT.

This District comprises the District of the same name; also that part of the original Town District lying to the east and north-east of the road line running south-east in a right line from the Town Belt of Dunedin to the Ocean Beach, together with the Tomahawk Valley District, to the Ocean.

No. 5.—GREEN ISLAND DISTRICT.

This District comprises the south-western part of the Lower Kaikorai District, from Section No. 33 to Abbot's Creek, together with the unsurveyed lands to the west and north-west to Abbot's Creek, not included in the Wakari District No. 2; the Green Island Bush District to the Kaikorai River, and the remainder of the Ocean Beach District not included in the Town District No. 3.

No. 6.—EAST TAIERI DISTRICT.

This District comprises the entire tract of country to the west and south-west of the Green Island Bush and Wakari Districts, commencing at the south-western extremity of Section No. 66, Wakari District, and taking from thence in a straight line running through the Trigonometrical Station on Flagstaff (Wakari Hills) to the boundary of the Otago Block, then along the boundary of the Block to the Taieri River; from thence, making that river the boundary, to the Ocean, excluding the Taieri Native Reserve; from thence again, taking the Ocean as the boundary, to the Kaikorai River, and from this point, keeping the boundaries of the Green Island and Wakari Districts to No. 66, Wakari.

No. 7.—WEST TAIERI DISTRICT.

This District comprises the tract of country to the eastward of the Maunga-atua Mountains and Otago Block boundary, and extending to the Taieri, Waihola, and Waipori Rivers.

No. 8.—TOKOMAIRO DISTRICT.

This District comprises the tract of country within the Otago Block, south and west of the boundaries of the East and West Taieri Districts, No 6 and 7, and extending as far as a road line (and a continuation of the same right line to the boundary of the Block) running north-west, and forming the south-western boundary of the original Tokomairo District, and of Sections No. 6 and 7, Block XLV, Nos. 6 and 7, Block XLIV, and No. 6, Block XXXIX of that District. The above road line, with its continuation, will therefore form the south-western boundary of the present district to a point at Section No. 6, Block XXXIX, aforesaid, where a road line running south, and nearly direct, from the Tuakitoto Lake, converges into it. From this point the latter road line will form the boundary to the Tuakitoto Lake—thence the Tuakitoto and Kaitangata Lakes, with their main streams or outlets, to the Clutha River—and thence the Clutha River to the Ocean.

No. 9.—CLUTHA DISTRICT.

This District comprises the tract of country from the boundaries of the Tokomairo District, No. 8, to the boundary of the Otago Block.



DEBENTURES' ORDINANCE, 1856.

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

No. 6.

ANALYSIS.

- | | |
|--|---|
| Title. | 6. Interest at 10 per cent. per annum, to be paid half-yearly. |
| Preamble. | 7. Debentures to pass by delivery. |
| 1. Superintendent empowered to raise by Debentures, £4000, and other loans if authorised by Ordinance. | 8. Superintendent may arrange for payment of principal and interest in London or elsewhere. |
| 2. Form of Debentures. | 9. A statement of Debentures issued to be published quarterly. |
| 3. Debentures may be offered for sale by public tender. | 10. Definition of the term "Provincial Treasurer." |
| 4. Debentures not to be sold under par. | 11. Short Title. |
| 5. When Debentures to be payable. | |

ORDINANCE to authorise the raising of money by the sale of Debentures for certain public purposes within the Province of Otago. Title.

WHEREAS it is expedient that certain public works, the formation of roads, the immigration of labour, the establishment of schools, and other objects essential to the progress and prosperity of the Province of Otago, should be undertaken and provided for; and whereas so much of the revenue of the said Province as is subject to be appropriated by the Superintendent and Provincial Council is not now, and may not be for several years to come, adequate to the accomplishment of the aforesaid objects: And whereas it is expedient to make provision for raising from time to time by means of loans upon security of so much of the Revenue of the said Province as aforesaid all such sums of money as may be required for the purposes aforesaid, Preamble.

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 Superintendent of the said Province shall and may from time to time issue Debentures for such sums as may seem to him expedient, not exceeding in the whole the sum of four thousand pounds for the public purposes aforesaid; and also for such other sums of money as the Local Legislature of the said Province, by any Ordinances thereof, to be in that behalf passed, shall from time to time order and direct to be raised by Debenture for the same or other specific purposes. Superintendent empowered to raise by Debentures £4000, and other loans if authorised by Ordinance.

Form of Debentures.

2. Every such Debenture shall be in the form contained in the Schedule to this Ordinance, and shall bear the respective signatures of the said Superintendent and of the Provincial Treasurer; and the holder or bearer for the time being of every such Debenture shall be entitled to all rights and remedies under and in respect of the same in the like manner as though he were named therein.

Debentures may be offered for sale by public tender.

3. The said Debentures shall be issued in such manner as the Superintendent, with the advice of the Executive Council, may deem to be most beneficial; and the Superintendent, with the advice of the Executive Council, may offer, or cause to be offered for sale the said Debentures, either by public tender, or by public auction, provided that the purchaser of any such Debenture shall, previous to the delivery thereof, pay the full amount of the purchase-money.

Debentures not to be sold under par.

4. It shall not be lawful for the said Superintendent to sell any such Debenture for any sum of money which shall be less in amount than the sum for which such Debenture shall be issuable.

When Debentures to be payable.

5. No such Debenture for any part of the aforesaid sum of four thousand pounds shall be payable or redeemable until the thirtieth day of June, one thousand eight hundred and fifty-eight, nor until such time not exceeding two years after the above-mentioned date as the Provincial Legislature shall by any Ordinance in that behalf direct and appoint.

Interest at 10 per cent. per annum, to be paid half-yearly.

6. The said Debentures shall bear interest after the rate of ten pounds per centum per annum, payable half-yearly; and the holder of every such Debenture shall receive the full amount of money secured thereby, together with the specified rate of interest, at the time or times, at the place, and in the manner respectively mentioned in, or endorsed on such Debenture, and according to the purport thereof; and the amount of every such Debenture, together with the interest, shall be charged upon, and made payable out of all Revenues of the said Province, subject to be appropriated by the Superintendent and Provincial Council thereof.

Debentures to pass by delivery.

7. Every such Debenture shall be made payable to the bearer thereof, and shall pass by delivery only, and without any assignment or endorsement.

Superintendent may arrange for payment of principal and interest in London or elsewhere.

8. It shall be lawful for the Superintendent to make all such arrangements for the payment of any Debentures and interest thereon at any banking establishment in London or elsewhere as to the said Superintendent may seem desirable to secure the due and punctual payment of any such Debentures or interest thereon in London or elsewhere.

A statement of Debentures issued to be published quarterly.

9. The Superintendent shall cause to be published quarterly in the Provincial Government Gazette a statement of the sums of money raised by the disposal and issue of the said Debentures during the quarter immediately preceding such publication; and in every such statement shall be set forth the number of every such Debenture, and the amount for which the same shall have been issued, together with the amount of the money received as the purchase-money thereof.

Definition of term "Provincial Treasurer."

10. In the construction of this Ordinance the term "Provincial Treasurer" shall mean the Treasurer of the said Province, or the person lawfully acting in that capacity.

Short Title.

11. This Ordinance shall be entitled, and may be cited and referred to as the "Debentures' Ordinance, 1856."

Passed the Provincial Council this 14th day of March, 1856.

JAMES MACANDREW,
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-six.

W. CARGILL,
Superintendent.

SCHEDULE.

COLONY OF NEW ZEALAND.

PROVINCE OF OTAGO.

No.	[in words]	No.
£	sterling	£

Provincial Government Debenture, transferable by delivery, for the sum of [in words] pounds sterling, which, with interest thereon, after the rate of ten pounds sterling per centum per annum, payable half-yearly, is secured by the "Debentures' Ordinance, 1856," upon the revenue of the Province of Otago, subject to the appropriation of the Provincial Legislature.

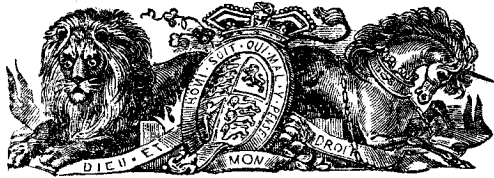
On or after such day subsequent to the one thousand eight hundred and [in words] day of [in words] as the Provincial Legislature shall, by an Ordinance to be passed on that behalf, appoint, the bearer of this Debenture will be entitled to receive the sum of [in words] sterling; and in the meantime will be entitled to receive interest thereon after the rate above mentioned, payable half-yearly, on or after the day of [in words], and on or after the day of [in words] in every year of such term, such principal sum and interest being respectively payable on presenting this Debenture at the Treasury in Dunedin, [or at [in words] as may be arranged.]

Superintendent of the Province of Otago.

*Treasurer (or Acting Treasurer)
of the Province of Otago.*

Entered at the Provincial Treasury in the Registry of Debentures this
day of [in words] 18 [in words].

*Treasurer (or Acting Treasurer)
of the Province of Otago.*



BREACH OF PRIVILEGE ORDINANCE, 1856.

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

No. 7.

ANALYSIS.

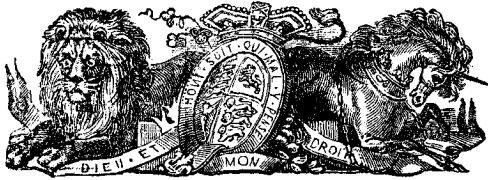
Preamble.

1. Contempt of the Provincial Council to be punishable.
 2. Short Title.
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*ORDINANCE for the Punishment of Persons not Members of the
Provincial Council disturbing the proceedings thereof.*

[THE disallowance of the above Ordinance was notified in the "New Zealand
Government Gazette" of the 9th June 1856.]





APPROPRIATION ORDINANCE, 1856.

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

No. 8.

ANALYSIS.

- | | | |
|--|---|--|
| Preamble. | } 3. And to be allowed credit for all Monies so paid. | |
| 1. Certain Sums to be applied to the Service of the Year ending 30th September 1856. | | |
| 2. Treasurer to pay Monies on Superintendent's Warrant. | | |
| | | } 4. The Treasurer to be allowed credit for two Sums paid, but not authorised by Appropriation Ordinances of 1854. |
| | | |
| | } 5. Short Title. | |

AN ORDINANCE to *Appropriate the Revenue for the Year ending 30th September, 1856; and to authorise the Provincial Treasurer to take credit for certain sums paid in course of, but not included in the Appropriation Ordinance for, the year ending 30th September 1855.* Title.

WHEREAS it is expedient that provision should be made for defraying the expense of the Government of the Province of Otago from the Revenues thereof, for the service of the year from the first day of October, One Thousand Eight Hundred and Fifty-five, to the thirtieth day of September, One Thousand Eight Hundred and Fifty-six, both inclusive. Preamble.

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

1. Out of such Revenues there may be issued and applied, in manner hereinafter mentioned, any sum or sums of money not exceeding the several sums hereinafter specified, amounting in whole to the sum of Twelve Thousand Eight Hundred and Sixty-three Pounds Sixteen Shillings and Sixpence, for defraying the charges of the Government of the said Province for the year commencing on the First day of October, One Thousand Eight Hundred and Certain sums to be applied to the service of the year ending 30th September 1856.

Fifty-five, and ending on the 30th day of September, One Thousand Eight Hundred and Fifty-six, both inclusive, that is to say, for the service of—

SUPERINTENDENT'S DEPARTMENT—

Superintendent	£400 0 0	
Clerk	130 0 0	
	<hr/>	£530 0 0

TREASURER AND SOLICITOR'S DEPARTMENT (Conjoined)—

Treasurer	}	300 0 0	
Solicitor			
Clerk			75 0 0
		<hr/>	375 0 0

PROVINCIAL COUNCIL—

Clerk	75 0 0	
Rent of Council Hall	50 0 0	
Fittings for do.	25 0 0	
	<hr/>	150 0 0
Registrar of Deeds }		40 0 0
Do. Dogs }		

ROADS' DEPARTMENT—

Surveys	150 0 0	
Main Roads	300 0 0	
„ West Taieri	150 0 0	
Erection of Posts on the Main North Road across Flagstaff Hill and the Snowy Range	25 0 0	
	<hr/>	625 0 0

HARBOUR DEPARTMENT—

Pilot's Salary	120 0 0	
Four Boatmen at £4 10s. each per month	216 0 0	
Pilot of Upper Harbour, and for surveying and buoying the same	150 0 0	
For the erection of a Light-house at the Heads	400 0 0	
For a New Flagstaff at the Heads	50 0 0	
Repairing Buoys and Beacons	50 0 0	
Oil for Lamp at the Heads	20 0 0	
For a New Boat and for Repairs of Old Boat for Pilot	60 0 0	
	<hr/>	1066 0 0
Returning Officer		21 0 0

POLICE DEPARTMENT—

Chief Constable	150 0 0	
Town Constables at 6s. per day each, or £109 10s. each per annum, one being overseer of Hard Labour Prisoners	438 0 0	
	<hr/>	588 0 0
Special Services		200 0 0
Office Keeper and Messenger to Public Offices		70 0 0
Pound Keeper and Inspector of Slaughter Houses		20 0 0
Five Inspectors of Sheep, retaining Fee of each £10		50 0 0
Special Services of Sheep Inspectors		50 0 0
Reward to Boat's Crew for recovery of Colonial Sub-Treasurer's Chest		30 0 0

GAOL DEPARTMENT—

Gaoler	125 0 0	
Rations and Furnishings for Prisoners	400 0 0	
Repairing Gaol	150 0 0	
For Fitting up former Immigration Barracks as a Temporary Gaol	50 0 0	
	<hr/>	725 0 0

Carry forward.....£4540 0 0

39 B

	Brought forward.....	£4540	0	0
HOSPITAL—				
Furnishings and Repairs	£120	0	0	
Hospital Keeper	10	0	0	
	<hr/>			130 0 0
For New Immigration Barracks	156	16	6	
Fittings for do.	90	0	0	
	<hr/>			246 16 6
For completing Government Offices and for work not contract work				100 0 0
IMMIGRATION—				
From Australia	1000	0	0	
Bonus to be paid for the "Gil Blas" to run between Otago and Melbourne	500	0	0	
Draft due at sight for advances on account of Immigration from Britain	1500	0	0	
Interest and Bank charges on Debentures	300	0	0	
	<hr/>			3300 0 0
TAIERI FERRY—				
For the re-purchase of Land sold to James Harrold at the Taieri Ferry, being the original price	30	0	0	
For the purchase from him of the Houses, Stock-yard, and other erections made on the land re-purchased, and of the Punt, Boats, and Tackle used at the Ferry	600	0	0	
For Repairs of Buildings, Alterations, and Furnishings	250	0	0	
	<hr/>			880 0 0
EDUCATION—				
Liability in pursuance of Ordinance No. 3, December, 1854, for which draft payable at sight granted	650	0	0	
Teachers' Salary for six months	510	0	0	
Sums towards erection of School Houses, Teachers' Houses, and incidental expenses	1500	0	0	
	<hr/>			2660 0 0
MISCELLANEOUS—				
Expenses incurred by Superintendent in course of Governor's visit	120	0	0	
Statistics	100	0	0	
Printing	400	0	0	
Stationery	60	0	0	
General Contingencies	300	0	0	
	<hr/>			980 0 0
Per centage to John Logan for collecting Immigrants' Bills				27 0 0
	<hr/>			£12,863 16 6

2. The Provincial Treasurer shall issue and pay the said several sums to such persons for the purposes hereinbefore mentioned, upon such days and in such proportions as the Superintendent of the Province for the time being shall from time to time order and direct, by any warrant to be signed by him, and during his absence from the Province in discharge of his duty as a member of the House of Representatives, to be also counter-signed by some one of the Executive Council other than the Provincial Treasurer, and the payments so to be made shall be charged upon, and payable out of such Revenues as aforesaid.

Treasurer to pay monies on Superintendent's warrant.

3. The said Treasurer shall, in his accounts, from time to time, be allowed credit for any sum or sums of money paid by him in pursuance of any such warrant as aforesaid, and the receipt or receipts of the respective persons to whom the same shall be so paid shall be a full and valid discharge to the said Treasurer in passing his said accounts for any such sum or sums as shall be therein mentioned.

And to be allowed credit for all monies so paid.

AND WHEREAS the sums of money after mentioned were necessarily paid during the year ending on the thirtieth day of September, One Thousand Eight Hundred and Fifty-five, but were not included in the Estimates for said year; and it is expedient that the Provincial Treasurer be now authorised to take credit in his accounts for the sums so paid :—

The Treasurer to be allowed credit for two sums paid, but not authorised by Appropriation Ordinances of 1854

4. The Provincial Treasurer shall be allowed and is hereby authorised to take credit in his accounts for the two several sums of money after-mentioned, that is to say—

For the sum of	£552 19 1
repaid to the Colonial Sub-Treasurer for behoof of the General Government, being the difference between two-thirds and one-half of nett receipts of Customs' Revenue paid in excess by the said Colonial Sub-Treasurer into the Provincial Treasury.	

And for the sum of	£5 5 8
paid for Printing and Stationery in excess of the sum for Printing and Stationery authorised by the Appropriation Ordinances for the public service for the year ending 30th September, 1854.	

Provided always that the said two several sums shall have been or shall be paid in pursuance of warrants by the Superintendent; and the receipt or receipts of the respective persons to whom the same were or shall be so paid, shall be a full and valid discharge to the said Treasurer in passing his accounts for any such sum or sums of money as shall be therein mentioned.

Short Title.

5. This Ordinance may be cited and referred to as the "Appropriation Ordinance, 1856."

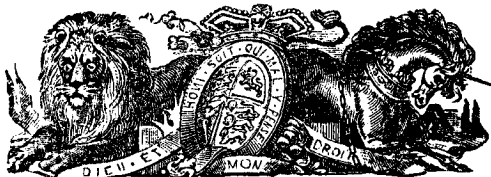
Passed the Provincial Council this 17th day of March, 1856.

JAMES MACANDREW,
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-six.

W. CARGILL,
Superintendent.



PROVINCIAL COUNCIL ORDINANCE, 1856.

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

No. 9.

ANALYSIS.

Title.	and Members of Provincial Council, where to be delivered.
Preamble.	7. Polling Places.
1. Repeal of Ordinance, Session 2, No. 1.	8. Additional Polling Places.
2. Number of Members of Provincial Council.	9. Governor's Proclamation of 5th March 1853, to be in force in so far as not repugnant to this Ordinance.
3. Number and Description of Electoral Districts.	10. Resident Magistrate and Returning Officer in elections not to be eligible as a Member of the Provincial Council.
4. Number of Members for each District.	11. Short title.
5. Members entitled to vote in district for which they are registered.	
6. Claims to vote in elections of Superintendent	

ORDINANCE *to repeal the Ordinance Session 2, No. 1, and more effectually to* Title.
Regulate the Elections of Superintendent and Members of the Provincial
Council.

WHEREAS an Ordinance, entitled "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," was passed by the Superintendent of the Province of Otago, with the advice and consent of the Provincial Council thereof, Session 2, No. 1: AND WHEREAS the said recited Ordinance is in some respects defective and erroneous, and its enactments were mostly of a temporary nature, and their object has been accomplished, and the Ordinance should be repealed, and various matters relating to the elections of the Superintendent and Members of the Provincial Council should be regulated as hereinafter enacted: Preamble.

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, Session 2, No. 1.

1. The before recited Ordinance shall be, and the same is hereby, repealed; provided always that the Electoral Roll now in force shall be in no way affected by said repeal, but shall remain in force until the completion of the next Electoral Roll of persons entitled to vote in the elections of Superintendent and Members of the Provincial Council of Otago.

Number of Members of Provincial Council.

2. The Provincial Council of the Province of Otago shall consist of Nineteen Members.

Number and description of Electoral districts.

3. The said Province, for the purposes of the election of the Superintendent and of the Members of the Provincial Council thereof, shall be divided into Eight Electoral Districts, to be named as follows, viz.:—

1. The Town of Dunedin District.
2. The Town of Port Chalmers District.
3. The Eastern District.
4. The Western District.
5. The Central District.
6. The Tokomairiro District.
7. The Southern District.
8. The Northern District.

The boundaries of the said several Districts being particularly set forth and described in the schedule and delineated in the map or plan hereunto annexed.

Number of Members for each district.

4. The number of Members to be elected to serve in the Provincial Council for the said several Districts shall be as follows, viz.:—

1. For the Town of Dunedin District..... Five Members.
2. For the Town of Port Chalmers District..... One Member.
3. For the Eastern District..... Three Members.
4. For the Western District..... Three Members.
5. For the Central District..... Three Members.
6. For the Tokomairiro District..... One Member.
7. For the Southern District Two Members.
8. For the Northern District..... One Member.

Members entitled to vote in district for which they are registered.

5. Every person duly registered as an Elector in any one or more of the Electoral Districts aforesaid shall be entitled to vote at the election of the Superintendent of the Province, and also at the election of a Member or Members of the Provincial Council, for the district or districts for which he shall be so registered.

Claims to vote in elections of Superintendent and Members of Provincial Council—where to be delivered.

6. Every person claiming a right to vote for the election of the Superintendent, or the Members of the Provincial Council in the several electoral districts hereinbefore specified, shall deliver his claim, or cause the same to be delivered, at the Resident Magistrate's office at Dunedin, or at such other place or places as the Resident Magistrate may by public notice direct and appoint.

Polling-places.

7. The Polling-places for the said districts for the election of Superintendent, and of the Members of the Provincial Council for such districts, shall be at some convenient place in each of the said several districts to be specified by the Returning Officer.

Additional polling places.

8. If additional Polling-places are found necessary for any of the said several districts, they shall be at such places as the Governor or the Superintendent may from time to time by public notice appoint.

9. The proclamation of the Governor, dated the fifth day of March, one thousand eight hundred and fifty-three, issued in pursuance of the Act of the Imperial Parliament passed in the fifteenth and sixteenth years of the reign of Her Majesty Queen Victoria, chapter 72, shall remain and be in force within the Province of Otago, in so far only as the same is not repugnant to the provisions herein contained.

Governor's proclamation of 5th March 1853, to be in force in so far as not repugnant to this Ordinance.

10. No person holding the office of Resident Magistrate of the Province, or of any part thereof, or the office of Returning Officer in the election of Superintendent or of Members of the Provincial Council, is or shall be capable, while he holds both or either of said offices, of being elected Superintendent or a Member of the Provincial Council of the Province.

Resident Magistrate and Returning Officer in Elections not to be eligible as a Member of the Provincial Council.

11. This Ordinance shall be termed, and may be cited and referred to, as the "Provincial Council Ordinance," 1856.

Short Title.

Passed the Provincial Council this 17th day of March, 1856.

JAMES MACANDREW,
Speaker.

ROBERT CHAPMAN,
Clerk of Council.

Dunedin, 18th March 1856.

I hereby declare that I reserve this Bill for the signification of the Governor's pleasure thereon.

W. CARGILL,
Superintendent.

SCHEDULE.

1. THE TOWN OF DUNEDIN DISTRICT comprises the Town and Town Belt of Dunedin, as delineated on the map of the Otago Settlement.
2. THE TOWN OF PORT CHALMERS DISTRICT comprises the Town and Town Belt of Port Chalmers, as delineated on the map of the Otago Settlement.
3. EASTERN DISTRICT.—North by the Otago Harbour to the Town Belt of Dunedin; thence by the said Town Belt to the road line, forming the northern boundary of suburban sections Nos. 92 and 91, block VI. Town district; thence by the eastern and northern boundaries of section 80 of the same block and district; thence by the western boundary of said section and of sections 77, 78, and 79 of the same block and district to a road line; thence by said road line to section 50 of the last mentioned block and district; thence by a road line forming the north-eastern boundary of section 50 and of section 18 Lower Kaikorai district; thence by the north-western boundary of said section 18, and of sections 19, 20, and 21 of same district; and thence by a right line running through the Trigonometrical Station on Kaikorai Hill to Abbot's Creek.
South by the Ocean.
East by the Ocean.
West by Abbot's Creek to its junction with the Kaikorai River; thence by the Kaikorai River to the Ocean.
4. WESTERN SUBURBAN DISTRICT.—North-west and west by a right line from the north-western head of Purakunui harbour to the Trigonometrical Station on Flagstaff hill; thence by a right line to the north-west corner of suburban section 41, Wakari district; thence by the surveyed lands to the south-west corner of section 155, Wakari district; thence by a right line to Abbot's Creek to the north-west point of the Eastern District.

South-west by the Eastern District.

South and south-east by the Town of Dunedin District to the Harbour of Otago ;
thence by the Harbour to the Town Belt of Port Chalmers ; thence by the
Town Belt again to the Harbour ; and thence to the Harbour.

North-east by the Ocean.

5. CENTRAL DISTRICT.—North-east by the Northern District.

North and north-west by the Ocean and the Province of Canterbury.

South-west by the Taieri River from its mouth to its junction with the Waihola
River ; thence by the Waihola River and its northernmost arm or branch to
the north-east corner of rural allotment No. 6, block XVI., Waihola district ;
thence by a right line to Milford Haven.

South-east and east by the Ocean to the mouth of the Kaikorai River ; thence
by the Kaikorai River to its junction with Abbot's Creek ; thence by Abbot's
Creek to the north-west point of the Eastern District ; thence by a right line
to the south-west corner of suburban allotment 155, Wakari district ; thence
by the surveyed lands to the north-west corner of section 41, Wakari ; thence
by a right line to the Trigonometrical Station on Flagstaff hill (Wakari.)

6. TOKOMAIRIRO DISTRICT.—North-east by the Central District.

North-west by the Ocean.

South-west by the river Clutha (Matau branch), from its mouth to where the
Kaihiku stream or river flows into it ; thence by a right line to Charles's
Harbour on the west coast.

South-east by the Ocean.

7. SOUTHERN DISTRICT.—North-east by the Tokomairiro District.

North-west and west by the sea-coast.

South by the sea-coast.

East by the sea-coast.

8. NORTHERN DISTRICT.—North by the Canterbury Province.

South by the Western District.

East by the Ocean.

West and south-west by a right line running in a north north-westerly direction
from the Trigonometrical station on Flagstaff hill to the boundary of the
Province.

W. CARGILL,

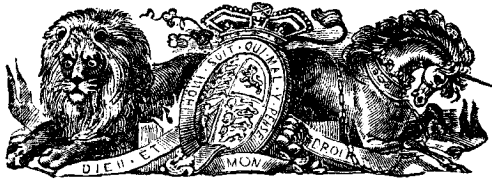
Superintendent.

I HEREBY DECLARE that I assent to this Ordinance.

Given under my hand at Auckland this twenty-seventh day
of May, in the year of our Lord One thousand eight
hundred and fifty-six.

THOMAS GORE BROWNE,

Governor.



LOAN ORDINANCE, 1856.

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

No. 10.

ANALYSIS.

Title.

Preamble.

1. Repeal of Debentures' Ordinance, 1856.
2. Superintendent empowered to raise by Debentures £35,000.
3. Form of Debentures.
4. Debentures may be offered for sale by public tender, &c.
5. Debentures not to be sold under par.
6. When Debentures to be payable and interest cease.

7. Interest at 10 per cent per annum, to be paid half-yearly.
8. Debentures to pass by delivery.
9. No priority amongst Debenture holders.
10. Superintendent may arrange for payment of principal and interest in London or elsewhere.
11. Definition of the term "Provincial Treasurer."
12. Short Title.

AN ORDINANCE to authorise the raising of money by the Sale of Debentures
for certain Public Purposes within the Province of Otago. Title.

WHEREAS it is expedient that certain public works, the formation of
Roads, the Immigration of labour, the establishment of Schools, and
other objects essential to the progress and prosperity of the Province of
Otago, should be undertaken and provided for: And whereas so much of the
revenue of the said Province as is subject to be appropriated by the Superin-
tendent and Provincial Council is not now, and may not be for several years
to come, adequate to the accomplishment of the aforesaid objects: And
whereas it is expedient to make provision for raising by means of loans upon
security of so much of the revenue of the said Province as aforesaid all such
sums of money as may be required for the purposes aforesaid: And whereas
the Debentures Ordinance, 1856, has not been acted on and should be re-
pealed, in order that larger powers may be given than are thereby provided: Preamble.

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 Debentures' Ordinance, 1856.

1. The Debentures Ordinance, 1856, shall be, and is hereby repealed.

Superintendent empowered to raise by Debentures £35,000.

2. The Superintendent of the said Province shall and may from time to time issue Debentures for such sums as may seem to him expedient, not exceeding in the whole the sum of Thirty-five Thousand Pounds for the public purposes aforesaid.

Form of Debentures.

3. Every such Debenture shall be in the form contained in the Schedule to this Ordinance, and shall bear the respective signatures of the said Superintendent and of the Provincial Treasurer; and the holder or bearer for the time being of every such Debenture shall be entitled to all rights and remedies under and in respect of the same in the like manner as though he were named therein.

Debentures may be offered for sale by public tender, &c.

4. The said Debentures shall be issued and sold in New Zealand or elsewhere in such manner as the Superintendent, with the advice of the Executive Council, may deem to be most beneficial, and the Superintendent, with the advice of the Executive Council, may offer or cause to be offered for sale the said Debentures either by public tender, or by competition, provided that the purchaser of any such Debenture shall, previous to the delivery thereof, pay the full amount of the purchase money.

Debentures not to be sold under par.

5. It shall not be lawful for the Superintendent to sell any such Debenture for any sum of money which shall be less in amount than the sum for which such Debenture shall be issuable.

When Debentures to be payable and interest cease.

6. The principal sum secured by any such Debenture shall be payable on a day to be named therein not later than the Thirty-first day of December, 1869, and the interest thereof shall cease to be payable on the day so named.

Interest at 10 per cent. per annum to be paid half-yearly.

7. The said Debentures shall bear Interest after the rate of ten pounds per centum per annum, payable half-yearly, and the holder of every such Debenture shall receive the full amount of money secured thereby, together with the specified rate of interest, at the time or times, at the place and in the manner respectively mentioned in, or endorsed on such Debenture, and according to the purport thereof, and the amount of every such Debenture, together with the interest, shall be charged upon, and made payable out of all revenues of the said Province, subject to be appropriated by the Superintendent and Provincial Council thereof.

Debentures to pass by delivery.

8. Every such Debenture shall be made payable to the bearer thereof, and shall pass by delivery only and without any assignment or endorsement.

No priority amongst Debenture holders.

9. The holder of any Debenture issued under this Ordinance shall not have any preference over any other such holder by reason of priority of date of such Debenture or otherwise.

Superintendent may arrange for payment of principal and interest in London or elsewhere.

10. It shall be lawful for the Superintendent to make all such arrangements for the payment of any Debentures and interest thereon at any banking establishment in London or elsewhere as to the said Superintendent may seem desirable to secure the due and punctual payment of any such Debentures or interest thereon in London or elsewhere.

Definition of the term "Provincial Treasurer."

11. In the construction of this Ordinance the term "Provincial Treasurer" shall mean the Treasurer of the said Province, or the person lawfully acting in that capacity.

12. This Ordinance shall be entitled and may be cited and referred to as Short title. the "Loan Ordinance, 1856."

Passed the Provincial Council this Eleventh day of December, One Thousand Eight Hundred and Fifty-six.

JAMES MACANDREW,
Speaker.

ROBERT CHAPMAN,
Clerk of Council.

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

W. CARGILL,
Superintendent.

SCHEDULE.

COLONY OF NEW ZEALAND, PROVINCE OF OTAGO.

No.	[in words]	No.
£	Sterling.	£

PROVINCIAL GOVERNMENT DEBENTURE, transferable by delivery, for the sum of [in words] pounds sterling, which, with interest thereon, from the date of issue till the date when the bearer is entitled to receive said principal sum, and after the rate of ten pounds per centum per annum, payable half-yearly, is secured by the "Loan Ordinance, 1856," upon the Revenue of the Province of Otago, subject to the appropriation of the Provincial Legislature.

On the _____ day of _____ the bearer of this Debenture one thousand eight hundred and _____ will be entitled to receive the principal sum of _____ sterling, and in the meantime will be entitled to receive interest thereon, after the rate and during the period above mentioned, payable half-yearly, on the day of _____ and on the _____

day of _____ in every year of such term, such principal sum
and interest being respectively payable on presenting this Debenture at (the Treasury
in Dunedin, or at _____ as may be arranged.)

Dated and Sealed at the Provincial Government House, Dunedin, this
day of _____ 18 .

Superintendent of the Province of Otago.

Treasurer of the Province of Otago.

Entered at the Provincial Treasury in the Registry of Debentures this
day of _____ 18 .

Treasurer of the Province of Otago

Issued by _____ at _____
this _____ day of _____ 18 .



APPROPRIATION ORDINANCE, 1856-7.

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

No. 11.

ANALYSIS.

Title.

Preamble.

1. Certain sums to be applied to the service the year ending 30th September, 1857.
2. Treasurer to pay monies on Superintendent's Warrant, and be allowed credit for all monies so paid.

3. The Treasurer to be allowed credit for sums paid, but not authorised by "Appropriation Ordinance, 1856."

4. Interpretation Clause.

5. Short Title.

AN ORDINANCE to appropriate the Revenue for the year ending 30th September, 1857, and to authorise the Provincial Treasurer to take credit for certain sums paid in course of, but not included in the Appropriation Ordinance for, the year ending 30th September 1856.

Title.

WHEREAS it is expedient that provision should be made for defraying the expense of the Government of the Province of Otago from the Revenues thereof, for the service of the year from the first day of October, One Thousand Eight Hundred and Fifty-six, to the Thirtieth day of September, One Thousand Eight Hundred and Fifty-seven, both inclusive.

Preamble.

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. Out of such Revenues there may be issued and applied, in manner hereinafter mentioned, any sum or sums of money not exceeding the several sum or sums of money hereinafter specified, amounting in whole to the sum of Forty-six Thousand Seven Hundred and Seventy-nine Pounds Sixteen Shillings and Sixpence Sterling, for defraying the charges of the Govern-

Certain sums to be applied to the service of the year ending 30th September, 1857.

ment of the said Province for the year commencing on the first day of October, One Thousand Eight Hundred and Fifty-six, and ending on the Thirtieth day of September, One Thousand Eight Hundred and Fifty-seven, both inclusive, that is to say, for the service of—

	£	s.	d.	£	s.	d.
SUPERINTENDENT'S DEPARTMENT—						
Superintendent	400	0	0			
Superintendent's Clerk	150	0	0			
	<hr/>			550	0	0
TREASURER AND SOLICITOR'S DEPARTMENT—						
Treasurer } Conjoined	300	0	0			
Solicitor }						
Clerk	100	0	0			
	<hr/>			400	0	0
RESIDENT MAGISTRATE'S DEPARTMENT—						
Resident Magistrate (also Sheriff)	300	0	0			
Clerk to the Bench	75	0	0			
Rent of Court House	25	0	0			
	<hr/>			400	0	0
INVERCARGILL—						
Resident Magistrate	50	0	0			
Clerk to the Bench	100	0	0			
	<hr/>			150	0	0
CORONER'S DEPARTMENT—						
Contingencies				60	0	0
PROVINCIAL COUNCIL—						
Clerk	75	0	0			
Rent of Hall	25	0	0			
	<hr/>			100	0	0
Registrar of Deeds and Collector of Dog Tax	40	0	0			
Assistant Clerk to the Officer holding the Offices of Clerk to the Bench, Clerk to the Provincial Council, Registrar of Deeds, and Collector of Dog Tax	100	0	0			
	<hr/>			140	0	0
ROADS DEPARTMENT—						
For Roads in the country under the management of the Board of Road Trustees	5000	0	0			
For Main Roads in the Town of Dunedin, under the management of the Town Board	1000	0	0			
Surveyor, to be under the instructions of the General Board of Road Trustees	250	0	0			
Contingencies in the administration of the business of the General Board of Road Trustees	400	0	0			
	<hr/>			6650	0	0
HARBOUR DEPARTMENT, DUNEDIN—						
Harbour Master	25	0	0			
Pilots	180	0	0			
Four Boatmen, at £4 10s. each per month	216	0	0			
Amount required for erection of Light-house at the Heads	50	0	0			
Amount required for repairs of Buoys and Beacons	50	0	0			
Amount required for Oil	37	0	0			
BLUFF—						
Pilot	50	0	0			
NEW RIVER—						
Pilot	50	0	0			
	<hr/>			658	0	0
Carry forward				9108	0	0

	£	s.	D.	£	s.	D.
Brought forward				9108	0	0
POLICE DEPARTMENT—						
Chief Constable	150	0	0			
Three Constables for Dunedin, at 6s. per day, or £109 10s. each per annum	328	10	0			
One do. for Port Chalmers at said rate	109	10	0			
One do. for the Bluff at said rate	109	10	0			
Office Keeper and Messenger to public offices	70	0	0			
Poundkeeper and Inspector of Slaughter Houses	20	0	0			
Special Services	200	0	0			
	<hr/>			987	10	0
GAOL DEPARTMENT—						
Gaoler	125	0	0			
Rations, Furnishings, &c., for Prisoners	300	0	0			
	<hr/>			425	0	0
SHEEP INSPECTORS' DEPARTMENT—						
North—Chief Inspector	350	0	0			
South—Chief Inspector	350	0	0			
Salaries of four Sub-Inspectors	40	0	0			
Services, to date of passing new Ordinance, of present Inspectors	35	0	0			
	<hr/>			775	0	0
HOSPITAL—						
Salary of Mr. Robert Williams, Surgeon, from 30th June, to 30th December, 1856	60	0	0			
Provincial Surgeon, from 30th December, 1856, to 30th September, 1857	90	0	0			
Keepers, male and female, (exclusive of rations) not exceeding at the rate of £120 per annum	90	0	0			
Rations, Medicines, and Medical Comforts	300	0	0			
	<hr/>			540	0	0
FERRIES—						
Taieri (Lower) for improvements, &c.	50	0	0			
„ (Upper) for Boats	50	0	0			
Clutha	600	0	0			
Mataura	100	0	0			
Toi Toies	100	0	0			
New River	100	0	0			
	<hr/>			1000	0	0
Local Posts				600	0	0
For Buoying, &c., the Clutha River				100	0	0
For improvements at the North				250	0	0
EDUCATION—						
School Buildings	4200	0	0			
For bringing out additional Teachers	600	0	0			
Incidental expenses, including Inspectors and Rents	400	0	0			
	<hr/>			5200	0	0
Proportion of bonus for steamer to ply between the Southern Provinces of New Zealand and Australia should the scheme be adjusted, not exceeding				2000	0	0
Immigration from Britain				20,000	0	0
LIABILITIES—						
Drafts due at sight on account of Immigration from Britain, and Education	2150	0	0			
Debentures falling due 31st December, 1856	1000	0	0			
Interest and Bank charges on Debentures	300	0	0			
One moiety of bonus for Packet ship running be- tween Otago and Melbourne	250	0	0			
Repayment to Colonial Sub-Treasurer of Balance of Fees received by mistake from Registrar of Births, &c., the same being due to the General Government	14	6	6			
	<hr/>			3714	6	6
Carry forward				44,699	16	6

	£	s.	D.	£	s.	D.
Brought forward				44,699	16	6
MISCELLANEOUS—						
Public Buildings	1000	0	0			
Statistics	100	0	0			
Printing	400	0	0			
Stationery	60	0	0			
Firewood	120	0	0			
General Contingencies	400	0	0			
				2080	0	0
Total Expenditure				£46,779	16	6

Treasurer to pay monies on Superintendent's Warrant, and be allowed credit for all monies so paid.

2. The Provincial Treasurer shall issue and pay from time to time any sum or sums of money for the purposes hereinbefore mentioned not exceeding in whole the sums respectively above specified, to such persons, and in such portions as the Superintendent shall, by warrant or warrants signed by him, from time to time direct, and such Treasurer shall in his account, be allowed credit for all sums paid by him in pursuance of such orders, and the receipt of the person to whom such sums shall have been so paid shall be to him a full and valid discharge for the sum or sums for which such receipt shall have been given, and the amount thereof shall be passed to his credit in account accordingly.

The Treasurer to be allowed credit for sums paid, but not authorised by Appropriation Ordinance, 1856.

3. And whereas the sums of money aftermentioned were necessarily paid during the year ending on the Thirtieth day of September, One Thousand Eight Hundred and Fifty-six, but were not included in the Estimates for said year; and it is expedient that the Provincial Treasurer be now authorised to take credit in his accounts for the sums so paid:

The Provincial Treasurer shall be allowed and is hereby authorised to take credit in his accounts for the two several sums of money after-mentioned, that is to say:—

For the sum of £253 9s. 9d.
paid for Immigration from Australia in excess of the sum authorised by "Appropriation Ordinance, 1856."

And for the sum of £58 13s. 3d.
paid for Hospital Department in excess of the sum authorised by said "Appropriation Ordinance, 1856."

Provided always that the said two several sums shall have been or shall be paid in pursuance of warrants by the Superintendent; and the receipt or receipts of the respective persons to whom the same were or shall be so paid, shall be a full and valid discharge to the said Treasurer in passing his accounts for any such sum or sums of money as shall be therein mentioned.

Interpretation Clause.

4. The term "Superintendent" shall mean the Superintendent of the Province of Otago or his Deputy, or the Speaker of the Provincial Council of said Province when lawfully performing and exercising the Acts and powers of such Superintendent.

Short Title.

5. This Ordinance may be cited and referred to as the "Appropriation Ordinance, 1856-7."

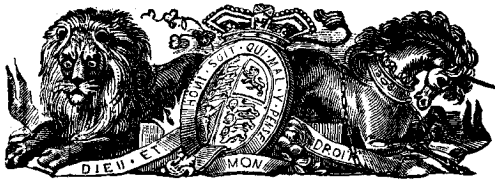
Passed the Provincial Council this 11th day of December, 1856.

JAMES MACANDREW,
Speaker.

ROBERT CHAPMAN,
Clerk of Council.

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

W. CARGILL,
Superintendent.



SHEEP ORDINANCE, 1856.

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

No. 12.

ANALYSIS.

- | | |
|--|--|
| Title. | 21. In certain cases may defer granting certificate. |
| Preamble. | 22. Penalty for removing Sheep beyond certain limits of the landing-place without inspection. |
| 1. Repeal of Scab and Catarrh Ordinance, Session I. No. 11. | 23. Sheep on board ship to be dressed, and penalty for so removing them. |
| 2. Sheep above six months old to be ear-marked or branded. | 24. Penalty for introducing any Sheep into Province by land without inspection, and for introducing diseased Sheep. |
| 3. Marks or Brands to be registered. | 25. Inspectors' certificate to be in a certain form. |
| 4. Superintendent may appoint Registrar. | 26. Penalty for Inspector granting false certificate. |
| 5. Penalty for using the registered Mark or Brand of another. | 27. Owner to give notice of Sheep infected, or suspected to be so. |
| 6. Penalty for unauthorisedly branding, &c., Sheep. | 28. All Sheep in a flock to be deemed infected if one is so, or if Sheep have mixed with infected Sheep. |
| 7. Owners of Sheep yearly to give a return of the number of their Sheep, and whether they are clean. | 29. Penalty for abandoning diseased Sheep. |
| 8. Persons having Sheep infected with disease to be fined. | 30. Occupiers of Runs to give notice when stray Sheep mix with their flocks. |
| 9. Inspectors of Sheep to be appointed. | 31. Strayed Sheep how to be recovered. |
| 10. Sub-Inspectors to be appointed by Chief Inspector. | 32. Penalty for clipping or taking wool from Sheep. |
| 11. Inspectors prohibited from taking any fee other than as provided. | 33. Penalty for removing Sheep without consent of owner. |
| 12. The salaries and allowances of Inspectors to be paid by assessment. | 34. Penalty for not burning or burying carcass of infected Sheep. |
| 13. Diseased Sheep not to be kept on any land except in their owner's exclusive occupation. | 35. Penalty for casting such carcass into any water. |
| 14. Not to be driven on highways. | 36. Penalty for exposing for sale any diseased animal. |
| 15. Mode of proceeding when Sheep to be driven through a Run. | 37. Persons interested or Inspectors to prosecute. Informations may be laid before one Justice of the Peace; hearing by two. |
| 16. Separate informations may be laid by every person whose Run is crossed, &c. | 38. Owners of diseased Sheep to be liable in damages to parties injured. |
| 17. Sheep may be examined without warrant by occupier of Run on which found. | 39. Fines, penalties, and damages recoverable in a summary way. |
| 18. Inspectors when required to attend and examine Sheep. | 40. Interpretation clause. |
| 19. A yard for inspecting Sheep to be upon every Run. Penalties for resisting inspection. | 41. Short title and commencement of Ordinance. |
| 20. If Sheep free from infection, Inspector to grant certificate. | |

Title. AN ORDINANCE to prevent the spread amongst Sheep of the Scab, or other Infectious Disease.

Preamble.

WHEREAS an Ordinance was passed by the Superintendent and Provincial Council of the Province of Otago, intituled "The Scab and Catarrh Ordinance, Session I., No. 11:" And whereas it is expedient that the above recited Ordinance should be repealed, and that further provision should be made for preventing the spread of disease amongst Sheep;

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

Repeal of Scab and Catarrh Ordinance, Session I. No. 11.

1. From and after the passing of this Ordinance, the above recited Ordinance shall be, and the same is hereby repealed, except in so far as the same repeals any previous Ordinance.

Sheep above six months old to be ear-marked or branded.

2. All sheep above the age of six months, within the Province of Otago, shall be ear-marked or branded; and every owner of any such sheep not being so marked or branded, shall be liable to a penalty not exceeding ten pounds; and if such sheep shall exceed four hundred in number, such owner shall be liable to a further penalty of not less than threepence, nor more than sixpence for every such sheep not being so marked or branded.

Marks or Brands to be registered.

3. Every owner of sheep shall cause a correct description of his ear-mark or fire-brand to be registered in an office to be appointed by the Superintendent for that purpose; and every owner neglecting so to register such description on or before the first day of May next, and every person thereafter becoming an owner neglecting so to register such description, shall be liable to a penalty not exceeding five pounds, and an additional penalty not exceeding five pounds for every week he shall continue such neglect after the first conviction.

Superintendent may appoint Registrar.

4. It shall be lawful for the Superintendent from time to time to appoint some fit person to be the Registrar of Marks and Brands, and with the advice and consent of the Executive Council, to make rules and regulations for the management of such Registrar's Office, and to fix the fees which shall be payable to such Registrar, and all such rules, regulations, and tables of fees, shall be published in the Government Gazette, and thereupon shall be binding upon all persons whom they may concern, and shall have the force of law.

Penalty for using the registered mark or brand of another.

5. After any person shall have so registered a mark or brand, it shall not be lawful for any other person, if the runs of both are situated within thirty miles of each other, to mark or brand any sheep with the same mark or brand, or one so nearly similar as, in the opinion of the said Registrar, to be not readily distinguishable therefrom; and any person offending against this enactment shall be liable to a penalty not exceeding fifty pounds.

Penalty for unauthorisedly branding, &c., Sheep.

6. If any person shall mark or brand any sheep, or shall deface or efface any mark or impression upon any sheep without the authority of the owner thereof, he shall be liable to a penalty not exceeding one hundred pounds.

Owners of Sheep yearly to give a return of the number of their Sheep, and whether they are clean.

7. Every owner of sheep shall, in the month of September in every year, deliver in writing to the Inspector of the District in which such sheep shall be depasturing, a return of the number of sheep above three months old owned by him, or under his charge, and certifying whether the said sheep are free from disease; and shall append thereto a declaration that such return is true, to the best of his knowledge and belief; and every such person neglecting to make such return and declaration, or making a false return or declaration, shall forfeit and pay a penalty not under ten nor more than fifty pounds.

8. From and after the first day of May next every owner of any sheep infected with the disease called "Scab," or other disease of an infectious nature, shall be liable to a fine of not less than one shilling nor more than five shillings for every such infected sheep; Provided, that no person who shall have been convicted under this enactment shall be liable to pay any further penalty under the same, on account of said disease in the same sheep, until the expiration of four months after the date of such conviction as aforesaid. And if it shall appear to the satisfaction of the Justices before whom any conviction under this enactment shall take place, that such sheep had been free from the said disease at any time within two months previously to such conviction, or that the owner had been using proper and adequate means, in the judgment of the Inspector, for curing such sheep of such disease, it shall be lawful for such Justices to require the person so convicted to enter into a bond or bonds, in the form set forth in Schedule A to this Ordinance, to the amount of the penalty in which he shall have been convicted, and if it shall appear upon the report of an Inspector that during four months thereafter all adequate means have been employed and that the sheep are still diseased without any fault attributable to the owner, a further period of four months may be allowed for effecting their cure, and if at any time within either the said first period of four months, or second period of four months if allowed, such sheep shall appear, upon the report of an Inspector, to be free from such disease, such bond shall be cancelled; but if it shall not so appear, then such bond shall be enforced in a summary way.

Persons having Sheep infected with disease to be fined.

9. For the purpose of securing the services of two persons of superior intelligence and trustworthiness to perform the duties of Sheep Inspectors and assist generally in carrying out the provisions of this Ordinance, to which duties exclusively they shall devote themselves, it shall be lawful for the Superintendent from time to time to appoint two such Inspectors, and to remove them and to appoint others in their stead; and one of said Inspectors shall be appointed for and over that portion or division of the Province North of the Clutha river, and the other for and over that portion of the Province South of the said river, and the yearly salary of each of the said two Inspectors shall be of an amount to be fixed by the Superintendent not exceeding Four Hundred Pounds.

Inspectors of Sheep to be appointed.

10. That there may be always a competent authorised person near at hand for the inspection of sheep intended to be landed, and in cases of emergency during the absence or sickness of the Chief Inspector, it shall be lawful for the Chief Inspector for the Northern District from time to time to appoint two Sub-Inspectors, the residence of one of whom shall be at or near Port Chalmers; and for the Chief Inspector for the Southern District from time to time to appoint two Sub-Inspectors, the residence of one of whom shall be at or near Invercargill, and the Inspector nominating any such Sub-Inspector shall be responsible for him. And it shall be the duty of such Sub-Inspector to inspect all sheep on board of any ship, boat, or other vessel, intended to be landed, and also to inspect, in absence of the Chief Inspector, any other sheep which any person interested may desire to have inspected immediately and in absence of the Chief Inspector; and such Sub-Inspector shall, in the inspection of all such sheep, act conformably to the provisions of this Ordinance, and such regulations as may be made in pursuance thereof, and immediately report his proceedings to the Chief Inspector, who shall thereupon issue such orders as he shall think necessary, to which the Sub-Inspector shall conform; and such Sub-Inspector shall be allowed and paid by the person employing him remuneration and travelling expenses at the rate of fifteen shillings per day during the time in which he shall have been reasonably employed in any such inspection, including the time occupied in travelling from his usual place of abode and returning thereto, over and above any fixed allowance or salary.

Sub-Inspectors to be appointed by Chief Inspector.

11. If any such Inspector or Sub-Inspector shall, under colour of his office or employment, exact or accept any fee or reward whatsoever other than his proper salary or allowance as hereby provided, he shall be incapable of afterwards holding or continuing in any office or employment under this

Inspectors prohibited from taking any fee other than as provided.

Ordinance, and shall forfeit and pay the sum of fifty pounds; and it shall be lawful for the Superintendent to make regulations for the guidance of such Inspectors in the execution of their duty, and for carrying this Ordinance into effect, which regulations shall be published as hereinafter enacted.

The salaries and allowances of Inspectors to be paid by assessment.

12. To provide a fund for the payment of the salaries of said Chief Inspectors and Sub-Inspectors, it shall be lawful for the Superintendent to make and levy a rate yearly, upon all sheep depasturing upon the Waste Lands of the Crown within the Province, which rate shall be of such amount as, together with all fines and penalties recovered in virtue of this Ordinance, will be sufficient to pay the said salaries, and the expenses incidental to the laying on and collecting of such rate: and every owner of such sheep shall make payment of the amount for which he is rated within a time and at a place to be notified, under a penalty of one-half more; and it shall be lawful for the Superintendent from time to time to appoint assessors and collectors of such rate, and to regulate the duties of such assessors and collectors, and also the mode of making such assessment, and of collecting and enforcing payment of said rate: Provided always that no regulations by this Ordinance authorised to be made shall have force until after they shall have been published in the Provincial Government Gazette.

Diseased Sheep not to be kept on any land except in their owner's exclusive occupation.

13. If any owner shall suffer to stray, turn out, drive, keep, or depasture, upon any land not lawfully in his own exclusive occupation, or within one mile of any such land or of any main road or highway, any sheep infected as aforesaid, every such owner shall forfeit and pay for every such offence any sum not more than One Hundred Pounds; and every twenty-four hours any such sheep shall be suffered to stray, kept, or depastured, upon or within one mile of any such land, main road, or highway, shall be deemed a separate offence.

Not to be driven on highways

14. If any owner shall suffer any sheep, infected as aforesaid, to stray, or, without having obtained a certificate as hereinafter mentioned, shall drive or conduct any such sheep or permit or suffer any such sheep to be driven or conducted upon any highway, or to be conveyed across any ferry in the boats used at such ferry, every such owner shall forfeit and pay for every such offence any sum not less than Five Pounds nor more than One Hundred Pounds: Provided always, that nothing herein contained shall prevent infected sheep from being conveyed on any highway in covered vehicles; and that it shall be lawful for any person upon whose land any sheep are trespassing, to remove the same therefrom, and to drive or conduct any such sheep, or to cause, permit, or suffer, any such sheep to be driven or conducted to the place of abode of the owner thereof, or to such place from whence they have strayed.

Mode of proceeding when Sheep to be driven through a Run.

15. Any person about to drive any sheep through or across any lawfully occupied land or run shall first obtain either the consent in writing of the occupier of the run, or, after inspection, a certificate from an Inspector of Sheep, in the form or to the effect hereinafter enacted, which certificate shall be sufficient authority so to drive such sheep at any time within the period therein specified: Provided that there shall be given to such occupier at least twenty-four hours' previous notice in writing of the day on which such sheep are so to be driven, either by delivering such notice to him personally, or by leaving the same at the principal house or station on such run, with an adult inmate of such house or station, or, if no such inmate be found, leaving the same either within the said house or station, if patent, or below or affixed to the door thereof; and such inspection, certificate, and notice shall be renewed unless the sheep shall be so driven within the time above specified. And every person offending against the provisions of this enactment shall be liable to a penalty of not less than sixpence, nor more than one shilling, for every sheep so driven; and such penalty shall be incurred, and may be levied, over and above any penalty incurred in virtue of any other provision herein contained.

16. Nothing herein contained shall prevent separate informations being laid and prosecuted by every occupier of land upon which sheep infected as aforesaid shall have been driven, depastured, or suffered to stray, without the owner having obtained either the written consent of the occupier, or a certificate as hereinbefore enacted, and by every occupier of land through or adjacent to which any public way shall lie, upon or along which public way any such infected sheep shall have been suffered to stray, or been driven or depastured; and any Inspector shall have the same power to prosecute which is hereby made competent to every occupier.

Separate informations may be laid by every person whose Run is crossed, &c.

17. Every occupier of land or of a right of pasturage may, without any warrant, examine or cause to be examined, any sheep which shall be found upon the land or run in his occupation, or upon any part of a highway passing through or lying adjacent to such land or run.

Sheep may be examined without warrant by occupier of Run on which found.

18. Every Inspector or Sub-Inspector upon being required by notice in writing from any occupier of land, or of a right of pasturage, or any owner of sheep, and served personally, or left at such Inspector's usual place of abode, shall attend at any place appointed within or not exceeding five miles from his district, within a reasonable time after the service of such notice, for the purpose of examining any sheep which are diseased, or which are to be removed to, from, or within his district, with a view to decide whether he shall grant a certificate as herein provided, and in default of so attending shall forfeit and pay any sum not exceeding Fifty Pounds.

Inspectors, when required, to attend and examine Sheep

19. There shall be, at some convenient place on every run, an enclosed yard and pen, for the greater facility of examining sheep, into which the Inspector may require the owner to drive them for that purpose; and every owner who shall neglect to construct and maintain in sufficient condition such yard and pen or shall refuse to allow inspection to be made by any Inspector or occupier as aforesaid, or shall refuse or neglect to muster his sheep for inspection, in such manner as shall be required by such Inspector, or shall obstruct or refuse to afford to such Inspector all reasonable facilities for making such inspection, shall be subject to a fine not exceeding One Hundred Pounds.

A yard for inspecting Sheep to be upon every Run. Penalties for resisting inspection.

20. After examining, when requested as aforesaid, any sheep which it is intended to remove from one run to another not contiguous, the Inspector shall, if such sheep be free from disease, grant a certificate in the form or to the effect hereinafter enacted, which certificate shall be a sufficient authority for the removal of such sheep by the owner at any time within the period and in the way and manner prescribed by the said certificate.

If sheep free from infection, Inspector to grant certificate.

21. Provided always that it shall be lawful for such Inspector to defer granting such certificate for fourteen days in cases where he has just grounds for suspecting that such sheep have incurred risk of infection; and also provided that if any such sheep have been infected with disease he shall not be at liberty to grant such certificate until the expiry of three months after the time they shall be proved by solemn declaration before a Justice of the Peace to have last received a dressing for the cure of such disease.

In certain cases may defer granting certificate.

22. Any master, owner, or supercargo of any ship or boat, or any other person who shall authorise or permit any sheep to be removed beyond two miles from the place at which they were landed before they shall have been inspected by an Inspector, duly authorised under the provisions of this Ordinance, and before a certificate shall have been granted by him to that effect, shall be liable to a penalty of not less than Twenty Pounds nor more than One Hundred Pounds; and if such sheep shall be proved, by the oath of any such Inspector to be infected as aforesaid, such master, owner, supercargo, or other person, shall be liable to a further penalty of four shillings for every sheep so removed.

Penalty for removing sheep beyond certain limits of the landing place without inspection.

Sheep on board ship to be dressed, and penalty for so removing them.

23. If, on examination of any sheep which have been landed, the Inspector shall find such sheep to be infected as aforesaid, he shall require the owner of such sheep, or the owner, master, or supercargo, of the ship, boat, or other vessel from which they have been landed, to dress or dip the said sheep with a dressing, or in a bath to be approved of by such Inspector, and such Inspector shall grant a certificate, authorising such sheep to be driven, or conducted, as in such certificate shall be specified, to the nearest convenient place where they can be kept, provided the same can be done without danger to other sheep; and the owner of such sheep, and the owner, master, or supercargo, of such ship, shall be liable in a penalty of two shillings for every sheep so driven or conducted.

Penalty for introducing any Sheep into Province by land without inspection, and for introducing diseased Sheep.

24. If any owner or other person shall introduce or cause to be introduced into the Province of Otago, by land, any sheep, unless within fourteen days previous to such introduction they shall have been inspected by an Inspector appointed under the provisions of this Ordinance, and unless a certificate shall have been granted by him in the form or to the effect herein enacted, such owner or other person shall be liable to a penalty of One Hundred Pounds; and if such sheep so introduced shall exceed one hundred in number, he shall be liable to a further penalty of not less than one shilling nor more than five shillings for every sheep in excess of the said number.

Inspector's certificate to be in a certain form.

25. Every Certificate granted by an Inspector with a view to the removal of sheep, shall be in the form and to the effect set forth in schedule B hereto annexed, and shall authorise the driving, conducting, or removal, of the sheep therein mentioned, within a time to be therein fixed, and by such road as shall appear to such Inspector to be best adapted for that purpose.

Penalty for Inspector granting false certificate.

26. If any Inspector shall knowingly grant in a manner not authorised by this Ordinance any certificate for the removal of sheep, or any certificate containing any statements or particulars which are not true, such Inspector shall forfeit and pay for every such offence any sum not less than Ten Pounds, nor exceeding One Hundred Pounds.

Owner to give notice of Sheep infected, or suspected to be so.

27. Whenever the owner of any sheep shall become aware, or shall have reasonable grounds to suspect, that the same are infected with disease as aforesaid, he shall within twenty-four hours thereafter, give notice thereof in writing to the adjoining sheep owners in the manner hereinbefore prescribed for the notice required by section 15 hereof, and within ten days shall give similar notice to the Inspector of the district in which such sheep are, either by delivery of such notice to him personally, or by leaving the same at such Inspector's place of abode, and in default thereof, such owner shall forfeit and pay for any such offence any sum not exceeding Twenty Pounds.

All Sheep in a flock to be deemed infected if one is so, or if Sheep have mixed with infected Sheep.

28. All sheep shall be deemed to be infected as aforesaid, within the meaning and for the purpose of this Ordinance of which one is so infected, or which shall be known by the owner thereof to have mixed with other sheep infected as aforesaid; and if any owner shall lodge written information to that effect with the Chief Inspector, he shall be bound to institute enquiry into the truth of the information; and every owner shall be deemed to know that his sheep have so mixed whenever a written notice to that effect, signed by an Inspector, shall have been served on such owner personally, or have been left at his last usual place of abode for twenty-four hours.

Penalty for abandoning diseased Sheep.

29. If any owner or other person shall wilfully set at large or abandon any sheep infected as aforesaid, he shall forfeit and pay for every sheep so set at large and abandoned any sum not less than one pound or more than five pounds: Provided that such penalty inflicted for any number of sheep at one time shall not exceed One Hundred Pounds. And it shall be lawful for any

Inspector to destroy any sheep infected as aforesaid which shall be wandering at large, and the owner whereof is unknown, and cannot be ascertained after reasonable enquiry.

30. Every occupier of a Run, within ten days after becoming aware, or being informed, that stray sheep have mixed with his flock, shall give notice thereof in writing to such owner, if known, and in such notice shall appoint a time not less than one week, nor more than one month, from the delivery of such notice, for the owner of such stray sheep removing the same to his own run; and the one failing to give such notice, and the other when such notice is given failing to attend at the time and place appointed and to remove such sheep, shall be liable in a penalty not exceeding ten pounds. If the owner of such stray sheep be unknown, a similar notice shall be given to the Inspector.

Occupiers of Runs to give notice when stray Sheep mix with their flocks.

31. It shall be lawful to any sheep owner who has reason to believe that any of his sheep have strayed to and upon any other person's run, to request the Inspector, and thereupon it shall be the duty of the Inspector to require such person, and such person shall be bound under a penalty of not less than five pounds, to muster his sheep in a pen at a time to be fixed with the Inspector and intimated to the owners of such stray sheep, which shall be within two months after such requisition, for the purpose of delivering over such stray sheep to the owner, provided always that he shall satisfy the person upon whose run they are for any expense thereby occasioned, which the said Inspector shall consider reasonable: And provided also that a certificate under the hand of the Inspector to the effect that the flock with which such stray sheep have mixed is not in a condition to be moved, shall be a valid excuse for postponing the delivery of such stray sheep.

Strayed Sheep how to be recovered.

32. If the occupier of any run or any other person shall fraudulently or maliciously clip, take, or remove, from any sheep not belonging to him the wool of such sheep, he shall be liable to a penalty of not less than ten shillings for every fleece or part of a fleece so clipped, taken, or removed, over and above the value thereof.

Penalty for clipping or taking wool from Sheep.

33. Every person who shall drive or remove any sheep not belonging to him or under his charge from a run in the occupancy of another, or cause such sheep to be driven or removed therefrom without the consent of the occupier of such run, shall be liable in a penalty of not less than ten pounds for every such offence.

Penalty for removing Sheep without consent of owner.

34. The owner who shall fail to consume by fire, or to bury at least three feet under ground, within twelve hours after death, the carcass of any sheep or other animal which shall have died within half-a-mile of any road or thoroughfare, shall be liable to a penalty of not less than ten shillings nor more than five pounds for each carcass not so buried or destroyed.

Penalty for not burning or burying carcass of infected Sheep.

35. If any person by himself, his servant, or agent, shall cast or cause to be cast, the carcass of any sheep or other animal into any stream or pond, or other water, he shall be liable to a penalty of not less than five pounds nor more than twenty pounds.

Penalty for casting such carcass into any water.

36. If any person shall slaughter and expose for sale, or shall have in his possession for the purpose of slaughtering and exposing for sale, any sheep or other animal infected with disease, or shall expose for sale the carcass, or any part thereof, of any sheep or other animal so infected, he shall be liable for each such offence to a fine of not less than one pound nor more than five pounds, one-half of such fine to be paid to the informer; and such infected carcass, or such part thereof, shall be thereupon destroyed, in such manner as any Justices of the Peace may direct.

Penalty for exposing for sale any diseased animal.

Persons interested or Inspectors to prosecute. Informations may be laid before one Justice of the Peace; hearing by two.

37. It shall be lawful for any occupier of land, or other person interested, and also for any such Inspector, and any such occupier or person interested not prosecuting, such Inspector is hereby required to prosecute for any fines or penalties incurred by any breach of this Ordinance, and no abandonment of any such prosecution, or compromise made by any private party, shall affect the Inspector's power to prosecute for and recover any such fine or penalty. And every information under this Ordinance may be laid before, and a summons thereupon issued by, one Justice of the Peace; but the same shall be heard and determined by at least two Justices of the Peace.

Owners of diseased Sheep to be liable in damages to parties injured.

38. Over and above any other penalty imposed by this Ordinance, and to which any person convicted of infringing the same shall be subjected, he shall also be liable to pay to the owner of any sheep to which any disease shall have been communicated by his unlawful act or omission such sum or sums of money if demanded by the owner, as, in the judgment of any two Justices of the Peace, may be sufficient to reimburse such owner for any expense, loss, or damage, which he may have in consequence incurred or sustained, so that such sum, or each of such sums, shall not in any case exceed the sum of Fifty Pounds: Provided always that nothing in this Ordinance shall be construed to limit or deprive any person suffering any such loss or damage of any remedy which he might have had at law or otherwise, for recovering the same, if this Ordinance had not been passed.

Fines, penalties, and damages recoverable in a summary way.

39. All fines, penalties, and damages, imposed or awarded under the authority of this Ordinance, shall be recoverable in a summary way; and such fines and penalties shall be paid into the Public Treasury of the Province, and shall be applied towards payment of the salaries of the Inspectors and Sub-Inspectors; and such damages, when awarded at the suit of a private party, shall be paid to such private party.

Interpretation clause.

40. In the interpretation of this Ordinance the word "owner," when used in the sense of owner of sheep, shall be held to include the person having the charge, control, or management, of such sheep; and the word "sheep" shall include rams, ewes, wethers, and lambs.

Short title and commencement of Ordinance.

41. This Ordinance shall be intituled and may be cited and referred to as the "Sheep Ordinance, 1856," and shall come into operation on the first day of May, One Thousand Eight Hundred and Fifty-seven.

Passed the Provincial Council this 11th day of December, 1856.

JAMES MACANDREW,
Speaker.

ROBERT CHAPMAN,
Clerk of Council.

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

W. CARGILL,
Superintendent.

SCHEDULES TO THIS ORDINANCE.

SCHEDULE A.

WHEREAS (here shortly narrate the complaint and judgment) I,
 hereby undertake, four months from the
 date hereof, to pay to Clerk to the
 Bench at the sum of
 and in default thereof I consent that the said sum, together with
 the costs incurred by such default, shall be levied by distress and sale of my goods
 and effects, wheresoever found, any law or Ordinance to the contrary not-
 withstanding.

Dated at this
 day of 185

(Signed)

SCHEDULE B.

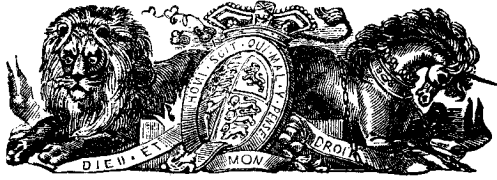
FORM OF CERTIFICATE TO BE GRANTED BY INSPECTOR.

I do hereby certify that I have authorised (name, residence, and description of
 owner) to drive or conduct (number of sheep and marks or other description) sheep
 from (description of place where from) to (description of place whereto), by the
 road (description of road) the said sheep being free from disease (or having been
 dressed to my satisfaction as the case may be).

This certificate to be in force for (number of days) days from the date
 hereof.

H. B.,

Inspector of Sheep.



LAND SALES AND LEASES ORDINANCE, 1856.

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

No. 13.

ANALYSIS.

Title.	3. Runs not to be sold during Lease.
Preamble.	4. Runs not to be leased within districts open for sale.
1. 600,000 acres of Land outside Hundreds to be sold at 10s. per acre.	5. Any Regulations repugnant hereto to be construed as modified or repealed.
2. Certificates of selection may contain a stipulation that the sale is subject to the provisions of the "Roads' Ordinance Amendment Ordinance, 1856."	6. Short Title.

AN ORDINANCE to authorise the Sale of Six Hundred Thousand Acres of Land at Ten Shillings per Acre, and to protect Leases of Runs. Title.

WHEREAS it is expedient to raise funds for the importation of labour, the execution of public works, and the accomplishment of other objects of utility within the Province of Otago, and for that and other causes to offer for sale lands within the Province, to the extent hereinafter mentioned, at the price of Ten Shillings per Acre, free of the stipulation also hereinafter mentioned; And whereas it is further expedient to regulate Leases of Runs as hereinafter enacted: And whereas it is necessary for these purposes to amend, to the above effect, the existing Land Regulations: Preamble.

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. It shall be lawful for the Waste Land Board to sell Waste Lands of the Crown situated outside Hundreds, proclaimed or to be proclaimed, to an extent not exceeding Six Hundred Thousand Acres, in blocks of 600,000 acres of land outside Hundreds to be sold at 10s. per acre.

not less than Two Thousand Acres, at the price of Ten Shillings per Acre, without stipulating as a condition of sale or of purchase, that the purchasers shall lay out upon the lands, in money or labour, a sum equal to Forty Shillings per acre; from which stipulation such lands, to the extent above mentioned, shall be and are hereby exempted.

Certificates of selection may contain a stipulation that the sale is subject to the provisions of the "Road's Ordinance Amendment Ordinance, 1856."

2. It shall be lawful for the Waste Land Board to insert in every certificate of selection of land sold or to be sold in virtue of the Land Regulations which are now or hereafter may be in force a stipulation that the sale of such land has been made, subject to the provisions of the "Roads Ordinance Amendment Ordinance, 1856."

Runs not to be sold during lease.

3. During the currency of any lease granted or to be granted of any Run for Sheep or Cattle, situated outside of any Hundred, proclaimed or to be proclaimed, if the terms and conditions of such lease shall be and continue to be duly fulfilled, the land forming such Run shall not be liable to be sold without consent of the Lessee, anything to the contrary herein contained notwithstanding.

Runs not to be leased within districts open for sale.

4. Provided that it shall be in the power of the Superintendent, with the consent of his Executive Council, to authorise the Waste Land Board to refuse to grant Leases of Runs, both within any district which he shall, with such advice and consent, from time to time determine to reserve open for sale, in pursuance of the first section of this Ordinance, and also within any district which he shall, with such advice and consent, recommend to the Governor to proclaim a Hundred until the determination of the Governor upon any such recommendation shall be ascertained; and provided also that nothing herein contained shall impair the right of the Governor, from time to time, to proclaim Hundreds, or the force of any Regulations applicable to lands situated therein.

Any regulations repugnant hereto to be construed as modified or repealed.

5. This Ordinance shall be deemed to be part of the Land Regulations of the Province of Otago, and any rule or clause in the said Regulations repugnant hereto shall be held and construed to be modified or repealed, to the extent of allowing full effect to be given to this Ordinance.

Short Title.

6. This Ordinance shall be termed and may be cited and referred to as the "Land Sales and Leases Ordinance, 1856."

Passed the Provincial Council this Tenth day of December, One Thousand Eight Hundred and Fifty-six.

JAMES MACANDREW,
Speaker.

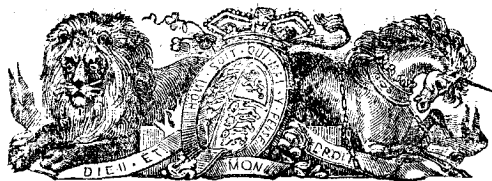
ROBERT CHAPMAN,
Clerk of Council.

Dunedin, 11th December, 1856.—I hereby declare that I reserve this Bill for the signification of the Governor's pleasure thereon.

W. CARGILL,
Superintendent.

I hereby assent to this Ordinance this Twenty-seventh day of January, in the Year of our Lord One Thousand Eight Hundred and Fifty-seven.

THOMAS GORE BROWNE,
Governor.



ROADS ORDINANCE AMENDMENT ORDINANCE, 1856.

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

No. 14.

ANALYSIS.

- | | |
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| Title. | 5. Road Trustees may enter upon lands for making roads. |
| Preamble. | 6. Compensation for damages not otherwise provided for. |
| 1. A right of road reserved through all lands. | 7. Provisions of the Roads' Ordinance, 1856; repugnant hereto, repealed, &c. |
| 2. Rule of compensation if sold under Proclamation dated 4th March, 1853. | 8. Short Title. |
| 3. Rule of compensation if surveyed at date of purchase, and purchased after 1st April, 1856. | |
| 4. Rule of compensation if unsurveyed at date of purchase, and purchased after 1st April, 1856. | |

AN ORDINANCE to constitute or reserve a Right of Road through Waste Lands of the Crown, sold or to be sold, and to regulate the compensation for the same. Title.

WHEREAS it is expedient to regulate in certain cases the compensation to be allowed for land taken for Public Roads, and to amend the "Roads' Ordinance, 1856," to the extent and effect hereinafter enacted : Preamble.

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. Through all Waste Lands of the Crown heretofore sold there shall be a right to open, construct, and maintain, a public road, whether a right of road have been expressly reserved or not; and in all future sales of any such lands it shall be an expressed, and, if not expressed, an implied condition, that a right to open, construct, and maintain, a public road, is reserved
- A right of road reserved through all lands.

through such lands; Provided with respect to lands heretofore sold that such right shall be exercised by fixing the line of such road and delineating the same upon a Government Map within five years from and after the date of the passing of this Ordinance; and with respect to lands to be hereafter sold that such right shall be so exercised within five years from and after the date of the purchase of the land through which the road is to be carried.

Rule of compensation if sold under Proclamation dated 4th March, 1853.

2. The compensation to be given to the owner of any such lands purchased under the Land Regulations contained in the Proclamation of the Governor of New Zealand, dated Fourth March, One Thousand Eight Hundred and Fifty-three, for any road to be laid out and constructed in the exercise of the reservation of a right of road made by the said Land Regulations, shall be the allowance of land which is thereby authorised to be given, that is to say, according to the annexed scale, and no more :—

- Purchasers of 500 acres or less will receive an allowance of 5 acres per cent.
- Purchasers of between 500 and 1000 acres 4 do. do.
- Purchasers of more than 1000 acres 3 do. do.

Rule of compensation if surveyed at date of purchase, and purchased after 1st April, 1856.

3. In all cases of Waste Lands of the Crown surveyed at the date of purchase, and purchased subsequent to 1st April, One Thousand Eight Hundred and Fifty-six, or to be purchased, the compensation to be given to the owner of such lands, for any part thereof to be taken for a public road through such lands, shall be the land, if any, which the purchaser may have received in excess of the specified number of acres sold to him, provided such excess be in the proportion specified in the aforesaid scale; and where such excess, if any, is less than such proportion, or where the lands received by the purchaser are, by actual measurement, only equal to or less than the specified number of acres purchased, for any land to be taken for a public road to be made through the same there shall be allowed to the owner, when practicable, compensation in land according to the aforesaid scale; and when such compensation is not practicable, there shall be allowed to him a corresponding drawback from the price originally paid for the land owned by him.

Rule of compensation if unsurveyed at date of purchase, and purchased after 1st April, 1856.

4. In all cases of Waste Lands of the Crown unsurveyed at the date of purchase, and purchased subsequent to First April, One Thousand Eight Hundred and Fifty-six, or to be purchased, the compensation to be given for any public road through such lands shall be an allowance of land to the purchaser according to the aforesaid scale and no more.

Road Trustees may enter upon lands for making roads.

5. It shall be lawful for any Board of Road Trustees appointed and to be appointed under the "Roads' Ordinance, 1856," to cause any public road to be laid off or constructed through any lands heretofore sold or leased, under or in virtue of any Land Regulations now or formerly existing, or hereafter to be sold or leased under or in virtue of the present or any future Land Regulations. And it shall also be lawful for the said Road Trustees, and for their Surveyor or Surveyors, and workmen employed by them, from time to time to enter for such purpose upon any lands or grounds, and to stake out such road, and to cut and make any drains, ditches or arches, through or into such lands, and adjoining or contiguous to any part thereof, and to make a temporary way or ways through or over any lands, not being a garden, orchard, or other enclosed ground planted for ornament or shelter, as the said Trustees shall think fit.

Compensation for damages not otherwise provided for.

6. The said Trustees shall make satisfaction to the owners and occupiers of such lands and grounds for any damages which shall be occasioned by all or any of the operations aforesaid, compensation for which is not otherwise herein provided; such damages in case of dispute concerning the same to be ascertained and settled in the same manner as the value of land to be taken and acquired under the "Roads' Ordinance, 1856," is thereby directed to be ascertained and settled or other competent manner, and if any person shall

pull up 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 injure any drain, ditch, arch, or temporary way made as aforesaid, every person so offending shall forfeit and pay for every such offence any sum not exceeding Five Pounds.

7. The provisions of the before recited "Roads' Ordinance, 1856," in so far as repugnant to this Ordinance, are hereby repealed; and in so far as not repealed, the same shall extend and apply, not only to all existing public roads, but to all public roads which may now, or at any future period may, or shall be, lawfully made.

Provisions of the
Roads' Ordinance,
1856, repugnant
hereto, repealed,
&c.

8. This Ordinance shall be termed and may be cited and referred to as the "Roads' Ordinance Amendment Ordinance, 1856."

Short Title.

Passed the Provincial Council this Ninth day of December, One Thousand Eight Hundred and Fifty-six.

JAMES MACANDREW,
Speaker.

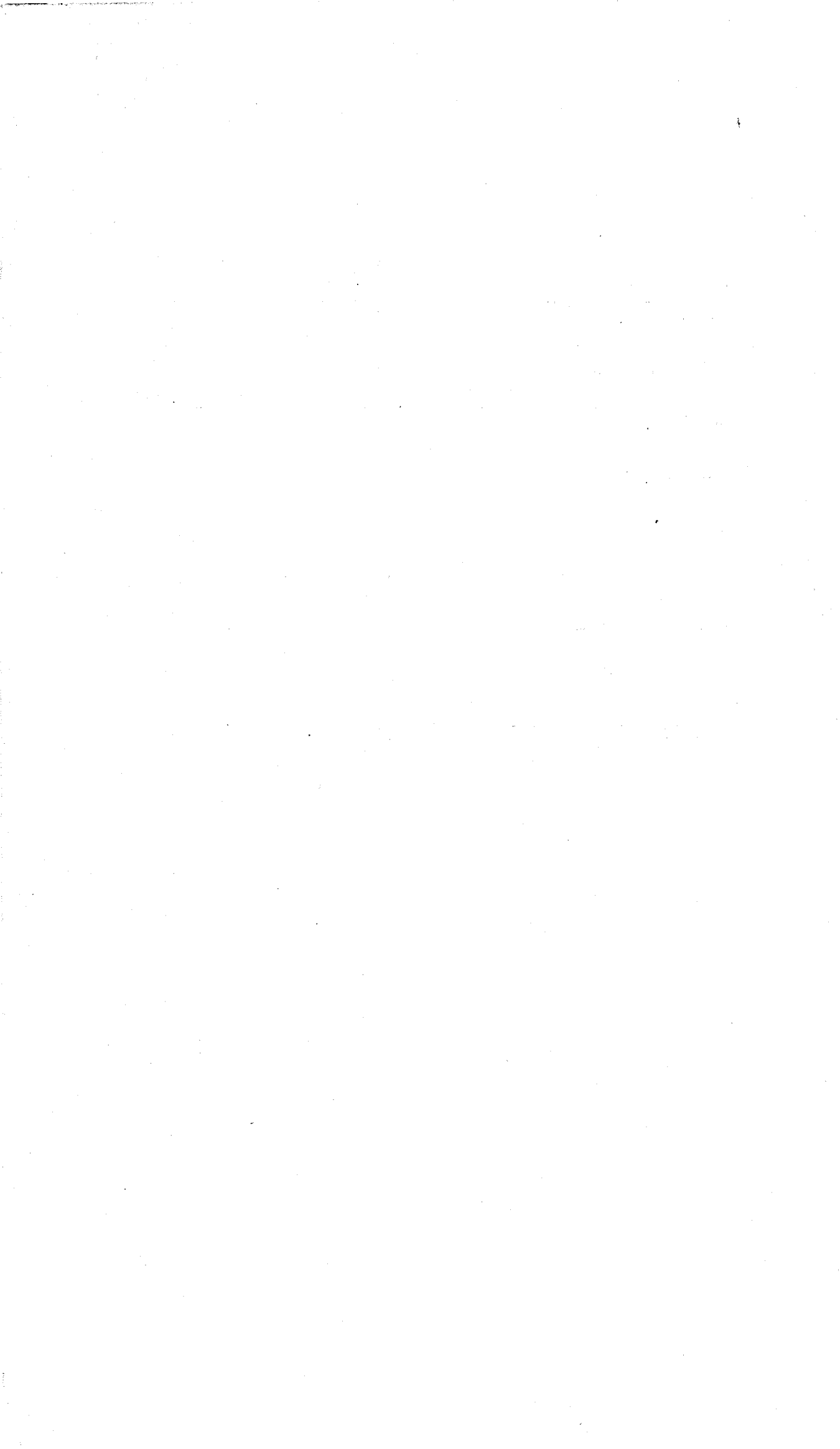
ROBERT CHAPMAN,
Clerk of Council.

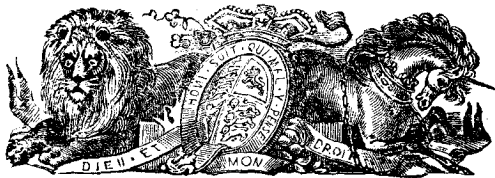
Dunedin, 11th December, 1856.—I hereby declare that I reserve this Bill for the signification of the Governor's pleasure thereon.

W. CARGILL
Superintendent.

I hereby assent to this Ordinance this Twenty-seventh day of January, in the year of our Lord One Thousand Eight Hundred and Fifty-seven.

THOMAS GORE BROWNE,
Governor.





CEMETERIES ORDINANCE, 1856.

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

No. 15.

ANALYSIS.

Title.

Preamble.

1. Cemetery on road to Half-way Bush to be shut.
2. Except to certain burials.
3. Which may take place within prescribed limits.

4. Corpses buried in present Cemetery may be removed on warrant.
5. New Cemeteries to be formed.
6. Burials prohibited except in such Cemeteries.
7. Short Title.

AN ORDINANCE to authorise the shutting of the present Cemetery at Dunedin, and the formation of Cemeteries elsewhere. Title.

WHEREAS it is expedient that the present Burial Ground or Cemetery adjoining to the present road from Dunedin to Half-way Bush, as laid down on the authorised Map or Plan of Dunedin, should be closed for the future against the burial of any Corpse or Coffin therein, except in the cases hereinafter provided, and that means of Interment should be provided at or near Dunedin, and in other parts of the Province: Preamble.

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. It shall not be lawful, from and after a time to be fixed by the Superintendent, and notified in the Provincial Government Gazette, to bury or to permit or suffer to be buried, in the before-mentioned Burial Ground, or Cemetery, any Corpse or Coffin, except in so far as hereinafter allowed; and whosoever, after such notification, shall bury, or cause, permit, or suffer to be buried, any Corpse or Coffin, contrary to this enactment, shall, for every such offence, be liable to a penalty not exceeding fifty pounds, to be recovered in a summary way, with full costs of suit. Cemetery on road to Half-way Bush to be shut.

2. Provided that nothing herein contained shall prevent the interment within the limits of the before-mentioned Burial Ground, or Cemetery, to be circumscribed as hereinafter enacted, of the Corpse and Coffin of any person Except to certain burials.

who stood in the following degrees of relationship to any person whose Corpse shall have been buried therein at any time prior to the passing of this Ordinance: that is to say, the Corpse of any Husband, or Wife, or Parent, of any person whose Corpse shall have been so buried.

Which may take place within prescribed limits.

3. Provided also, that such burials as continue to be privileged as aforesaid may be made in only such part of the said Burial Ground, or Cemetery, as has been already used, or intervening spaces, and shall not be made in any other part thereof; and that it shall be lawful for the Superintendent to cause the present fence or rail around the said Burial Ground to be removed, and a fence or rail to be erected and maintained circumscribing the same by enclosing only such part of it wherein Corpses or Coffins have been buried, and the intervening spaces.

Corpses buried in present Cemetery may be removed on warrant.

4. It shall be lawful for any near relative of any person whose Corpse and Coffin have been buried within the present Burial Ground, or Cemetery, with the written consent of the Superintendent to be first obtained, to remove such Corpse and Coffin from such Burial Ground or Cemetery, to any new Burial Ground or Cemetery, to be formed in pursuance of this Ordinance.

New Cemeteries to be formed.

5. It shall be lawful for the Superintendent from time to time to acquire, reserve, and appropriate, for the purposes of a Burial Ground or Cemetery, any land in any locality or localities within a convenient distance from the Town of Dunedin, and also any land in any locality or localities convenient to any district or part of the Province wherein a population has settled, or may hereafter settle, and to authorise any such land to be enclosed, made, and formed into a Burial Ground accordingly; and from and after any time to be fixed by the Superintendent, and published in the Provincial Government Gazette, such land shall be open and used for such purposes, under such regulations as may from time to time be made by the Superintendent, or other competent authority: Provided always that in the event of any religious denomination applying for a portion of such Burial Ground to be consecrated and set apart for the exclusive use of any such denomination, a portion shall be set apart accordingly.

Burials prohibited except in such Cemeteries.

6. It shall not be lawful to make or form a Public Burial Ground, or Cemetery, upon any land situated within three miles from the nearest point of the Town of Dunedin, other than Burial Grounds or Cemeteries hereby authorised to be formed, and whosoever shall bury, or cause, permit, or suffer to be buried, any Corpse in any Grave or Burial Ground contrary to this enactment, shall, for every such offence, be liable to a penalty not exceeding Fifty Pounds, which may be recovered by any person with full costs of suit, by way of summary proceeding: Provided that this enactment shall not apply to any private Burial Ground.

Short Title.

7. This Ordinance shall be termed, and may be cited and referred to as the "Cemeteries' Ordinance, 1856."

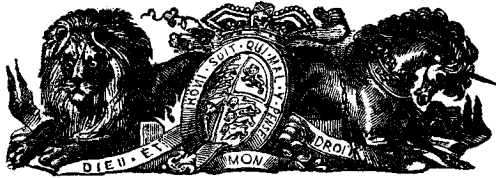
Passed the Provincial Council this 5th day of December 1856.

JAMES MACANDREW,
Speaker.

ROBERT CHAPMAN,
Clerk of Council.

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

W. CARGILL,
Superintendent.



TOWNS CATTLE TRESPASS ORDINANCE, 1856.

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

No. 16.

ANALYSIS.

Title.	2. Penalties for cattle wandering or grazing in
Preamble.	Towns.
1. Repeal of Section 4 of "Cattle Trespass Ordinance, Session 7, No. 17."	3. Interpretation clause.
	4. Short Title.

AN ORDINANCE to amend the "Cattle Trespass Ordinance," passed by the
Legislative Council of New Zealand, Session 7, No. 17. Title.

WHEREAS by Section fourth of an Ordinance passed by the Lieutenant-Governor of New Zealand, with the advice and consent of the Legislative Council thereof, Session VII., No. 17, and intituled "An Ordinance to repeal the Cattle Trespass Ordinance and Cattle Trespass Amendment Ordinance, and to provide for the summary recovery of compensation for damage done by cattle trespassing," a penalty is imposed for any cattle wandering in any street or public place within any town or village proclaimed to come within the operation of the enactment: And whereas the operation of the above recited enactment was extended to the Towns of Dunedin and Port Chalmers by Proclamation dated 28th January, 1850: And whereas it is expedient that the aforesaid enactment, in as far as respects any towns within the Province of Otago, should be repealed, and other provisions made: Preamble.

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 fourth Section of the Ordinance in part before recited in so far as regards the Province of Otago shall be, and the same is hereby repealed.

Repeal of Sec. 4 of
Cattle Trespass Ordinance, Session 7,
No. 17.

Penalties for cattle wandering or grazing in Towns.

2. If any cattle shall be found wandering at large within such limits of Dunedin, and any other town or village within the Province of Otago, as shall be from time to time proclaimed by the Superintendent, or shall be found grazing in or upon any street or public place within the limits of such towns or villages so to be proclaimed, the owners or persons having the charge, control, or management of such cattle, shall forfeit and pay for every head of cattle so wandering or grazing, any sum not exceeding twenty shillings, to be recovered in a summary way.

Interpretation clause.

3. In the interpretation of this Ordinance the word "cattle" shall be taken to include horned or neat cattle, horses, mules, asses, sheep, goats, and swine.

Short Title.

4. This Ordinance shall be termed and may be cited and referred to as the "Towns Cattle Trespass Ordinance, 1856."

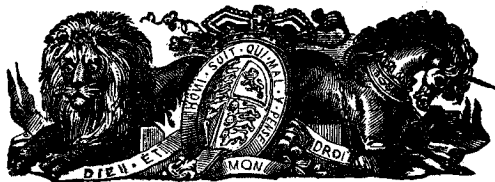
Passed the Provincial Council this 10th day of December, 1856.

JAMES MACANDREW,
Speaker.

ROBERT CHAPMAN,
Clerk of Council.

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

W. CARGILL,
Superintendent.



PROVINCIAL COUNCIL ORDINANCE AMENDMENT
ORDINANCE, 1856.

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

No. 17.

ANALYSIS.

Title.	1. Repeal of Section 10 of Provincial Council Ordinance, 1856.
Preamble.	2. Short Title.

AN ORDINANCE to Amend the Provincial Council Ordinance, 1856. Title.

WHEREAS by the "Provincial Council Ordinance, 1856," passed by the Superintendent of the Province of Otago with the advice and consent of the Provincial Council thereof, it is among other things enacted, that no person holding the office of Resident Magistrate of the Province, or of any part thereof, or the office of Returning Officer in the election of Superintendent or of Members of the Provincial Council, is or shall be capable while he holds both or either of the said offices, of being elected Superintendent, or a member of the Provincial Council of the said Province: And whereas it is expedient to repeal the above recited enactment: Preamble.

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

1. The before recited enactment is hereby repealed.

Repeal of Sec. 10 of
Provincial Council
Ordinance, 1856.

Short Title.

2. This Ordinance shall be termed and may be cited and referred to as the
"Provincial Council Ordinance Amendment Ordinance, 1856."

Passed the Provincial Council this 4th day of December, 1856.

JAMES MACANDREW,

Speaker.

ROBERT CHAPMAN,

Clerk of Council.

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

W. CARGILL,

Superintendent.



FERRIES ORDINANCE AMENDMENT ORDINANCE, 1856.

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

No. 18.

ANALYSIS.

Title.

Preamble.

1. Persons not availing themselves of services of Ferryman, liable nevertheless for Ferryage.

2. Penalty for fraudulent evasion.

3. To be proclaimed in Gazette.

4. Short Title.

AN ORDINANCE to amend *Ferries Ordinance, 1856.*

Title.

WHEREAS, for the better accomplishment of the object of the *Ferries Ordinance, 1856*, it is expedient that other provision be made than is therein contained :

Preamble.

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. Every person who shall cross or who shall cause any cattle to cross, or who shall convey or cause to be conveyed for hire any cattle, cart, vehicle, or goods across any river, creek or lake, at, opposite to, or within three miles in a straight line from any point or station within the Province of Otago at which a Public Ferry, for the convenience of crossing such river, creek, or lake, is or shall be established, in pursuance of the before recited Ordinance, without availing himself of the service of the Ferryman, or of the use of the ferry-boat or boats, shall be liable for, and shall pay to the Ferryman, the toll or rate that would have been demandable, in any or all of such cases, if the Ferryman had been employed to convey such person, or such cattle, cart, vehicle, or goods across such ferry, in the ferry-boat or boats.

Persons not availing themselves of services of Ferryman, liable nevertheless for ferryage.

Penalty for fraudulent evasion.

2. If any person shall be guilty of any fraudulent evasion or attempt at such evasion, of the payment of any such toll or ferryage, every such person shall, for every such offence, forfeit and pay any sum not exceeding five pounds over and above the amount of such toll or ferryage, to be recovered by way of summary proceeding at the suit of such Ferryman.

To be proclaimed in Gazette.

3. Every Ferry shall be deemed to be a Public Ferry within the meaning of this Ordinance which shall be proclaimed to be such by the Superintendent, with the advice and consent of his Executive Council, by proclamation to be inserted in the Provincial Government Gazette.

Short Title.

4. This Ordinance may be cited and referred to by the title of the "Ferries Ordinance Amendment Ordinance, 1856."

Passed the Provincial Council this 9th day of December, 1856.

JAMES MACANDREW,
Speaker.

ROBERT CHAPMAN,
Clerk of Council.

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

W. CARGILL,
Superintendent.



APPROPRIATION ORDINANCE, 1856-7.

IN THE TWENTY-FIRST YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

No. 19.

ANALYSIS.

Title.	}	warrant, and to be allowed credit for all monies so paid.
Preamble.		
1. Certain sums to be applied to the service of the year ending 30th September, 1857.	}	3. The Treasurer to be allowed credit for sums paid but not authorised by Appropriation Ordinance, 1856.
2. Treasurer to pay monies on Superintendent's		
		4. Short Title.

AN ORDINANCE to *Appropriate the Revenue for the Year ending 30th September, 1857, and to authorise the Provincial Treasurer to take credit for certain sums paid in course of, but not included in the Appropriation Ordinance for, the Year ending 30th September, 1856.*

[THE Appropriation Ordinance, 1856-7, (No. 11), passed in last Session, having been disallowed by the Governor in consequence of an objection to the 4th Section of the Ordinance, a Bill without the said clause, but in other respects verbatim, was brought in, duly passed by the Provincial Council, and was assented to by the Superintendent on the 16th day of November, 1857.]

Passed the Provincial Council this Fourth day of November, One Thousand Eight Hundred and Fifty-seven.

JAMES MACANDREW,

Speaker.

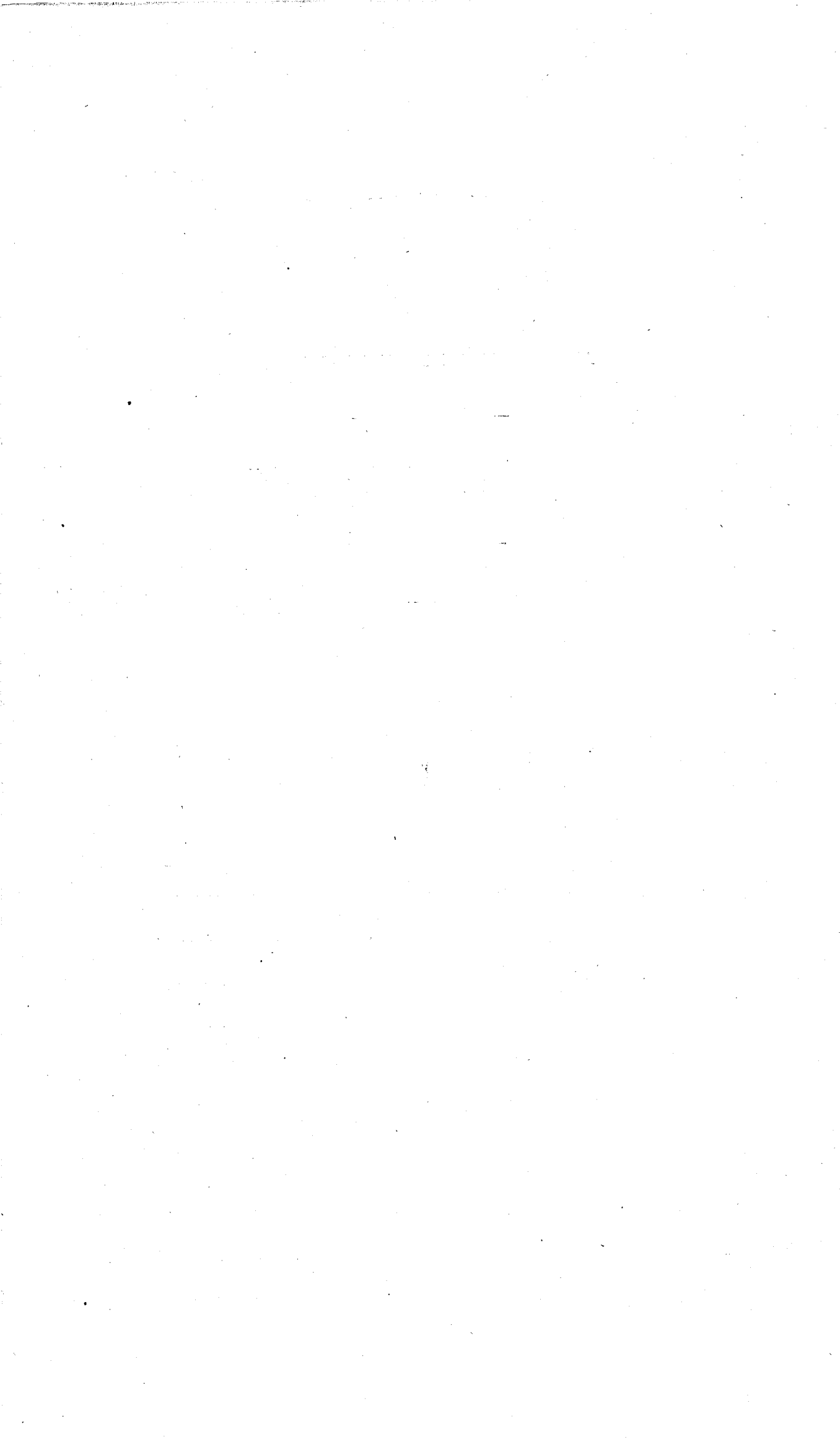
ROBERT CHAPMAN,

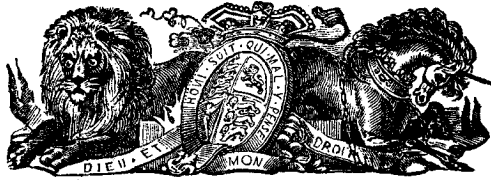
Clerk of Council.

Assented to, on behalf of the Governor, at Dunedin, the Sixteenth day of November, One Thousand Eight Hundred and Fifty-seven.

W. CARGILL,

Superintendent.





APPROPRIATION ORDINANCE, 1857-8.

IN THE TWENTY-FIRST YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

No. 20.

ANALYSIS.

Title.

Preamble.

1. Certain sums to be applied to the service of the year ending 30th September, 1858.

2. Treasurer to pay money on Superintendent's

warrant, and to be allowed credit for all monies so paid.

3. The Treasurer to be allowed credit for sums paid but not authorised by Appropriation Ordinance, 1856-7.

4. Short Title.

AN ORDINANCE to *Appropriate the Revenue for the Year ending 30th September, 1858, and to authorise the Provincial Treasurer to take credit for certain sums paid in course of, but not included in the Appropriation Ordinance for, the Year ending 30th September, 1857.*

Title.

WHEREAS it is expedient that provision should be made for defraying the expense of the Government of the Province of Otago from the Revenues thereof, for the service of the Year from the first day of October, one thousand eight hundred and fifty-seven, to the 30th day of September, one thousand eight hundred and fifty-eight, both inclusive :

Preamble.

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. Out of such Revenues there may be issued and applied, in manner hereinafter mentioned, any sum or sums of money not exceeding the several sums of money hereinafter specified, amounting in the whole to the sum of Forty-eight Thousand Six Hundred and Seventy Pounds Sterling

Certain sums to be applied to the service of the Year ending 30th September, 1858.

(£48,670), for defraying the charges of the Government of the said Province for the Year commencing on the first day of October, one thousand eight hundred and fifty-seven, and ending on the thirtieth day of September, one thousand eight hundred and fifty-eight, both inclusive, that is to say—for the service of:—

	£	s.	d.	£	s.	d.
SUPERINTENDENT'S DEPARTMENT—						
Superintendent	400	0	0			
Superintendent's Clerk	180	0	0			
	<hr/>			580	0	0
TREASURER AND SOLICITOR'S DEPARTMENT—						
Treasurer and Solicitor	350	0	0			
Clerk	130	0	0			
	<hr/>			480	0	0
RESIDENT MAGISTRATE'S DEPARTMENT—						
<i>Dunedin:</i>						
Resident Magistrate, Sheriff, and Returning Officer	300	0	0			
Clerk to the Bench	75	0	0			
Rent of Court-House	25	0	0			
For payment of a Native Interpreter to Resident Magistrate's Court, and other purposes	50	0	0			
<i>Invercargill:</i>						
Resident Magistrate, Returning Officer for Murihiku District, and Harbour Master	50	0	0			
Clerk to the Bench	100	0	0			
	<hr/>			600	0	0
CORONER'S DEPARTMENT—						
Fees to Coroner, and Contingencies				60	0	0
PROVINCIAL COUNCIL DEPARTMENT—						
Clerk	75	0	0			
Rent of Hall	25	0	0			
	<hr/>			100	0	0
REGISTRAR'S DEPARTMENT—						
Registrar of Deeds	40	0	0			
Iron Safe for Records	50	0	0			
Clerk to the Officer holding the offices of Clerk to the Bench, Clerk to the Provincial Council, and Registrar of Deeds	130	0	0			
	<hr/>			220	0	0
ROADS' DEPARTMENT—						
Clerk	50	0	0			
Main Roads in Surveyed Districts	5000	0	0			
Main Roads north of Surveyed Districts	1000	0	0			
Main Roads south of Surveyed Districts	1000	0	0			
Main Roads and Streets in Dunedin	1000	0	0			
	<hr/>			8050	0	0
PUBLIC WORKS—						
Civil Engineer	100	0	0			
Balance of Contract for erecting Survey Office, Dunedin	250	0	0			
Gaol, Dunedin	2000	0	0			
Suspension Bridge, Mataura	350	0	0			
Gaol and Lock-up, Invercargill	417	0	0			
Land and Survey Offices	80	0	0			
Buoying and Improving the Navigation of the Clutha River	300	0	0			
Improvements at the North	350	0	0			
Buoying and Improving Navigation of Taieri River	150	0	0			
Extras and Works not provided for above	2000	0	0			
	<hr/>			5997	0	0
Carry forward				£16,087	0	0

	Brought forward	£16,087	0	0
HARBOUR DEPARTMENT—				
<i>Dunedin:</i>				
	Harbour Master	25	0	0
	Pilot at Heads (besides one-fifth of pilotage)	150	0	0
	Pilots for Harbour	60	0	0
	Four Boatmen, at £4 10s. each per month	216	0	0
	Repairs of Buoys and Beacons	50	0	0
	Oil	50	0	0
<i>Bluff:</i>				
	Pilot (besides each one-fifth of pilotage and £1 for boarding each vessel)	50	0	0
<i>New River:</i>				
	Pilot (besides each one-fifth of pilotage and £1 for boarding each vessel)	50	0	0
	Buoys River	50	0	0
				<u>701</u> 0 0
POLICE DEPARTMENT—				
	Chief Constable	150	0	0
	Three Constables for Dunedin, at 6s. per day, or £109 10s. each per annum	328	10	0
	Office Keeper and Messenger to Public Offices	75	0	0
	One Constable for Port Chalmers, ditto	109	10	0
	One Constable for Invercargill, ditto	109	10	0
	One Constable for Campbelltown, ditto	109	10	0
	Poundkeeper and Inspector of Slaughter Houses at Dunedin	20	0	0
	Special Services	200	0	0
				<u>1102</u> 0 0
GAOL DEPARTMENT—				
	Gaoler, Dunedin	£150	0	0
	Gaoler, Invercargill	100	0	0
	Rations, Furnishings, &c.	400	0	0
				<u>650</u> 0 0
SHEEP INSPECTORS' DEPARTMENT—				
	North—Chief Inspector	350	0	0
	South—Chief Inspector	350	0	0
	Four Sub-Inspectors, not exceeding	80	0	0
				<u>780</u> 0 0
HOSPITAL DEPARTMENT—				
	Provincial Surgeon	120	0	0
	Keepers, Male and Female, (besides Rations)	100	0	0
	Rations, Medicines, Medical Comforts, Furnishings, &c.	200	0	0
				<u>420</u> 0 0
FERRIES—				
	Clutha	510	0	0
	Toi-Toies	50	0	0
	New River	80	0	0
	Allowance to Upper Taieri Ferryman, not exceeding	45	0	0
	Compensation to Clutha Ferryman	20	0	0
				<u>705</u> 0 0
				783 0 0
LOCAL POST				
EDUCATION—				
	Liabilities due to the Board	4025	0	0
	Additional Sum required for Buildings, &c.	1077	0	0
	Schoolmasters' Salaries	1200	0	0
				<u>6302</u> 0 0
LIABILITIES—				
	General Government	4000	0	0
	Immigration	10,000	0	0
	Survey Instruments	250	0	0
	Oriental Bank—Repayment of Advance, &c.	1070	0	0
	Debentures due 31st December, 1857	1000	0	0
	Interest and Bank Charges on Debentures	700	0	0
				<u>17020</u> 0 0
	Carry forward			£44,550 0 0

	Brought forward	£44,550 0 0
MISCELLANEOUS—		
	Statistics	150 0 0
	Printing and Advertising	400 0 0
	Stationery	100 0 0
	Bonus for Australian and Inter-Provincial Communication by steam or sailing vessel	2000 0 0
	Bonus for the Discovery of a Remunerative Gold Field within the Province of Otago	500 0 0
	Bonus for the successful working of a Coal Field within the Province of Otago	250 0 0
	Firewood	120 0 0
	General Contingencies	600 0 0
		4120 0 0
	Total Expenditure	£48,670 0 0

Treasurer to pay money on Superintendent's warrant, and to be allowed credit for all monies so paid.

2. The Provincial Treasurer shall issue and pay from time to time any sum or sums of money, for the purposes hereinbefore mentioned, not exceeding in whole the sums respectively above specified, to such persons and in such proportions as the Superintendent shall, by warrant or warrants signed by him, from time to time direct; and such Treasurer shall, in his account, be allowed credit for all sums paid by him in pursuance of such warrants; and the receipt of the person to whom such sums shall have been so paid, shall be to him a full and valid discharge for the sum or sums for which such receipt shall have been given, and the amount thereof shall be passed to his credit in account accordingly.

The Treasurer to be allowed credit for sums paid, but not authorised by Appropriation Ordinance, 1856-7.

3. And whereas the sums of money after-mentioned were necessarily paid during the year ending on the thirtieth day of September, one thousand eight hundred and fifty-seven, but were not included in the Estimates for the said year; and it is expedient that the Provincial Treasurer be now authorised to take credit in his accounts for the sums so paid: The Provincial Treasurer shall be allowed and is hereby authorised to take credit in his accounts for the two several sums of money after-mentioned, that is to say:—

For the sum of £1000 paid to the General Government, being the first instalment of the debt allocated on the Province of Otago for the New Zealand Company's Fourths, &c.

And for the sum of £16 paid for collecting the Statistics of the Province in excess of the sum authorised by the said Appropriation Ordinance, 1856-7.

Provided always that the said two several sums shall have been or shall be paid in pursuance of warrants by the Superintendent; and the receipt or receipts of the respective persons to whom the same were or shall be so paid, shall be a full and valid discharge to the said Treasurer in passing his accounts for any such sum or sums of money as shall be therein mentioned.

Short Title.

4. This Ordinance may be cited and referred to as the "Appropriation Ordinance, 1857-8.

Passed the Provincial Council this Tenth day of November, One Thousand Eight Hundred and Fifty-seven.

JAMES MACANDREW,

Speaker.

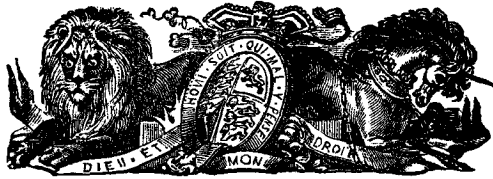
ROBERT CHAPMAN,

Clerk of Council.

Assented to, on behalf of the Governor, at Dunedin, the Sixteenth day of November, One Thousand Eight Hundred and Fifty-seven.

W. CARGILL,

Superintendent.



SHEEP ORDINANCE AMENDMENT ORDINANCE, 1857.

IN THE TWENTY-FIRST YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

No. 21.

ANALYSIS.

Title.

Preamble.

1. Repeal of provisions of Sheep Ordinance, 1856, repugnant to this Ordinance.
2. Sheep above three months old to be buisted.
3. Buists or Stamps to be registered.
4. Superintendent may appoint Registrar.
5. Penalty for using the registered stamp of another.

6. Penalty for unauthorisedly buisting, &c., sheep.
7. Buisting to be *prima facie* evidence of ownership.
8. Amendment of 33rd clause of Sheep Ordinance, 1856.
9. No penalty imposed by said Ordinance to exceed in the aggregate £100.
10. Short Title.

AN ORDINANCE to amend the Sheep Ordinance, 1856, in so far as relates to the
Marking of Sheep, and in certain other particulars. Title.

WHEREAS it is expedient to amend in certain particulars the "Sheep
Ordinance, 1856," passed by the Superintendent and Provincial Preamble.
Council of Otago, and to make new and further provision for the marking
of Sheep within 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:—

Repeal of provisions of Sheep Ordinance, 1856, repugnant to this Ordinance.

1. Sections second, third, fourth, fifth, and sixth of, and all other provisions in the Sheep Ordinance, 1856, passed by the Superintendent and Provincial Council of the Province of Otago, which are repugnant to the Provisions of this Ordinance, or that would in any way interfere with the operation thereof, are hereby repealed.

Sheep above three months old to be buisted.

2. All sheep above the age of three months, within the Province of Otago, shall be stamped, marked, or buisted, on the wool thereof, with the buist or stamp of the owner; and such buist or stamp shall not be less than four inches in length, and of a proportionate breadth, and shall be at all times legible. And for every such sheep not so stamped, marked, or buisted, the owner thereof shall be liable to a penalty not exceeding ten pounds; and if such sheep shall exceed four hundred in number, such owner shall be liable to a further penalty of not less than three pence nor more than sixpence for every such sheep not being so stamped, marked, or buisted.

Buists or Stamps to be registered.

3. Every owner of sheep shall cause a correct copy or impression of his buist or stamp to be registered in an office to be appointed by the Superintendent for that purpose; and every owner neglecting so to register his buist or stamp, on or before the first day of February, 1858, and every person thereafter becoming an owner neglecting so to register his buist or stamp, shall be liable to a penalty not exceeding five pounds, and an additional penalty of not more than five pounds for every week he shall continue such neglect after the first conviction.

Superintendent may appoint Registrar.

4. It shall be lawful for the Superintendent to appoint fit persons to be the Registrars of Buists, and to make rules and regulations for the management of any such Registrar's Office, and to fix the fees which shall be payable to any such Registrar; and all such rules, regulations, and tables of fees shall be published in the Government Gazette, and thereupon shall be binding upon all persons whom they may concern, and shall have the force of law.

Penalty for using the registered stamp of another.

5. After any person shall have so registered a buist or stamp, it shall not be lawful for any other person to stamp, mark, or buist any sheep with a stamp bearing the same mark, or one so nearly similar as, in the opinion of any of the said Registrars, to be not readily distinguishable therefrom; and any person offending against this enactment shall be liable to a penalty not exceeding fifty pounds.

Penalty for unauthorisedly buisting, &c., sheep.

6. If any person shall stamp, mark, or buist any sheep, or shall deface or efface any stamp, mark, or impression upon any sheep, without the authority of the owner thereof, he shall be liable to a penalty not exceeding one hundred pounds.

Buisting to be *prima facie* evidence of ownership.

7. The mark or impression of any registered buist or stamp upon any sheep shall be *prima facie* evidence of the ownership of said sheep by the person in whose name such buist or stamp shall be registered in the office of the said Registrar.

Amendment of 33rd clause of Sheep Ordinance.

8. Whereas a clerical mistake has occurred in the thirty-third section of the said Sheep Ordinance, 1856, by the insertion of the word "not" before the word "belonging," in the said section; the thirty-third section of the said Ordinance shall be and is hereby amended to the following effect, that is to say,—Every person who shall drive or remove any sheep belonging to him or under his charge from a run in the occupancy of another, or cause such sheep to be driven or removed therefrom without the consent of the occupier of such run, shall be liable in a penalty of not less than ten pounds for every such offence.

9. No fine or penalty by the said Ordinance, or this Ordinance, authorised to be imposed shall in any case, for any offence, exceed in the aggregate one hundred pounds. No penalty imposed by said Ordinance to exceed in the aggregate £100.

10. This Ordinance may be cited and referred to as the "Sheep Ordinance Amendment Ordinance, 1857." Short Title.

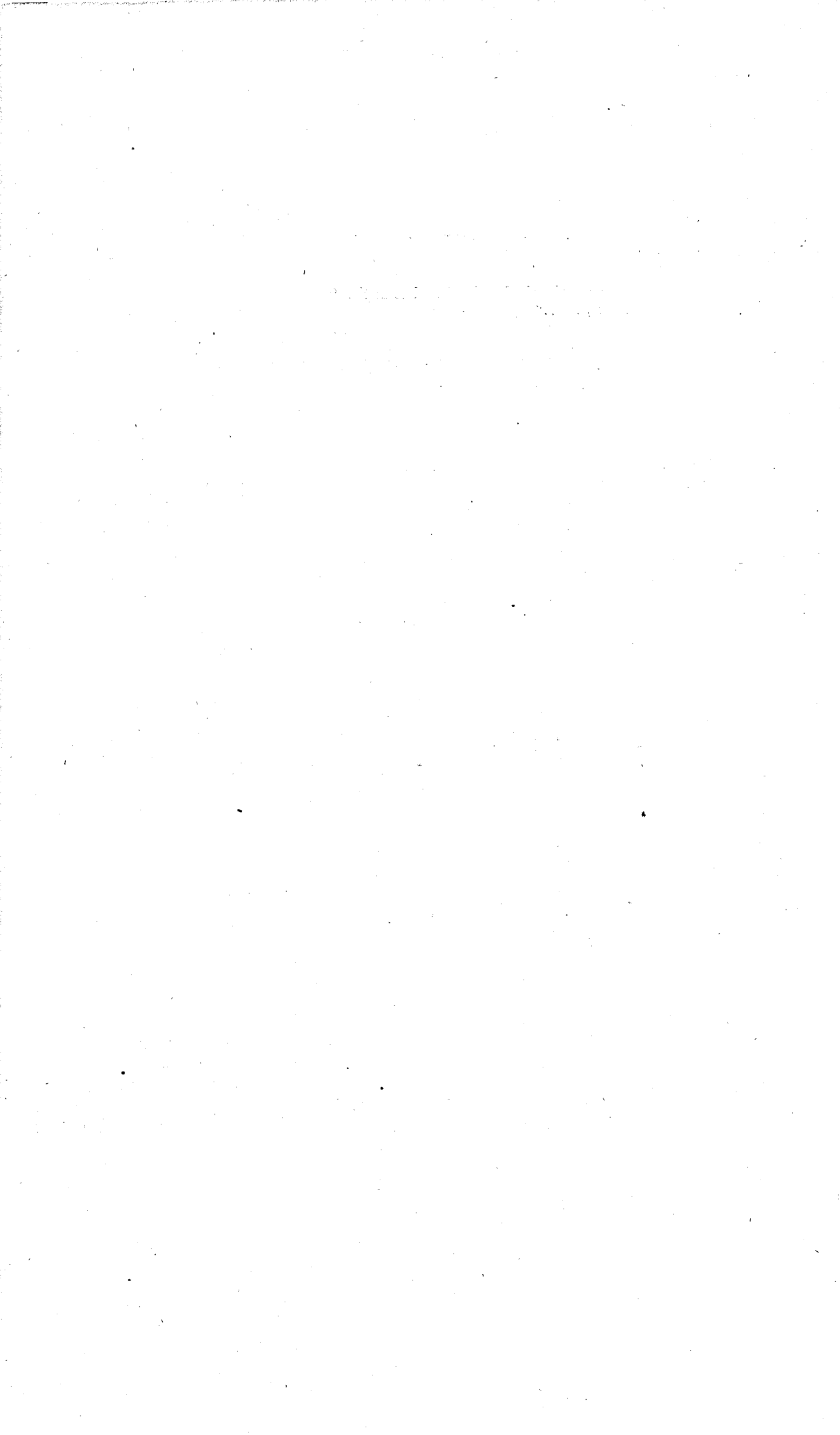
Passed the Provincial Council this 6th day of November, 1857.

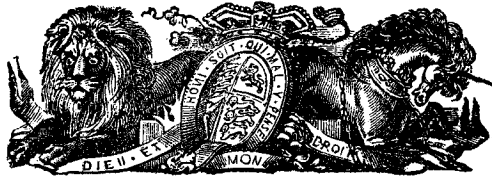
JAMES MACANDREW,
Speaker.

ROBERT CHAPMAN,
Clerk of Council.

Assented to, on behalf of the Governor, at Dunedin, the Sixteenth day of November, One Thousand Eight Hundred and Fifty-seven.

W. CARGILL,
Superintendent.





PROVINCIAL COUNCIL ENLARGEMENT ORDINANCE, 1857.

IN THE TWENTY-FIRST YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

No. 22.

ANALYSIS.

Title.	5. Number of Members to be returned for each District.
Preamble.	6. Claims to vote in Elections of Superintendent and Members of Provincial Council, where to be delivered.
1. Repeal of Provincial Council Ordinance, 1856, in so far as repugnant to this Ordinance.	7. Polling Places.
2. Number of Members.	8. Short Title.
3. Superintendent to issue Writs for the election of additional Members.	
4. Number and description of Electoral Districts.	

AN ORDINANCE to increase the number of Members of the Provincial Council, and to alter certain of the Electoral Districts, of the Province of Otago. Title.

WHEREAS it is expedient that the number of Members of the Provincial Council of Otago should be increased; that a new and additional Electoral District should be formed; and that the provisions of the "Provincial Council Ordinance, 1856," passed by the Superintendent and Provincial Council of Otago, so far as they are inconsistent with the provisions of this Ordinance, should be amended: Preamble.

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 provisions of the said recited Ordinance, in so far as the same are repugnant to, or would interfere with, the operation of this Ordinance, shall be and they are hereby repealed. Repeal of Provincial Council Ordinance, 1856, in so far as repugnant to this Ordinance.

Number of Mem- 2. The Provincial Council of the Province of Otago shall consist of
bers. Twenty-two Members.

Superintendent to 3. The Superintendent shall, as soon as conveniently may be after he shall
issue Writs for the have received notice that the Governor has assented to this Ordinance, (pro-
election of addi- vided the Electoral Roll for the year one thousand eight hundred and fifty-
tional Members. eight shall have been completed, and if such Roll shall not have been
completed, then as soon as conveniently can be after the completion of such
Roll), cause Writs to be issued for the election of Three Members to serve in
the present Provincial Council, who shall be elected for the undermentioned
Electoral Districts respectively, as follows :

For the Northern District, One Member.
For the Murihiku District, Two Members.

Number and de- 4. The Province of Otago, for the purposes of the election of Superinten-
scription of Elec- dent and the Members of the Provincial Council thereof, shall be divided
toral Districts. into Nine Electoral Districts to be named as follows :

1. The Town of Dunedin District.
2. The Town of Port Chalmers District.
3. The Eastern District.
4. The Western District.
5. The Central District.
6. The Tokomairiro District.
7. The Clutha District.
8. The Murihiku District.
9. The Northern District.

And the boundaries of the above-mentioned several Districts shall be those particularly set forth in the Schedule hereunto annexed, provided that nothing herein contained shall make void the election of the present Members for the District heretofore known as the Southern District, or in any way affect their rights as Members of the existing Provincial Council.

Number of Mem- 5. The number of Members to be elected to serve in the Provincial
bers to be return- Council after the next dissolution thereof shall be Twenty-two, who shall be
ed for each Dis- elected for the said several Electoral Districts as follows :

For the Town of Dunedin District, Five Members.
For the Town of Port Chalmers District, One Member.
For the Eastern District, Three Members.
For the Western District, Three Members.
For the Central District, Three Members.
For the Tokomairiro District, One Member.
For the Clutha District, Two Members.
For the Murihiku District, Two Members.
For the Northern District, Two Members.

Claims to vote in 6. Every person claiming a right to vote for the Election of the Superin-
elections of Super- tendent, or of the Members of the Provincial Council, shall deliver his claim,
intendent & Mem- or cause the same to be delivered, at the Resident Magistrate's Office, Dunedin,
bers of Provincial or at such other place or places as the Superintendent shall, by public notice,
Council, where to be delivered. direct and appoint.

Polling Places. 7. The Polling Places for each Electoral District, in the election of Super-
intendent, or of the Members of the Provincial Council, shall be at some
convenient place within such District, to be specified by the Returning

Officer. Additional Polling Places, if found necessary, shall be at such places as the Governor or the Superintendent may from time to time, by public notice, appoint.

8. This Ordinance shall be termed and may be cited and referred to as the Short Title. "Provincial Council Enlargement Ordinance, 1857."

Passed the Provincial Council this 6th day of November, 1857.

JAMES MACANDREW,

Speaker.

ROBERT CHAPMAN,

Clerk of Council.

Dunedin, 16th November, 1857.—I hereby declare that I reserve this Bill for the signification of the Governor's pleasure thereon.

W. CARGILL,

Superintendent.

I hereby assent to this Ordinance, this eleventh day of February, in the year of Our Lord One Thousand Eight Hundred and Fifty-eight.

THOMAS GORE BROWNE,

Governor.

SCHEDULE.

1. THE TOWN OF DUNEDIN DISTRICT comprises the Town and Town Belt of Dunedin, as delineated on the New Zealand Company's map of the Otago Settlement.
2. THE TOWN OF PORT CHALMERS DISTRICT comprises the Town and Town Belt of Port Chalmers, as delineated on the New Zealand Company's map of the Otago Settlement.
3. EASTERN DISTRICT.—North by the Otago Harbour to the Town Belt of Dunedin; thence by the said Town Belt to the road line, forming the northern boundary of suburban sections Nos. 92 and 91, block VI. Town district; thence by the eastern and northern boundaries of section 80 of the same block and district; thence by the western boundary of said section and of sections 77, 78, and 79 of the same block and district to a road line; thence by said road line to section 50 of the last mentioned block and district; thence by a road line forming the north-eastern boundary of section 50 and of section 18 Lower Kaikorai District; thence by the north-western boundary of said section 18, and of sections 19, 20, and 21 of same district; and thence by a right line running through the Trigonometrical Station on Kaikorai Hill to Abbot's Creek.
 South by the Ocean.
 East by the Ocean.
 West by Abbot's Creek to its junction with the Kaikorai River; thence by the Kaikorai River to the Ocean.
4. WESTERN DISTRICT.—North-west and west by a right line from the north-western head of Purakunui harbour to the Trigonometrical Station on Flagstaff hill; thence by a right line to the north-west corner of suburban section 41, Wakari district; thence by the surveyed lands to the south-west corner of section 155, Wakari district; thence by a right line to Abbot's Creek to the north-west point of the Eastern District.

South-west by the Eastern District.

South and south-east by the Town of Dunedin District to the Harbour of Otago ;
thence by the Harbour to the Town Belt of Port Chalmers ; thence by the
Town Belt again to the Harbour ; and thence by the Harbour.

North-east by the Ocean.

5. CENTRAL DISTRICT.—North-east by the Northern District.

North and north-west by the Ocean and the Province of Canterbury.

South-west by the Taieri River from its mouth to its junction with the Waihola
River ; thence by the Waihola River and its northernmost arm or branch to
the north-east corner of rural allotment No. 6, block XVI., Waihola district ;
and thence by a right line to Milford Haven.

South-east and east by the Ocean to the mouth of the Kaikorai River ; thence
by the Kaikorai River to its junction with Abbot's Creek ; thence by Abbot's
Creek to the north-west point of the Eastern District ; thence by a right line
to the south-west corner of suburban allotment 155, Wakari district ; thence
by the surveyed lands to the north-west corner of section 41, Wakari ; thence
by a right line to the Trigonometrical Station on Flagstaff hill (Wakari.)

6. TOKOMAIRO DISTRICT.—North-east by the Central District.

North-west by the Ocean.

South-west by the river Clutha (Matau branch), from its mouth to where the
Kaihiku stream or river flows into it ; thence by a right line to Charles's
Harbour on the West coast.

South-east by the Ocean.

7. CLUTHA DISTRICT.—North-east by the Tokomairi District.

East and South by the sea coast.

West by the Mataura river and Wakatip Lake.

North by the waters of the Wakatip Lake and Clutha River.

8. MURHIKU DISTRICT.—North by a line running from the Wakatip Lake to the
head of the Waiau.

East by the Mataura River.

South by the Sea-coast.

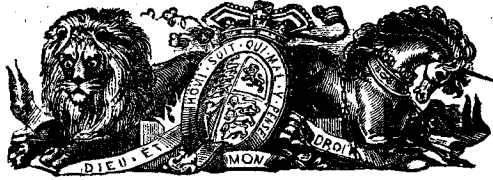
West by the Waiau River.

9. NORTHERN DISTRICT.—North by the Canterbury Province.

South by the Western District.

East by the Ocean.

West and South-west by a right line running in a north north-westerly direction
from the Trigonometrical Station on Flagstaff hill to the boundary of the
Province.



LOCAL MUNICIPAL ESTATE ORDINANCE, 1857.

IN THE TWENTY-FIRST YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

No. 23.

ANALYSIS.

Title.

Preamble.

1. Certain Properties to be granted to the Superintendent of Otago.
2. Who shall have perpetual succession.
3. Property to be held for purposes of public utility to the Town of Dunedin.

4. The management thereof by the Town Board to be regulated by Ordinance.
5. Powers to sell, lease, and dispose of the lands.
6. Rents how to be applied.
7. Short Title.

AN ORDINANCE *constituting as an Estate for purposes of public utility to the Town of Dunedin, the Local Municipal Estate, reserved by the New Zealand Company's Terms of Purchase.* Title.

WHEREAS by the Terms of Purchase of Land in the Settlement of Otago, issued by the New Zealand Company, it was stipulated that one hundred Properties or six thousand and twenty-five Acres of Land, each property consisting of sixty acres and one quarter, and divided into three allotments, viz.,—a Town allotment of one quarter of an acre, a Suburban allotment of ten acres, and a Rural allotment of fifty acres, should be appropriated for an Estate to be purchased by the Local Municipal Government: And whereas certain properties or allotments of land were so appropriated, but it is inexpedient to purchase or accept of the said properties upon the conditions stipulated in the said Company's Terms of Purchase: And whereas it is expedient nevertheless that the properties or allotments of land so appropriated should be constituted an Estate for purposes of public utility to the Town of Dunedin: Preamble.

BE IT THEREFORE ENACTED by the Superintendent of the Province of

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

Certain Properties to be granted to the Superintendent of Otago.

1. It shall be lawful for the Governor of New Zealand, in the name and on the behalf of Her Majesty, to grant to the Superintendent of the Province of Otago, and his successors in office, upon trust, for the purposes and subject to the provisions after-mentioned, all such Estate and interest as Her Majesty now hath or may have in all or any of the lands specified and described in the Schedule hereunto annexed, forming part of the Demesne Lands of the Crown.

Who shall have perpetual succession.

2. For the purposes of this Ordinance the Superintendent of the Province of Otago and his successors in office shall, by that name, have perpetual succession, and shall be capable in law to do and to suffer whatsoever may be lawfully done and suffered by a Body Corporate.

Properties to be held for purposes of public utility to the Town of Dunedin.

3. Subject to the provisions of this Ordinance, the Superintendent of the Province of Otago and his successors in office shall hold the said lands upon trust, for purposes of public utility to the Town of Dunedin and its inhabitants, and it shall be lawful from time to time to specify, particularize, and prescribe, such purposes in any Ordinance of the Superintendent and Provincial Council duly passed in that behalf.

The management thereof by the Town Board to be regulated by Ordinance.

4. The management and administration of the said Lands shall be carried on and conducted by the Town Board of Dunedin, subject to the provisions of any Ordinance duly passed or to be passed from time to time in that behalf by the Superintendent and Provincial Council.

Powers to sell, lease, and dispose of the lands.

5. The said Lands, or any part thereof, shall not be alienated by way of sale, exchange, or mortgage, or by lease for any longer period than twenty-one years, except by the authority of some Ordinance of the Superintendent and Provincial Council in that behalf duly passed: Provided always that the money or proceeds arising from any such sale shall forthwith be applied in the purchase of other Lands to be vested in the Superintendent of the Province of Otago and his successors in office, upon trust, for the same purposes as the Lands sold were so vested.

Rents how to be applied.

6. All the rents, issues, profits, and proceeds arising from the aforesaid Lands, and from the disposal and occupation thereof shall be from time to time paid and accounted for to the Treasurer of the said Town Board; and shall be appropriated to the purposes aforesaid, subject to the provisions of this Ordinance, and any other Ordinance of the Superintendent and Provincial Council duly passed in that behalf.

Short Title.

7. This Ordinance shall be termed and may be cited and referred to as the "Local Municipal Estate Ordinance, 1857."

Passed the Provincial Council this 6th day of November, 1857.

JAMES MACANDREW,

Speaker.

ROBERT CHAPMAN,

Clerk of Council.

Dunedin, 16th November, 1857.—I hereby declare that I reserve this Bill for the signification of the Governor's pleasure thereon.

W. CARGILL,

Superintendent.

I hereby assent to this Ordinance, this eleventh day of February, in the year of Our Lord One Thousand Eight Hundred and Fifty-eight.

THOMAS GORE BROWNE,
Governor.

SUBURBAN ALLOTMENTS.

20. All that allotment or parcel of land containing ten acres (more or less) being Section No. 56, of the Upper Harbour District (East side) in the said Province.

21. All that allotment or parcel of land containing ten acres (more or less) being Section No. 57, of the Upper Harbour District (East side) aforesaid.

22. All that allotment or parcel of land containing ten acres, (more or less) being Section No. 58, of the Upper Harbour District (East side) aforesaid.

23. All that allotment or parcel of land containing ten acres (more or less) being Section No. 2, Block I., of the Lower Harbour District (West side) in the said Province.

24. All that allotment or parcel of land containing ten acres (more or less) being Section No. 3, Block I., of the Lower Harbour District (West side) aforesaid.

25. All that allotment or parcel of land containing ten acres (more or less) being Section No. 28, Sawyers' Bay District, in the said Province.

26. All that allotment or parcel of land containing ten acres (more or less) being Section No. 1, Block IV., of the Upper Kaikorai District, in the said Province.

27. All that allotment or parcel of land containing ten acres (more or less) being Section No. 2, Block IV., of the Upper Kaikorai District aforesaid.

28. All that allotment or parcel of land containing ten acres (more or less) being Section No. 8, of the Wakari District, in the said Province.

29. All that allotment or parcel of land containing ten acres (more or less) being Section No. 9, of the Wakari District aforesaid.

30. All that allotment or parcel of land containing ten acres (more or less) being Section No. 10, of the Wakari District aforesaid.

31. All that allotment or parcel of land containing ten acres (more or less) being Section No. 51, of the Wakari District aforesaid.

32. All that allotment or parcel of land containing ten acres (more or less) being Section No. 53, of the Wakari District aforesaid.

33. All that allotment or parcel of land containing ten acres (more or less) being Section No. 3, Block VI., of the Town District, in the said Province.

34. All that allotment or parcel of land containing ten acres (more or less) being Section No. 4, Block VI., of the Town District aforesaid.

35. All that allotment or parcel of land containing ten acres (more or less) being Section No. 6, Block VII., of the Town District aforesaid.

36. All that allotment or parcel of land containing ten acres (more or less) being Section No. 25, Block VII., of the Town District aforesaid.

RURAL ALLOTMENTS.

37. All that allotment or parcel of land containing fifty acres (more or less) being Section No. 4, Block XIX., of the Waiholo District, in the said Province.

38. All that allotment or parcel of land containing fifty acres (more or less) being Section No. 5, Block XIX., of the Waiholo District aforesaid.

078.188
24a or 35p

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24a or 35p

078.188
24a or 35p
21.11.1893
23.24 Transfer
to 6/9/73
at last presentation report of railway

078.188

078.181
31a or 21p
for purposes of
public utility etc

078.185
24a or 35p
for purposes of
public utility etc

078.188
24a or 35p

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↑ 39. All that allotment or parcel of land containing fifty acres (more or less) being Section No. 6, Block XIX., of the Waihola District aforesaid.

40. All that allotment or parcel of land containing fifty acres (more or less) being Section No. 3, Block XX., of the Waihola District aforesaid.

41. All that allotment or parcel of land containing fifty acres (more or less) being Section No. 4, Block XX., of the Waihola District aforesaid.

42. All that allotment or parcel of land containing fifty acres (more or less) being Section No. 5, Block XX., of the Waihola District aforesaid.

✓ 43. All that allotment or parcel of land containing fifty acres (more or less) being Section No. 4, Block III., of the East Taieri District, in the said Province.

✓ 44. All that allotment or parcel of land containing fifty acres (more or less) being Section No. 4, Block IV., of the East Taieri District aforesaid.

45. All that allotment or parcel of land containing fifty acres (more or less) being Irregular Section No. 15, of the East Taieri District aforesaid.

✓ 46. All that allotment or parcel of land containing fifty acres (more or less) being Section No. 1, Block II., of the East Taieri District aforesaid.

✓ 47. All that allotment or parcel of land containing fifty acres (more or less) being Section No. 2, Block II., of the East Taieri District aforesaid.

219cc ✓ 48. All that allotment or parcel of land containing fifty acres (more or less) being Section No. 3, Block II., of the East Taieri District aforesaid.

✓ 49. All that allotment or parcel of land containing fifty acres, (more or less) being Section No. 7, Block II., of the East Taieri District aforesaid.

✓ 50. All that allotment or parcel of land containing fifty acres (more or less) being Section No. 2, Block I., of the North Molyneux District, in the said Province.

✓ 51. All that allotment or parcel of land containing fifty acres (more or less) being Section No. 3, Block I., of the North Molyneux District aforesaid.

219cc ✓ 52. All that allotment or parcel of land containing fifty acres (more or less) being Section No. 4, Block I., of the North Molyneux District aforesaid.

✓ 53. All that allotment or parcel of land containing fifty acres (more or less) being Section No. 1, Block I., of the North Molyneux District aforesaid.

✓ 54. All that allotment or parcel of land containing fifty acres (more or less) being Section No. 2, Block III., of the North Molyneux District aforesaid.

✓ 55. All that allotment or parcel of land containing fifty acres (more or less) being Section No. 3, Block III., of the North Molyneux District aforesaid.

078.186
150ac
for purchase
of public utility
etc

078.186
32a 2d

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52a 2d

078.52a 2d
for purchase
of public utility
etc

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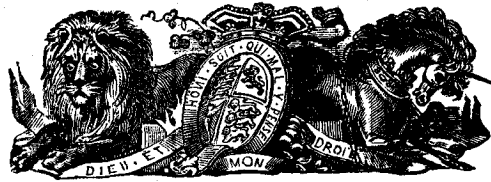
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LOCAL WASTE LAND OFFICE ORDINANCE, 1857.

IN THE TWENTY-FIRST YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

No. 24.

ANALYSIS.

Title.	5. Officers to be appointed Sub-Treasurers to the Board.
Preamble.	6. To grant Bond for the faithful performance of their duties.
1. Local Waste Land Offices to be opened.	7. Land Regulations repugnant to this Ordinance, repealed.
2. Local Officers to be appointed.	8. Short Title.
3. The Duties of such Officers.	
4. Officers to Report their proceedings to the Board.	

AN ORDINANCE *to establish Local or Branch Offices of the Waste Land Board within the Province of Otago.* Title.

WHEREAS it will conduce to public convenience to open Local or Branch Offices of the Waste Land Board at places remote from Dunedin, as occasion may require; and it is expedient to prescribe Regulations for the conducting of the business of such offices: Preamble.

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. It shall be lawful for the Superintendent from time to time to establish and maintain Local or Branch Offices of the Waste Land Board, at such place or places within the Province of Otago as he shall direct and appoint, for any particular district or districts of the said Province; and at any time, and from time to time, as he shall see cause to fix and define, or alter and amend, the boundaries of every such district. Local Waste Land Offices to be opened.

Local Officers to be appointed.

2. Every such Office shall be under the charge of an officer of the Waste Land Board, who shall be appointed and be removable by the Superintendent, but shall be under the control and direction of the Board; and whose salary, to be fixed by the Superintendent, shall be paid out of the funds derived from the disposal of the Waste Lands of the Crown.

The duties of such Officers.

3. All applications to the Waste Land Board, and all notices to the Board for or relating to the sale, letting, disposal, and occupation of the Waste Lands of the Crown situated within the district for which any such Local Office is established, shall be presented and received at such Local Office and at such Local Office only; and all notices by the Board, and all business relating to or arising out of such applications shall, in so far as the Waste Land Board shall deem to be consistent with the convenience and interests of the public, be given and conducted under the direction and subject to the revision of the Waste Land Board by such Local Officer, in the same way as if such business had been done by the Chief Commissioner.

Officers to report their proceedings to the Board.

4. Every such Local Officer shall, at any time, and from time to time, as the Waste Land Board shall direct and appoint, report to the Board all the business, proceedings, transactions, and accounts of his Office, in such form and according to such instructions as the Board shall issue in that behalf,

Officers to be appointed Sub-Treasurers to the Board.

5. It shall be lawful for the Governor to appoint or to authorise the Superintendent to appoint every such Local Officer a Sub-Treasurer to the Waste Land Board, with power to receive monies arising from the sale, letting, disposal, and occupation of the Waste Lands of the Crown situated within the district to which he is appointed; such officer accounting for such monies to the Treasurer to the Waste Land Board at any time and from time to time, and under such regulations, as the Governor may direct and appoint, or authorise the Superintendent to direct and appoint.

To grant bond for the faithful performance of their duties.

6. Every Local Officer appointed to perform the aforesaid duties shall give a bond, with a surety approved by the Governor or Superintendent, for such sum as shall be fixed by the Governor or Superintendent, for the faithful performance of his duty.

Land Regulations repugnant to this Ordinance repealed.

7. All provisions in the Land Regulations for the Province of Otago, contained in the Governor's Proclamation dated the twelfth day of February, in the year of our Lord one thousand eight hundred and fifty-six, and in force at the passing of this Ordinance, in so far as the same are repugnant to, or would impede the operation of this Ordinance, shall be and are, to the effect of allowing the operation of this Ordinance, hereby modified or repealed.

Short Title.

8. This Ordinance shall be entitled, and may be cited and referred to, as the "Local Waste Land Office Ordinance, 1857."

Passed the Provincial Council this 4th day of November, 1857.

JAMES MACANDREW,
Speaker.

ROBERT CHAPMAN,
Clerk of Council.

Dunedin, 16th November, 1857.—I hereby declare that I reserve this Bill for the signification of the Governor's pleasure thereon.

W. CARGILL,
Superintendent of the Province of Otago.

[His Excellency the Governor refused to give his assent to this Bill. See "General Government Gazette" of 11th February 1858.]



TOWN LAND SALES ORDINANCE, 1857.

IN THE TWENTY-FIRST YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

No. 25.

ANALYSIS.

Title.

Preamble.

1. In particular cases Town Land may be sold
without being put up to Auction.

2. May be sold as sites for Churches, &c., without
being put up to auction.

3. Short Title.

AN ORDINANCE to authorise the Sale of Town Land in particular cases
without putting up the same to Auction. Title.

WHEREAS by the Land Regulations now and since the first day of
April, one thousand eight hundred and fifty-six, in force within the
Province of Otago, it is provided that all Town Land shall be sold by Auc-
tion according to the aforesaid Regulations; and that the upset price of
allotments of such land shall be fixed by the Waste Land Board, subject to
the approval of the Superintendent and his Executive Council: And whereas
it is expedient, in particular cases, with the approval of the Superintendent
and Executive Council, to sell Town Land without exposing the same to
auction: Preamble.

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

In particular cases Town Land may be sold without being put up to auction.

1. In all cases wherein parties shall apply by Petition to the Waste Land Board, setting forth the circumstances of their case, it shall be lawful for the Waste Land Board, with the approval of the Superintendent and Executive Council first obtained, to sell Town Land, except lands within the limits of the Towns of Dunedin and Port Chalmers, without exposing the same to auction, at such price as shall be fixed by the Waste Land Board and approved of as aforesaid, such price not being less than the upset price, if such land had been exposed to sale by auction.

May be sold as sites for Churches, &c., without being put up to auction.

2. If any Trustees for any religious body shall so apply for liberty to purchase a site for a Church or other buildings for religious purposes in any Town, it shall be lawful for the Waste Land Board, with the approval of the Superintendent and Executive Council first obtained, to sell to such Trustees for such purposes not exceeding one acre of land in any Town, without exposing the same to auction, at such price as would have formed the upset price if the land had been exposed to sale by auction.

Short Title.

3. This Ordinance shall be intituled and may be cited and referred to as the "Town Land Sales Ordinance, 1857."

Passed the Provincial Council this 6th day of November, 1857.

JAMES MACANDREW,
Speaker.

ROBERT CHAPMAN,
Clerk of Council.

Dunedin, 16th November, 1857.—I hereby declare that I reserve this Bill for the signification of the Governor's pleasure thereon.

W. CARGILL,
Superintendent of the Province of Otago.

I hereby assent to this Ordinance, this eleventh day of February, in the year of Our Lord One Thousand Eight Hundred and Fifty-eight.

THOMAS GORE BROWNE,
Governor.



CHURCH OF ENGLAND CEMETERY ORDINANCE, 1857.

IN THE TWENTY-FIRST YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

No. 26.

ANALYSIS.

Title.
Preamble.

1. Ground for a Cemetery to be granted upon trust to the Bishop of Christchurch.
2. Short Title.

AN ORDINANCE *to authorise the Governor to convey a certain Allotment or Parcel of Land in Dunedin for a Cemetery for the use of Members of the Branch of the United Church of England and Ireland in the Colony of New Zealand.* Title.

WHEREAS the Superintendent of the Province of Otago has reserved for the purpose of a Burial Ground or Cemetery for the use of the Members, resident within the Province of Otago, of the Branch of the United Church of England and Ireland, in the Colony of New Zealand, the Parcel of Land hereinafter described : And whereas it is expedient that His Excellency the Governor should be authorised to grant and convey the same upon trust for such purpose as hereinafter mentioned : Preamble.

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

Ground for a Cemetery to be granted upon trust to the Bishop of Christchurch.

1. It shall be lawful for the Governor of New Zealand in the name and on the behalf of her Majesty to grant to the Bishop of Christchurch and his successors the Allotment or Parcel of Land described in the Schedule appended hereto, upon trust, for the purpose of a Public Cemetery for the use of Members resident within the Province of Otago, of the Branch of the United Church of England and Ireland in the Colony of New Zealand, and subject to the condition that the same shall be conveyed by the Bishop of Christchurch for the time being to the General Synod of the said Branch of the said Church, when such Synod shall have come into operation, upon trust, for the purpose aforesaid.

Short Title.

2. this Ordinance shall be termed and may be cited and referred to as the "Church of England Cemetery Ordinance, 1857."

Passed the Provincial Council this 9th day of November, 1857.

JAMES MACANDREW,
Speaker.

ROBERT CHAPMAN,
Clerk of Council.

Dunedin, 16th November, 1857.—I hereby declare that I reserve this Bill for the signification of the Governor's pleasure thereon.

W. CARGILL,

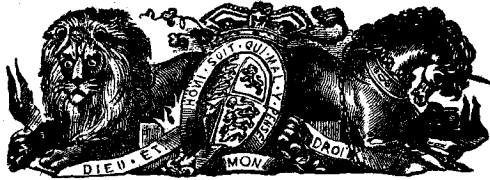
Superintendent of the Province of Otago.

I hereby assent to this Ordinance, this eleventh day of February, in the year of Our Lord One Thousand Eight Hundred and Fifty-eight.

THOMAS GORE BROWNE,
Governor.

SCHEDULE.

All that Allotment or Parcel of Land situated in the Town Belt of Dunedin, in the Province of Otago, containing Three Acres, bounded—
Towards the North-west by the said Town Belt ten (10) chains.
Towards the North-east by the general reserve for a Cemetery three (3) chains.
Towards the South-east by said reserve for a Cemetery ten (10) chains.
Towards the South-west by a road line three (3) chains.



CATTLE TRESPASS ORDINANCE 1858.

IN THE TWENTY-SECOND YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION VII.—No. 27.

ANALYSIS.

- | | |
|---|---|
| 1. Penalty for Cattle trespassing in Dunedin and Port Chalmers. | 3. Ordinance not to apply to Cattle within enclosures, or being landed. |
| 2. Constables to impound Cattle, the owner of which is unknown. | 4. Interpretation clause. |
| | 5. Any law repugnant hereto repealed. |
| | 6. Short title. |

*AN ORDINANCE to Prevent the Trespass of Cattle within the Towns of
Dunedin and Port Chalmers.*

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

1. If any owner of any cattle shall suffer such cattle to stray, or shall turn out, keep or depasture such cattle, anywhere within the limits of the Town of Dunedin and of Port Chalmers respectively, as laid down in the public maps or plans thereof, every such owner shall forfeit and pay for every such offence any sum not exceeding Five pounds.

2. It shall be lawful for any constable to take any such cattle found so straying or depasturing, the owner of which is unknown to him, into his custody, and to drive or take them to and lodge them

Penalty for Cattle trespassing in Dunedin and Port Chalmers.
Constables to impound Cattle, the owner of which is unknown.

in the nearest Public Pound, or to cause them to be so driven, taken, and lodged ; and the keeper of such Public Pound is hereby authorised to act with respect to such cattle, and to demand and receive pound fees and charges for such cattle, as in any other case of cattle lawfully impounded.

Ordinance not to apply to Cattle within enclosures, or being landed.

3. Provided that nothing contained in this Ordinance shall be construed to apply to cattle kept within any enclosure sufficiently fenced for preventing the straying of such cattle, or to cattle landed from any vessel within three days of such vessel commencing to discharge.

Interpretation clause.

4. In the interpretation of this Ordinance the word "Owner" shall be held to include any person having the charge, control, or management of any such cattle, and the word "Cattle" shall be taken to include horned or neat cattle, horses, mules, asses, sheep, goats, and swine, and the singular as well as the plural number, and the feminine as well as the masculine gender.

Any law repugnant hereto repealed.

5. Every Law or Regulation having force in this Province repugnant to the provisions of this Ordinance is, in so far as it would otherwise impede the operation of this Ordinance, hereby repealed.

Short title.

6. This Ordinance may be cited and referred to as the "Cattle Trespass Ordinance, 1858."

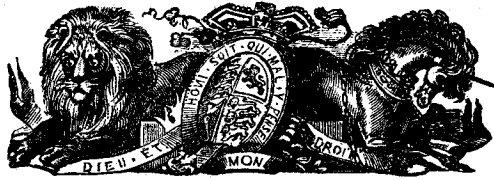
Passed the Provincial Council this 9th day of November 1858.

JAMES MACANDREW,
Speaker.

ROBERT CHAPMAN,
Clerk of Council.

Assented to on behalf of the Governor, at Dunedin, the sixteenth day of November, One Thousand Eight Hundred and Fifty-eight.

W. CARGILL,
Superintendent of the Province of Otago.



APPROPRIATION ORDINANCE, 1858, (No. 1).

IN THE TWENTY-SECOND YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION VII.—No. 28.

ANALYSIS.

- | | | |
|--|--|-----------------|
| 1. The Provincial Treasurer to be allowed credit for certain sums for service of the year 1857-8, not authorised by the Appropriation Ordinance. | 2. Provided they be paid on Superintendent's warrants. | 3. Short Title. |
|--|--|-----------------|

AN ORDINANCE to *Appropriate certain Sums out of the Ordinary Revenue of the Province of Otago, to defray an Excess of Expenditure beyond the Grants for the year ended 30th September 1858.*

WHEREAS the sums of money aftermentioned were necessarily paid out of the Revenues of the Province of Otago during the year ended on the 30th day of September, one thousand eight hundred and fifty-eight, but were not included in the Estimates for the said year, and it is expedient that the Provincial Treasurer be now authorised to take credit in his accounts for the sums so paid.

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

1. The Provincial Treasurer shall be allowed, and is hereby authorised, to take credit in his accounts for the several sums of money aftermentioned, amounting in whole to Five Thousand and Forty-seven Pounds, Five Shillings and Sevenpence, that is to say—

The Provincial Treasurer to be allowed credit for certain sums for service of the year 1857-8, not authorised by the Appropriation Ordinance.

For the services of the Pilot at the Bluff.....	£20	0	0
For Dunedin Hospital	21	4	8
For the following Public Works—			
Swamp Road	£1510	7	5
Prince's Street Road.....	827	17	4
Metal for Roads	522	0	1
		2860	4 10
Immigration Barracks.....		793	16 1
Drafts by Edinburgh Agents.....		525	0 0
Immigration.....		727	0 0
Loan to Jetty Committee		100	0 0
		£5047	5 7

Provided they be paid on Superintendent's warrants.

2. Provided always that the said several sums of money shall have been or shall be paid in pursuance of warrants by the Superintendent, and the receipt or receipts of the respective persons to whom the same were or shall be so paid, shall be a full and valid discharge to the said Treasurer in passing his accounts for any such sum or sums of money as shall be therein mentioned.

Short Title.

3. This Ordinance may be cited and referred to as the "Appropriation Ordinance, 1858," (No. 1).

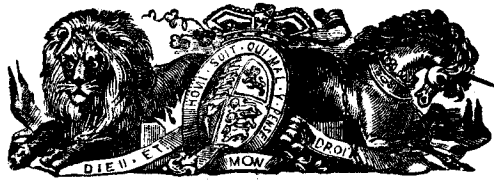
Passed the Provincial Council this 9th day of November 1858.

JAMES MACANDREW,
Speaker.

ROBERT CHAPMAN,
Clerk of Council.

Assented to on behalf of the Governor, at Dunedin, the sixteenth day of November, One Thousand, Eight Hundred and Fifty-eight.

W. CARGILL,
Superintendent of the Province of Otago.



IMMIGRATION FUND ORDINANCE, 1858.

IN THE TWENTY-SECOND YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION VII.—No. 29.

ANALYSIS.

- | | |
|--|---|
| 1. The Sum of £20,000 appropriated for Immigration. | 4. What Sums to be debited therein. |
| 2. The Provincial Treasurer to keep a debtor and creditor account with Immigration Department. | 5. Sums to be paid by Treasurer under Superintendent's warrant. |
| 3. What Sums to be credited therein. | 6. Treasurer to be allowed credit for all sums so paid. |
| | 7. Short Title. |

AN ORDINANCE to Provide a Fund for Immigration.

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

1. Out of the sum of Thirty-five Thousand Pounds, authorised to be raised by the "Loan Ordinance, 1856," there shall be appropriated for the purposes of Immigration into the said Province the sum of Twenty Thousand Pounds sterling. The sum of £20,000 appropriated for Immigration.

2. For the purpose of shewing and determining at any time, and from time to time, what sums of money are available for Immigration, the Provincial Treasurer shall keep a debtor and creditor account with the Immigration Department, in manner hereinafter provided. The Provincial Treasurer to keep a debtor and creditor account with Immigration Department.

What Sums to be credited therein.

3. In such account the Immigration Department shall be credited with the said sum of Twenty Thousand Pounds, and also with any other sum or sums of money that shall or may, by Ordinance of the Provincial Council, be from to time appropriated for Immigration ; and also with all sums which shall from time to time be levied and received from Immigrants and others in repayment of the cost of their passages, or of any other costs and charges defrayed by the Provincial Government or their Agents on account of the Immigration of the said Immigrants.

What Sums to be debited therein.

4. In such account the Immigration Department shall be debited with all the passage monies, salaries, contingencies, and expenses, of the said Immigration Department, but with no part of the interest or annual charges that shall or may be or have been incurred by raising the said sum of Twenty Thousand Pounds.

Sums to be paid by Treasurer under Superintendent's warrant.

5. The Provincial Treasurer shall issue and pay, from time to time out of such Immigration funds, any sum or sums of money, for the purposes hereinbefore mentioned, to such persons and in such proportions as the Superintendent shall, by warrant or warrants signed by him, from time to time direct ; and the payments so to be signed, shall be charged upon and payable out of such Immigration fund as aforesaid.

Treasurer to be allowed credit for all sums so paid.

6. The said Treasurer shall, in the aforesaid account, from time to time be allowed credit for any sums of money paid by him in pursuance of any warrant issued by virtue of this Ordinance ; and the receipt of the person, to whom the same shall be so paid, shall be a full and valid discharge to the said Treasurer for any such sum as shall be therein mentioned, and shall be passed to his credit in such account accordingly.

Short title.

7. This Ordinance may be cited and referred to as "The Immigration Fund Ordinance, 1858."

Passed the Provincial Council this 9th day of November 1858.

JAMES MACANDREW,

Speaker.

ROBERT CHAPMAN,

Clerk of Council.

Assented to on behalf of the Governor, at Dunedin, the sixteenth day of November, One Thousand, Eight Hundred and Fifty-eight.

W. CARGILL,

Superintendent of the Province of Otago.



PASTORAL DISTRICTS ORDINANCE, 1858.

IN THE TWENTY-SECOND YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION VII.—No. 30.

ANALYSIS.

Preamble.

1. Districts to be proclaimed from time to time.
2. Regard to be had to the natural outlet of the produce thereof.
3. Runholders may raise assessment for construction of roads and other purposes.
4. Meeting to be held in February or March.
5. Annual Meeting.
6. Shall determine the sum to be raised by assessment, and the manner of expending the same.
7. Rate to be levied upon runs.
8. Estimate to be made of the amount of stock. Runholders to contribute according to the number of stock so estimated.
9. Rate not to exceed one penny per head on sheep, and sixpence per head on other cattle.
10. Mode of assessment fixed at Annual Meeting, not to be altered except by Special Meeting.
11. Expenditure on main lines, in certain cases, to be under direction of Government.
12. Wardens may be elected.
13. Chairman of Annual Meeting may serve notices requiring runholders to pay assessment. Appeal in case of overcharge.
14. Sums levied to be paid to a Treasurer. May be recovered in a summary way. Accounts to be audited and published.
15. Common right of working coal for fuel until reserve made of land where found.
16. Interpretation of terms, runs, and runholders.
17. Short title.

AN ORDINANCE to enable the Superintendent to constitute Pastoral Districts, and to authorise the Assessment of Runs and Levying of Rates therein.

WHEREAS it is expedient that Pastoral Districts should be con- Preamble.
stituted in the Province of Otago, within which it shall be
lawful for the Licensed Runholders to raise funds by assessment to-

wards the construction of roads for facilitating the export of wool and other produce raised therein, and for other purposes ;

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

Districts to be proclaimed from time to time.

1. It shall be lawful for the Superintendent, from time to time by Proclamation in the "Provincial Government Gazette," to constitute Districts within the Province, which shall be called Pastoral Districts ; and every such District shall be separately designated and the boundaries thereof fixed in such Proclamation, and properly defined upon a plan authenticated by the Chief Surveyor : Provided that the Superintendent may at any time, by a like Proclamation, limit, extend, or otherwise vary such boundaries.

Regard to be had to the Natural outlet of the produce thereof.

2. In determining the Boundaries of every Pastoral District, regard shall be had in the first instance to its connexion with some shipping port or place as the natural outlet for the produce thereof ; so that, as far as may be, the country comprised in the District shall be only such as is naturally connected with such outlet.

Runholders may raise assessment for construction of roads and other purposes.

3. Upon the constitution of any such Pastoral District as aforesaid, it shall be lawful for the Licensed Runholders occupying Runs therein to raise each year by assessment upon their Runs in manner following, such sums as they may agree to contribute during the year towards the construction of roads, the extirpation of wild dogs, or for otherwise facilitating the occupation of the country and the export of produce therefrom.

Meeting to be held in February or March.

4. In the month of January in each year the Chief Commissioner of the Waste Land Board shall, by notice in the Government Gazette, convene a Meeting of the Licensed Runholders in each Pastoral District, to be held in the months of February or March, at some convenient time and place within the District, to be named in such notice.

Annual Meeting.

5. The Meeting so convened shall be termed the "Annual Meeting ;" and at every such Meeting the Runholders shall elect one of their body to preside, who shall be called the "Chairman of the Annual Meeting ;" and every such Meeting may be continued by adjournment, and every question thereat shall be decided by a majority of votes, each Runholder or his authorised agent having one vote, and the Chairman having an original and casting vote.

Shall determine the sum to be raised by assessment, and the manner of expending the same.

6. At every such Annual Meeting the Runholders shall determine the total sum which shall be raised by assessment during the current year, and at the sametime settle the manner in which such total sum shall be expended within the District.

Rate to be levied upon runs.

7. For the purpose of raising the total sum so determined as aforesaid, it shall be lawful for the Annual Meeting to levy a rate in the District by assessment upon the several Runs situated therein, which rate shall be the rate for the current year.

8. For the purpose of such assessment an estimate shall be made at the Annual Meeting, of the amount of Stock which each Run within the District is capable of carrying when fully stocked, (which estimate may be varied from year to year): and the amount payable by each Runholder for the current year shall bear a like proportion to the total amount of the rate, as the amount of Stock his Run may be so estimated to carry bears to the total amount which all the Runs in the District may be estimated to carry.

Estimate to be made of the amount of stock. Runholders to contribute according to the number of stock so estimated.

9. No rate, for the purposes of this Ordinance, shall be levied in any District in any one year, the total amount whereof shall exceed the sum of One Penny per head for the Sheep, which the Runs therein are estimated to carry, or Sixpence per head for other Cattle.

Rate not to exceed one penny per head on sheep, and sixpence per head on other cattle.

10. After the mode of expenditure of the rate shall have been settled at the Annual Meeting as aforesaid, no alteration shall take place therein except at a Special Meeting called for the purpose of considering such alteration, which Meeting may be convened by a notice signed by not less than three Runholders, and posted for a period of at least one month prior to the Meeting at some conspicuous place to be appointed for the purpose at the Annual Meeting.

Mode of assessment fixed at Annual Meeting, not to be altered except by Special Meeting.

11. Whenever it shall happen that any of the money levied by rate as aforesaid shall be settled to be spent on any main line of road laid out by the Provincial Government, or whenever it shall happen that the Provincial Council shall vote any portion of the Public Revenue in aid of such rate, the expenditure of all such monies shall be under the direction of the Provincial Government.

Expenditure on main lines, in certain cases, to be under direction of Government.

12. It shall be lawful for the Runholders at such Annual Meeting to elect Pastoral Wardens in manner provided by the Land Regulations, and the Wardens so elected shall be Pastoral Wardens for the District until the next Annual Meeting, and shall have and exercise within the District all the powers and rights vested in Pastoral Wardens by the said Regulations.

Wardens may be elected.

13. The Chairman of the Annual Meeting may serve a notice in some convenient form upon every Runholder in the District, (either by personal service or by leaving the same at some station on the Run), requiring him to pay within three months from the date of the notice a certain sum, which shall be the sum due by him according to the proportion hereinbefore fixed: Provided that if the Runholder shall consider himself overcharged he may appeal to a Justice of the Peace in like manner as is provided by the Land Regulations in cases of alleged overcharge in the assessment of Stock by the Waste Land Board.

Chairman of Annual Meeting may serve notices requiring runholders to pay assessment. Appeal in case of overcharge.

14. All sums of money levied by rate in any Pastoral District shall be paid to a Treasurer to be appointed for that purpose by the Annual Meeting; and shall by him be recoverable in a summary way: and an Account of the Receipt and Expenditure of the rate in each District shall be audited by the Auditors of the Public Accounts

Sums levied to be paid to a Treasurer. May be recovered in a summary way. Accounts to be audited and published.

of the Province, and on being passed shall be published in the "Provincial Government Gazette."

Common right of working coal for fuel until reserve made of land where found. 15. In every Pastoral District in which Coal shall be found, a common right of working the Coal for fuel shall be vested in every Runholder in the District until the Superintendent shall decide whether a Public Reserve shall be made of the land where the Coal is situate; and upon such Reserve being made the common right shall cease and determine.

Interpretation of terms, runs, and runholders. 16. For the purposes of this Ordinance the term "Runholders" shall include applicants for Runs, and all Runs applied for shall be liable to assessment; and in the event of any applicant, or the transferee or assigns of any applicant, obtaining a license, he or they shall be bound to pay the amount of the rate, applicable to the Run so licensed, immediately upon the issue of the license thereof.

Short title. 17. The Short Title of this Ordinance shall be the "Pastoral Districts Ordinance, 1858."

Passed the Provincial Council this 10th day of November 1858.

JAMES MACANDREW,
Speaker.

ROBERT CHAPMAN,
Clerk of Council.

Assented to on behalf of the Governor, at Dunedin, the sixteenth day of November, One Thousand, Eight Hundred and Fifty-eight.

W. CARGILL,
Superintendent of the Province of Otago.

[This Ordinance was disallowed by His Excellency the Governor. See "General Government Gazette," 13th January 1859.]



LEASES OF JETTY RESERVES ORDINANCE, 1858.

IN THE TWENTY-SECOND YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION VII.—No. 31.

ANALYSIS.

Preamble.

1. Superintendent may grant Leases for Fourteen Years of Jetty Reserves.
2. Short Title.

AN ORDINANCE to Authorise the Superintendent of the Province of Otago to grant Leases for a longer term than is allowed by law of certain of the Lands held by him on Trust for the Public Service of the Province.

WHEREAS it is expedient to extend the term of three years for which it is lawful to the Superintendent to grant Leases of the Lands vested in him upon Trust for a site for Public Stores and Buildings connected with the Public Jetty at the Town of Dunedin in the Province of Otago ;

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

1. It shall be lawful for the Superintendent to grant Leases of all Superintendent may or any part of the Lands vested in the Superintendent upon Trust grant Leases for 14 as a site for Public Stores and Buildings, connected with the Public years of Jetty Re-serves. Jetty aforesaid, for any term not exceeding Fourteen Years : Pro-

vided always that such Lands, except such part thereof as is now in the occupation of John Jones, shall be let for the purpose aforesaid by auction to the highest bidder.

Short Title.

2. This Ordinance shall be termed and may be cited and referred to as the "Leases of Jetty Reserves Ordinance, 1858."

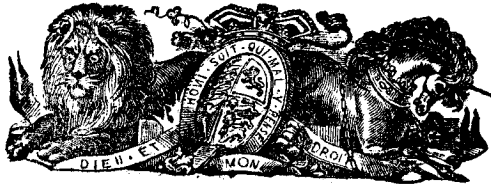
Passed the Provincial Council this 15th day of November 1858.

JAMES MACANDREW,
Speaker.

ROBERT CHAPMAN,
Clerk of Council.

Assented to on behalf of the Governor, at Dunedin, the sixteenth day of November, One Thousand Eight Hundred and Fifty-eight.

W. CARGILL,
Superintendent of the Province of Otago.



JETTIES AND WHARVES ORDINANCE, 1858.

IN THE TWENTY-SECOND YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION VII.—No. 32.

ANALYSIS.

Preamble.

- | | |
|---|---|
| 1. "Dunedin Public Lands Ordinance, 1854,"
and "Jetty and Wharf Ordinance, 1854,"
repealed. | 2. Management of Jetties and Wharves
vested in Superintendent. |
| | 3. Power to levy tolls. |
| | 4. Short Title. |

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

WHEREAS it is expedient to repeal the Ordinances hereinafter mentioned, and to regulate the management and administration of Jetties and Wharves as hereinafter mentioned;

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

1. The Ordinance entituled "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); and also an Ordinance entituled "The Jetty and Wharf Ordinance, 1854," shall be, and the same are hereby, repealed.

Management of Jetties and Wharves vested in Superintendent.

2. The management and administration of all Public Jetties and Wharves, and all Buildings and Machinery necessary for the same, shall be vested in, and carried on and conducted by the Superintendent, with the advice and consent of his Executive Council.

Power to levy tolls.

3. It shall be lawful for the Superintendent, with the advice and consent of his Executive Council, to levy such tolls, dues, and wharfages, as the Superintendent, with the advice of his Executive Council, shall from time to time think fit.

Short title.

4. This Ordinance shall be termed and may be cited and referred to as the "Jetties and Wharves Ordinance, 1858."

Passed the Provincial Council this 15th day of November 1858.

JAMES MACANDREW,

Speaker.

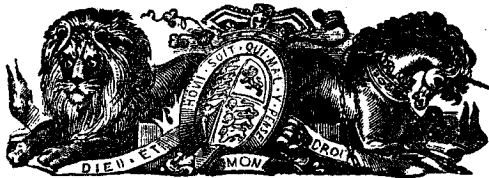
ROBERT CHAPMAN,

Clerk of Council.

Assented to on behalf of the Governor, at Dunedin, the sixteenth day of November, One Thousand, Eight Hundred and Fifty-eight.

W. CARGILL,

Superintendent of the Province of Otago.



APPROPRIATION ORDINANCE, 1858, (No. 2).

IN THE TWENTY-SECOND YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION VII.—No. 33.

ANALYSIS.

Preamble.

1. Certain sums to be applied to the service of the year ending 30th September, 1859.

2. Treasurer to pay money on Superintendent's warrant, and to be allowed credit for all monies so paid.

3. Short Title.

AN ORDINANCE to *Appropriate the Revenue for the Year ending 30th September, 1859.*

WHEREAS it is expedient that provision should be made for defraying the expense of the Government of the Province of Otago from the Revenues thereof, for the service of the year from the 1st day of October 1858 to the 30th day of September 1859, both inclusive ;

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. Out of such Revenues there may be issued and applied in manner hereinafter mentioned, any sum or sums of money not exceeding the several sums of money hereinafter specified, amounting in the

Certain sums to be applied to the service of the year ending 30th September 1859.

whole to the sum of Ninety-four Thousand, Two Hundred and Ninety-nine Pounds, Twelve Shillings, and Twopence sterling, for defraying the charges of the Government of the said Province for the year commencing on the 1st day of October 1858, and ending on the 30th day of September 1859, both inclusive, that is to say, for the service of—

SUPERINTENDENT'S DEPARTMENT—			
Superintendent.....	£400	0	0
Superintendent's Clerk	200	0	0
Assistant Clerk	130	0	0
			<u>£730</u> 0 0
TREASURER AND SOLICITOR'S DEPARTMENT—			
Treasurer and Solicitor	350	0	0
Clerk	150	0	0
			<u>500</u> 0 0
PROVINCIAL COUNCIL DEPARTMENT—			
Clerk	75	0	0
Rent of Hall.....	25	0	0
			<u>100</u> 0 0
REGISTRAR'S DEPARTMENT—			
Registrar of Deeds	40	0	0
Assistant Clerk	150	0	0
Iron Safe for Records.....	50	0	0
			<u>240</u> 0 0
PUBLIC WORKS—			
Civil Engineer.....	100	0	0
Clerk	50	0	0
Council Hall and Court Houses	3500	0	0
Gaol, Dunedin	5000	0	0
Gaol and Lock-up, Invercargill, balance of contracts, &c.....	137	0	0
Public Offices, Invercargill.....	380	0	0
Land Office, Invercargill.....	200	0	0
Mataura Bridge	250	0	0
Mataura Bridge and Ferry House	245	0	0
Buoying and Improving the Navigation of the Clutha River.....	300	0	0
Buoying and Improving Navigation of Taieri River	550	0	0
Improvements at the North.....	250	0	0
Working Coal-Fields	500	0	0
Buoying the New River	150	0	0
Removing the Bar from Puni Creek	100	0	0
Jetty at Port Chalmers.....	500	0	0
Works not provided for above.....	1000	0	0
			<u>13,212</u> 0 0
ROADS' DEPARTMENT—			
Road Inspector	300	0	0
Clerk to the Board	50	0	0
<i>Dunedin to Invercargill—</i>			
Metalled Road to Saddlehill	£5700	0	0
" at Invercargill.....	1200	0	0
Forming Dray track from Invercargill to Dunedin	2000	0	0
			<u>8900</u> 0 0
<i>Dunedin to Port Chalmers—</i>			
Metalled Road to Town Belt.....	1500	0	0
Metalled Horse Track from North-east Valley to Port Chalmers...	900	0	0
Town Belt to head of North-east Valley	1000	0	0
			<u>3400</u> 0 0
Carry forward.....			<u>£1570</u> 0 0

PUBLIC WORKS—Continued.

ROADS DEPARTMENT.

Brought forward..... £1570 0 0

Dunedin to Oamaru—

Metalled Horse Track from North-east Valley to Blueskin Bay....	400	0	0		
Forming Horse Track to Oamaru	500	0	0		
				900	0 0
Invercargill to Riverton—Forming Horse Track	1000	0	0		
Invercargill to Campbelltown	500	0	0		
Abbot's Creek to North Taieri—Forming Dray Track	1000	0	0		
Cost of Supervision, Overseers, &c.	800	0	0		

Pastoral Roads—

Oamaru to Upper Waitaki	£333	6	8		
Waikouaiti to Manuherikia	333	6	8		
Invercargill to Upper Mataura.....	333	6	8		
				1000	0 0
Anderson's Bay to Portobello				250	0 0
Dunedin to Half-way Bush				500	0 0

Main Town Streets—

Main Streets in Dunedin.....	2000	0	0		
Main Streets in Port Chalmers	300	0	0		
Main Streets in Invercargill	300	0	0		
				34,412	0 0

HARBOUR DEPARTMENT—

Dunedin :

Harbour Master	£25	0	0		
Pilot at Heads (besides one-fifth of pilotage)	150	0	0		
Pilots for Harbour	60	0	0		
Four Boatmen, at £4 10s. each per month	216	0	0		
Repairs of Buoys and Beacons	70	0	0		
Oil	50	0	0		
Additional Boat	50	0	0		

Bluff :

Pilot (besides one-fifth of pilotage and £1 for boarding each vessel	50	0	0		
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New River :

Pilot (beside one-fifth of pilotage and £1 for boarding each vessel)	90	0	0		
--	----	---	---	--	--

761 0 0

POLICE DEPARTMENT—

Chief Constable.....	175	0	0		
Three Constables for Dunedin, at 6s. per day, or £109 10s. each per annum	328	10	0		
Two Night Watchmen	219	0	0		
Office-keeper and Messenger to Public Offices...	75	0	0		
One Constable for Port Chalmers	109	10	0		
One Constable for Invercargill.....	109	10	0		
One Constable for Campbelltown.....	109	10	0		
Poundkeeper and Inspector of Slaughter Houses at Dunedin	20	0	0		
Special Services.....	300	0	0		
				1446	0 0

GAOL DEPARTMENT—

Gaoler, Dunedin.....	150	0	0		
Gaoler, Invercargill (to act also as additional Constable)	109	10	0		
Rations, Furnishings, &c.....	400	0	0		
				659	10 0

Carry forward..... £38,848 10 0

	Brought forward.....	£38,848	10	0
SHEEP INSPECTORS' DEPARTMENT—				
	North—Chief Inspector	350	0	0
	Forage for three Horses	150	0	0
	South—Chief Inspector	350	0	0
	Forage for two Horses	100	0	0
	Four Sub-Inspectors, two at £50 and two at £10 per annum; those for the South from 30th June 1858	135	0	0
			1085	0
HOSPITAL DEPARTMENT—				
	Provincial Surgeon	150	0	0
	Keepers, Male and Female	145	0	0
	Rations, Medicines, Medical Comforts, Furnish- ings, &c.....	300	0	0
			595	0
FERRIES—				
	Clutha—Punt and Gearing.....	300	0	0
	Oreti.....	50	0	0
	Allowance to Upper Taieri Ferryman, not ex- ceeding	37	10	0
			387	10
EDUCATION—				
	Liabilities due to the Board	3702	0	0
	Additional Sum required for Buildings, &c.....	1300	0	0
	Schoolmasters' Salaries.....	2000	0	0
	Repayment to Schoolmasters of School Fees.....	211	12	2
			7213	12
IMMIGRATION—				
	Loan to Immigration Fund, without interest		20,000	0
STEAM—				
	Inter-Colonial Service (for 2 years).....	8000	0	0
	Coasting Service.....	3000	0	0
	Harbour Ditto			
			11,000	0
LIABILITIES—				
	Annual Contribution to N. Z. Co.'s Debt	4650	0	0
	Debentures payable.....	5400	0	0
	Interest and Bank Charges on Debentures, say .	3500	0	0
			13,550	0
MISCELLANEOUS—				
	Printing and Advertising	400	0	0
	Stationery	100	0	0
	Firewood or Coal	120	0	0
	General Contingencies	1000	0	0
			1620	0
	Total		£94,299	12
				2

Treasurer to pay money on Superintendent's warrant, and to be allowed credit for all monies so paid.

2. The Provincial Treasurer shall issue and pay from time to time any sum or sums of money for the purposes hereinbefore mentioned, not exceeding in whole the sums respectively above specified, to such persons and in such proportions as the Superintendent shall, by warrant or warrants signed by him, from time to time direct; and such Treasurer shall, in his accounts, be allowed credit for all sums paid by him in pursuance of such warrants, and the receipt of the person to whom such sums shall have been so paid shall be to him a full and valid discharge for the sum or sums for which such receipt shall have been given, and the amount thereof shall be passed to his credit in account accordingly.

3. This Ordinance may be cited and referred to as the "Appro-Short Title. priation Ordinance, 1858, (No. 2)."

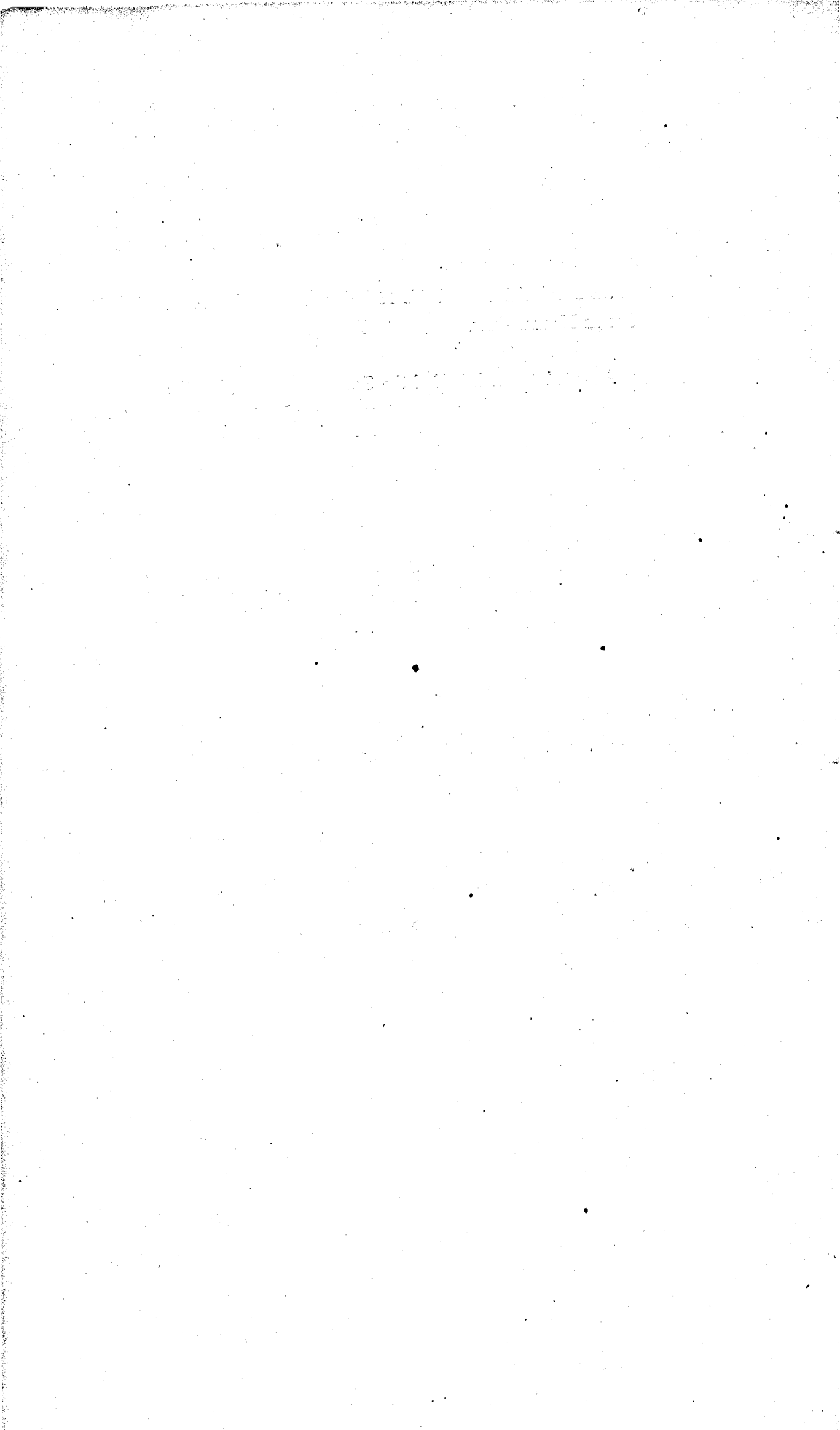
Passed the Provincial Council this 16th day of November 1858.

JAMES MACANDREW,
Speaker.

ROBERT CHAPMAN,
Clerk of Council.

Assented to on behalf of the Governor, at Dunedin, the
sixteenth day of November, One Thousand Eight
Hundred and Fifty-eight.

W. CARGILL,
Superintendent of the Province of Otago.





APPROPRIATION ORDINANCE, 1859

IN THE TWENTY-THIRD YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION VIII.—NO. 34.

ANALYSIS :

Title.

Preamble.

1. Certain Sums to be applied to the service of the six months commencing on 1st October 1859, and ending 31st March 1860.

2. Treasurer to pay Money on Superintendent's Warrant, and to be allowed credit for all Money so paid.

3. The Treasurer to be allowed credit for sums paid, but not authorised by Appropriation Ordinance, 1858-9.

4. Short Title.

AN ORDINANCE to *Appropriate the Revenue of the Province of Otago for the period of Six Months from and after the 30th day of September 1859.*

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

1. Out of the Revenue of the Province there may be issued and applied for defraying the charge of the Government of the Province of Otago, for the six months commencing on the 1st day of October 1859, and ending on the 31st day of March 1860, the sum of

Certain sums to be applied to the service of the Six Months commencing on 1st October 1859, and ending 31st March 1860.

ninety-eight thousand one hundred and ninety-eight pounds two shillings and sixpence, in any sums not exceeding the several sums for the several purposes hereinafter particularly specified, that is to say—

SUPERINTENDENT'S DEPARTMENT—

Superintendent	£200	0	0
Superintendent's Clerk	100	0	0
Assistant Clerk	65	0	0
			<u>£365 0 0</u>

TREASURER AND SOLICITOR'S DEPARTMENT—

Treasurer and Solicitor	175	0	0
Accountant	100	0	0
Clerk	75	0	0
			<u>350 0 0</u>

PROVINCIAL COUNCIL DEPARTMENT—

Clerk	37	10	0
Rent of Hall	25	0	0
			<u>62 10 0</u>

REGISTRAR'S DEPARTMENT—

Registrar of Deeds	20	0	0
Assistant Clerk	75	0	0
			<u>95 0 0</u>

WASTE LAND DEPARTMENT—

Chief Commissioner	175	0	0
Clerk to Chief Commissioner	125	0	0
Clerk to Treasurer and Receiver	125	0	0
Three Clerks—two at £160 each, and one at £85 per annum	202	10	0
Local Officer, Invercargill	125	0	0
Fees to three Commissioners, at £50 per annum	75	0	0
Refunds	1000	0	0
Stationery	100	0	0
Printing and Advertising	177	10	0
			<u>2105 0 0</u>

CROWN GRANTS—

Clerk for preparing Crown Grants	75	0	0
Contingencies	50	0	0
Temporary Assistants	100	0	0
			<u>225 0 0</u>

SURVEY DEPARTMENT—

Chief Surveyor	175	0	0
Assistants	1000	0	0
Sub-Assistants	500	0	0
12 Apprentices, at £12 each per annum	72	0	0
Six Survey Parties, at £700 per annum, including Men's Wages and Provisions	2100	0	0
Two Draughtsmen, at £225 and £150 per annum	187	10	0
Travelling Expenses and Field Allowances	200	0	0
Instruments, Stationery, and Contingencies	300	0	0
District Survey Offices	1200	0	0
			<u>5734 10 0</u>

PUBLIC WORKS—

Civil Engineer	50	0	0
Draftsman	37	10	0
Road Claims' Commissioner	250	0	0
Inspector of Roads	125	0	0
Overseer of Works	109	0	0
Clerk at Invercargill, and Collector of Dog Tax, from 1st October 1858	75	0	0
Overseer of Roads and Public Works at Invercargill	75	0	0
Travelling Expenses	50	0	0
Instruments, Stationery, and Contingencies	100	0	0
			<u>871 10 0</u>

Carry forward £9808 10 0

Brought forward . . . £9808 10 0

ROADS' DEPARTMENT—

<i>Dunedin to Invercargill—</i>		
Metalled Road to Taieri Plain	£5600	0 0
Do. from Invercargill to Waiopai Plain	2000	0 0
Dray Track from Taieri to Tokomairiro	1400	0 0
Do. from Tokomairiro to Waiopai	3000	0 0
<i>Dunedin to Port Chalmers—</i>		
Metalled Road to Head of North-east Valley	1050	0 0
Do. in Port Chalmers	500	0 0
Metalled Horse Track from North-east Valley to Port Chalmers	1800	0 0
<i>Dunedin to Oamaru—</i>		
Metalled Horse Track to Blueskin Bay	900	0 0
Dray Track to Oamaru	500	0 0
<i>Dunedin to Interior Districts—</i>		
Dray Track from Kaikorai Mill to Upper Taieri Ferry	1000	0 0
<i>Invercargill to Riverton—</i>		
Horse Track to New River Ferry	500	0 0
<i>Invercargill to Campbelltown—</i>		
Metalled Horse Track over Mokomok	500	0 0
<i>Invercargill to Interior Districts—</i>		
Horse Track to Ryal Bush	500	0 0
Main Streets, Invercargill	500	0 0
Road from Dunedin to Anderson's Bay	500	0 0
Road between Taieri River and Waipori	500	0 0
Road from head of Taieri Plain to Scroggs' Creek	500	0 0
For removing Obstructions and improving Navigation of the Taieri River	150	0 0
For removing Obstructions and improving Navigation of Clutha River	300	0 0
For Road in Saddlehill District	500	0 0
For Road and improving Entrance to Waihola Lake	500	0 0
For erecting Jetties on Clutha River	500	0 0
For a Punt for Upper Taieri Ferry	300	0 0
For the Purchase of Clutha Coal-field	3500	0 0
For Works in connection therewith	3000	0 0
		30,000 0 0

PUBLIC WORKS DEPARTMENT—

Court House and Council Hall	3000	0 0
Jail	5000	0 0
Lock-up House at Riverton, &c.	200	0 0
Jetty, Dunedin	1500	0 0
Weighing Machine	150	0 0
Jetty Port Chalmers	800	0 0
Do., Invercargill	1500	0 0
Do., Oamaru	3000	0 0
Do., Moeraki	200	0 0
Do., Waikouaiti	500	0 0
Do., Taieri Ferry	200	0 0
Do., Waihola	400	0 0
Do., Bluff	600	0 0
Do., Jacob's River	600	0 0
Clutha Punt	300	0 0
Mataura Ferry House	200	0 0
Addition to the Hospital and repairs	600	0 0
Provincial Government Offices, Dunedin	400	0 0
Do. do., Invercargill	300	0 0
Works not provided for	1000	0 0
		20,450 0 0
Towards the Erection of a Native School and Schoolmaster's House at Otago	200	0 0
Towards the Erection of an Athenæum and Mechanics' Institute in Dunedin	1000	0 0
For Purchase of the present Mechanics' Institute, not exceeding	1500	0 0
For Fencing Invercargill Burying Ground	100	0 0
		£63,058 10 0
Carry forward		

	Brought forward	£63,058 10 0
HARBOUR DEPARTMENT—		
Pilotage Works, Otago	£200 0 0	
Do. New River	300 0 0	
Do. Clutha	50 0 0	
Contingencies	200 0 0	
		750 0 0
<i>Dunedin :</i>		
Harbour Master	12 10 0	
Pilot at Heads (besides one-fifth pilotage)	87 10 0	
Assistant Pilot	60 0 0	
Pilot for Upper Harbour	50 0 0	
Four Boatmen	120 0 0	
Oil	113 0 0	
Two Additional Boats	110 0 0	
Jetty Keeper	54 15 0	
		607 15 0
<i>Bluff :</i>		
Pilot (besides one-fifth of Pilotage)	£50 0 0	
Boatmen, not exceeding	60 0 0	
Boat.	40 0 0	
<i>New River :</i>		
Pilot (besides one-fifth of pilotage)	60 0 0	
Boatmen, not exceeding	120 0 0	
Boat.	40 0 0	
		370 0 0
POLICE DEPARTMENT—		
Chief Constable	87 10 0	
Four Day Constables for Dunedin, at 6s. per diem, or £109 10s. each per annum	219 0 0	
Three Night Watchmen, at do.	164 5 0	
Constable (to act also as Bailiff)	27 7 6	
Office-Keeper and Messenger	52 10 0	
One Constable for Port Chalmers	54 15 0	
One Do. Invercargill	54 15 0	
One Do. Campbelltown	10 0 0	
One Do. Riverton	54 15 0	
Five Do. Rural Districts	50 0 0	
Pound Keeper	10 0 0	
Special Services and Contingencies	150 0 0	
Inspector of Weights and Measures	12 10 0	
		947 7 6
GAOL DEPARTMENT—		
Gaoler, Dunedin	75 0 0	
Turnkey, do.	54 15 0	
Gaoler, Invercargill (acts also as an additional Constable)	54 15 0	
Rations, Furnishings, &c.	200 0 0	
		384 10 0
SHEEP INSPECTORS' DEPARTMENT—		
North—Chief Inspector	175 0 0	
Forage for three Horses	75 0 0	
South—Chief Inspector	175 0 0	
Forage for two Horses	50 0 0	
Four Sub-Inspectors—two at £50 and two at £10 per annum: those for the South from 30th June 1858, not exceeding	100 0 0	
		575 0 0
HOSPITAL DEPARTMENT—		
Provincial Surgeon	£75 0 0	
Keepers, Male and Female, including Washing, &c.	90 0 0	
Rations, Medicines, Medical Comforts, Furnishings, &c.	150 0 0	
Books for use of the Inmates	25 0 0	
		340 0 0
FERRIES—		
Allowance to Upper Taieri Ferryman		15 0 0
	Carry forward	£67,048 2 6

	Brought forward		£67,048	2	6
EDUCATION—					
	Repayment of Fees to Teachers	£340	0	0	
	School Buildings, Fencing, and Contingencies	3310	0	0	
	Teachers Salaries for six months	579	10	0	
	Bringing four additional Teachers from Britain	400	0	0	
					4629 10 0
IMMIGRATION—					
	Loan to Immigration Fund, without Interest	20,000	0	0	
	Less Paid	5000	0	0	
					15,000 0 0
STEAM—					
	Inter-Colonial Service	4000	0	0	
	Coasting Service	1000	0	0	
					5000 0 0
	Debentures payable				2600 0 0
	Interest on Debentures				2500 0 0
MISCELLANEOUS—					
	Printing and Advertising	300	0	0	
	Stationery	150	0	0	
	Firewood or Coal	200	0	0	
	Weights and Measures	70	10	0	
	General Contingencies	500	0	0	
					1220 10 0
	STATISTICS				200 0 0
	TOTAL EXPENDITURE				£98,198 2 6

2. The Provincial Treasurer shall issue and pay from time to time any sum or sums of money for the purposes hereinbefore mentioned, not exceeding in whole the sums respectively above specified, to such persons and in such proportions as the Superintendent shall by Warrant or Warrants, signed by him, from time to time direct; and such Treasurer shall in his accounts be allowed credit for all sums paid by him in pursuance of such Warrants, and the receipt of the person to whom such sums shall have been paid shall be to him a full and valid discharge for the sum or sums for which such receipt shall have been given, and the amount thereof shall be passed to his credit in account accordingly.

3. And whereas the actual Expenditure for the Provincial Government and Public Works and undertakings has exceeded the sums authorised by the Appropriation Ordinance for the year commencing the 1st October 1858, and ending on the 30th September 1859, by the sum of one thousand eight hundred and fifty-five pounds two shillings, according to the items enumerated in the Schedule hereto annexed: And whereas the said Expenditure was reasonable and necessary, THEREFORE the Superintendent is indemnified for the issue of his Warrants for the said amount of one thousand eight hundred and fifty-five pounds two shillings—for which amount the Provincial Treasurer shall be allowed, and is hereby authorised, to take credit in his accounts.

4. This Ordinance may be cited and referred to as the "Appropriation Ordinance, 1859."

Treasurer to pay money on Superintendent's Warrant, and to be allowed credit for all money so paid.

The Treasurer to be allowed credit for sums paid, but not authorised by "Appropriation Ordinance, 1858-9."

Short Title.

SCHEDULE.

TREASURER AND SOLICITOR'S DEPARTMENT		£50 0 0
PUBLIC WORKS—		
Gaol and Lock-up, Invercargill.....	£53 9 11	
Mataura Bridge and Ferry House.....	38 5 0	
Improvements at North (Oamaru Store).....	50 0 0	
Dunedin Jetty	498 8 11	
Coal Fields	150 3 11	
	<hr/>	790 7 9
HARBOUR DEPARTMENT—		
<i>Dunedin</i> :		
Pilots, &c., Upper Harbour.....	23 8 4	
Pilots and Crews, Lower Harbour.....	65 6 4	
Oil	97 2 9	
	<hr/>	185 17 5
<i>Bluff and New River</i> :		
Pilots' and Crews		287 19 10
HOSPITAL DEPARTMENT—		
Rations, &c.		43 5 8
STATIONERY		11 18 0
FIREWOOD		12 10 6
ALLOWANCE to Resident Magistrate, Invercargill, for Clerk	100 0 0	
Firewood	1 4 0	
	<hr/>	101 4 0
ROAD CLAIMS Compensation.....		162 5 6
Do. Commissioner		219 13 4
	<hr/>	£1855 2 0

Passed the Provincial Council this 9th day of November 1859.

JAMES MACANDREW,
Speaker.

ROBT. CHAPMAN,
Clerk of Council.

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

W. CARGILL,
Superintendent of the Province of Otago.



PASTORAL DISTRICTS ORDINANCE, 1859.

IN THE TWENTY-THIRD YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION VIII.—No. 35.

ANALYSIS :

Preamble.

1. Districts to be proclaimed from time to time.
2. Regard to be had to the natural outlet of the produce thereof.
3. Runholders may raise assessment for construction of roads and other purposes.
4. Meeting to be held in February or March.
5. Annual Meeting.
6. Shall determine the sum to be raised by assessment, and the manner of expending the same.
7. Rate to be levied upon runs.
8. Estimate to be made of the amount of stock. Runholders to contribute according to the number of stock so estimated.
9. Rate not to exceed one penny per head on sheep, and sixpence per head on other cattle.
10. Mode of assessment fixed at Annual Meeting, not to be altered except by Special Meeting.
11. Expenditure on main lines, in certain cases, to be under direction of Government.
12. Wardens may be elected.
13. Chairman of Annual Meeting may serve notices requiring runholders to pay assessment. Appeal in cases of overcharge.
14. Sums levied to be paid to a Treasurer. May be recovered in a summary way. Accounts to be audited and published.
15. Interpretation of terms, runs, and runholders.
16. Short Title.

AN ORDINANCE to enable the Superintendent to constitute Pastoral Districts, and to authorise the Assessment of Runs and Levying of Rates therein.

WHEREAS it is expedient that Pastoral Districts should be constituted in the Province of Otago, within which it shall be lawful for the Licensed Runholders to raise funds by assessment to—

Preamble.

wards the construction of Roads for facilitating the export of wool and other produce raised therein, and for other purposes ;

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

Districts to be proclaimed from time to time.

1. It shall be lawful for the Superintendent, from time to time by Proclamation in the "Provincial Government Gazette," to constitute Districts within the Province, which shall be called Pastoral Districts ; and every such District shall be separately designated and the boundaries thereof fixed in such Proclamation, and properly defined upon a plan authenticated by the Chief Surveyor : Provided that the Superintendent may at any time, by a like Proclamation, limit, extend, or otherwise vary such boundaries.

Regard to be had to the Natural outlet of the produce thereof.

2. In determining the Boundaries of every Pastoral District, regard shall be had in the first instance to its connexion with some shipping port or place as the natural outlet for the produce thereof ; so that, as far as may be, the country comprised in the District shall be only such as is naturally connected with such outlet.

Runholders may raise assessment for construction of roads, and other purposes.

3. Upon the constitution of any such Pastoral District as aforesaid, it shall be lawful for the Licensed Runholders occupying Runs therein to raise each year by assessment upon their Runs in manner following, such sums as they may agree to contribute during the year towards the construction of roads, the extirpation of wild dogs, or for otherwise facilitating the occupation of the country and the export of produce therefrom.

Meeting to be held in February or March.

4. In the month of January in each year the Chief Commissioner of the Waste Land Board shall, by notice in the Government Gazette, convene a Meeting of the Licensed Runholders in each Pastoral District, to be held in the months of February or March, at some convenient time and place within the District, to be named in such notice.

Annual Meeting.

5. The Meeting so convened shall be termed the "Annual Meeting ;" and at every such meeting the Runholders shall elect one of their body to preside, who shall be called the "Chairman of the Annual Meeting ;" and every such Meeting may be continued by adjournment, and every question thereat shall be decided by a majority of votes, each Runholder or his authorised agent having one vote, and the Chairman having an original and casting vote.

Shall determine the sum to be raised by assessment, and the manner of expending the same.

6. At every such Annual Meeting the Runholders shall determine the total sum which shall be raised by assessment during the current year, and at the sametime settle the manner in which such total sum shall be expended within the District.

Rate to be levied upon Runs.

7. For the purpose of raising the total sum so determined as aforesaid, it shall be lawful for the Annual Meeting to levy a rate in the District by assessment upon the several Runs situated therein, which rate shall be the rate for the current year.

8. For the purpose of such assessment an estimate shall be made at the Annual Meeting, of the amount of Stock which each Run within the District is capable of carrying when fully stocked, (which estimate may be varied from year to year) : and the amount payable by each Runholder for the current year shall bear a like proportion to the total amount of the rate, as the amount of Stock his Run may be so estimated to carry bears to the total amount which all the Runs in the District may be estimated to carry.

Estimate to be made of the amount of stock. Runholders to contribute according to the number of stock so estimated.

9. No rate, for the purposes of this Ordinance, shall be levied in any District in any one year, the total amount whereof shall exceed the sum of One Penny per head for the Sheep, which the Runs therein are estimated to carry, or Sixpence per head for other Cattle.

Rate not to exceed one penny per head on sheep, and sixpence per head on other cattle.

10. After the mode of expenditure of the rate shall have been settled at the Annual Meeting as aforesaid, no alteration shall take place therein except at a Special Meeting called for the purpose of considering such alteration, which Meeting may be convened by a notice signed by not less than three Runholders, and posted for a period of at least one month prior to the Meeting at some conspicuous place to be appointed for the purpose at the Annual Meeting.

Mode of assessment fixed at Annual Meeting, not to be altered except by Special Meeting.

11. Whenever it shall happen that any of the money levied by rate as aforesaid shall be settled to be spent on any main line of road laid out by the Provincial Government, or whenever it shall happen that the Provincial Council shall vote any portion of the Public Revenue in aid of such rate, the expenditure of all such monies shall be under the direction of the Provincial Government.

Expenditure on main lines, in certain cases, to be under direction of Government.

12. It shall be lawful for the Runholders at such Annual Meeting to elect Pastoral Wardens in manner provided by the Land Regulations, and the Wardens so elected shall be Pastoral Wardens for the District until the next Annual Meeting, and shall have and exercise within the District all the powers and rights vested in Pastoral Wardens by the said Regulations.

Wardens may be elected.

13. The Chairman of the Annual Meeting may cause a notice to be served in some convenient form upon every Runholder in the District, (either by personal service or by leaving the same at some station on the Run), requiring him to pay within three months from the date of the notice a certain sum, which shall be the sum due by him according to the proportion hereinbefore fixed : Provided that if the Runholder shall consider himself overcharged he may appeal to a Justice of the Peace in like manner as is provided by the Land Regulations in cases of alleged overcharge in the assessment of Stock by the Waste Land Board.

Chairman of Annual Meeting may serve notices requiring runholders to pay assessment. Appeal in case of overcharge.

14. All sums of money levied by rate in any Pastoral District shall be paid to a Treasurer to be appointed for that purpose by the Annual Meeting ; and shall by him be recoverable in a summary way : and an account of the Receipt and Expenditure of the rate in each District shall be audited by the Auditors of the Public Accounts

Sums levied to be paid to a Treasurer. May be recovered in a summary way. Accounts to be audited and published.

of the Province, and on being passed shall be published in the "Provincial Government Gazette."

Interpretation of terms, "runs" and "runholders." 15. For the purposes of this Ordinance the term "Runholders" shall include applicants for Runs, and all Runs applied for shall be liable to assessment; and in the event of any applicant, or the transferee or assigns of any applicant, obtaining a license, he or they shall be bound to pay the amount of the rate, applicable to the Run so licensed, immediately upon the issue of the license thereof.

Short Title. 16. The Short Title of this Ordinance shall be the "Pastoral Districts Ordinance, 1859."

Passed the Provincial Council this 31st day of October 1859.

JAMES MACANDREW,
Speaker.

ROBT. CHAPMAN,
Clerk of Council.

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

W. CARGILL,
Superintendent of the Province of Otago.



ROADS CLAIMS ORDINANCE, 1859.

IN THE TWENTY-THIRD YEAR OF THE REIGN OF HER MAJESTY,
QUEEN VICTORIA.

SESSION VIII.—NO. 36.

ANALYSIS.

Title.
Preamble.

1. Trial may be Judicially as well as by Arbitration of Questions respecting Roads.
2. Short Title.

AN ORDINANCE to authorise the Judicial Trial of Questions arising
out of the Making or Altering of Roads. Title.

WHEREAS by the Roads Ordinance, 1856, passed by the Superintendent and Provincial Council of Otago, it is enacted that disputes in regard to all matters arising out of the making, widening, diverting, altering, improving, or repairing of roads, are to be referred to Arbitration: And whereas doubts have been expressed whether, in consequence of said enactment, the trial of such questions be competent before a Court of Law instead of by Arbitration; and it is expedient to remove such doubts; Preamble.

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 competent for the Superintendent, and other parties between whom any dispute, question, or difference may arise respecting any matter or thing which by the before recited Roads Ordinance is referred to Arbitration, to refer the same to Arbitration. 1. Trial may be Judicially as well as by Arbitration of Questions respecting Roads.

nance, 1856, is authorised to be settled by Arbitration, to institute proceedings in any competent Court of Law for the trial and decision of any such dispute, question, or difference, if the Superintendent or any of such other parties shall prefer to have the same tried and decided judicially, instead of by Arbitration.

2. Short Title. 2. This Ordinance may be cited and referred to by the title of the "Roads Claims Ordinance, 1859."

Passed the Provincial Council this 7th day of November 1859.

JAMES MACANDREW,
Speaker.

ROBT. CHAPMAN,
Clerk of Council.

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

W. CARGILL,
Superintendent of the Province of Otago.



PROVINCIAL COUNCIL ENLARGEMENT ORDINANCE,
1859.

IN THE TWENTY-THIRD YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION VIII.—No. 37.

ANALYSIS.

Title.

Preamble.

1. Repeal of "Provincial Council Enlargement Ordinance 1857."

2. Number of Electoral Districts.

3. Boundaries thereof.

4. Number of Members to be returned.

5. Electors on Murihiku District Roll for 1859, to vote in New Districts.

6. Short Title.

AN ORDINANCE to Alter and Increase the number of Electoral Districts, and of Members of the Provincial Council of Otago.

Passed the Provincial Council this 7th day of November 1859.

JAMES MACANDREW,

Speaker.

ROBT. CHAPMAN,

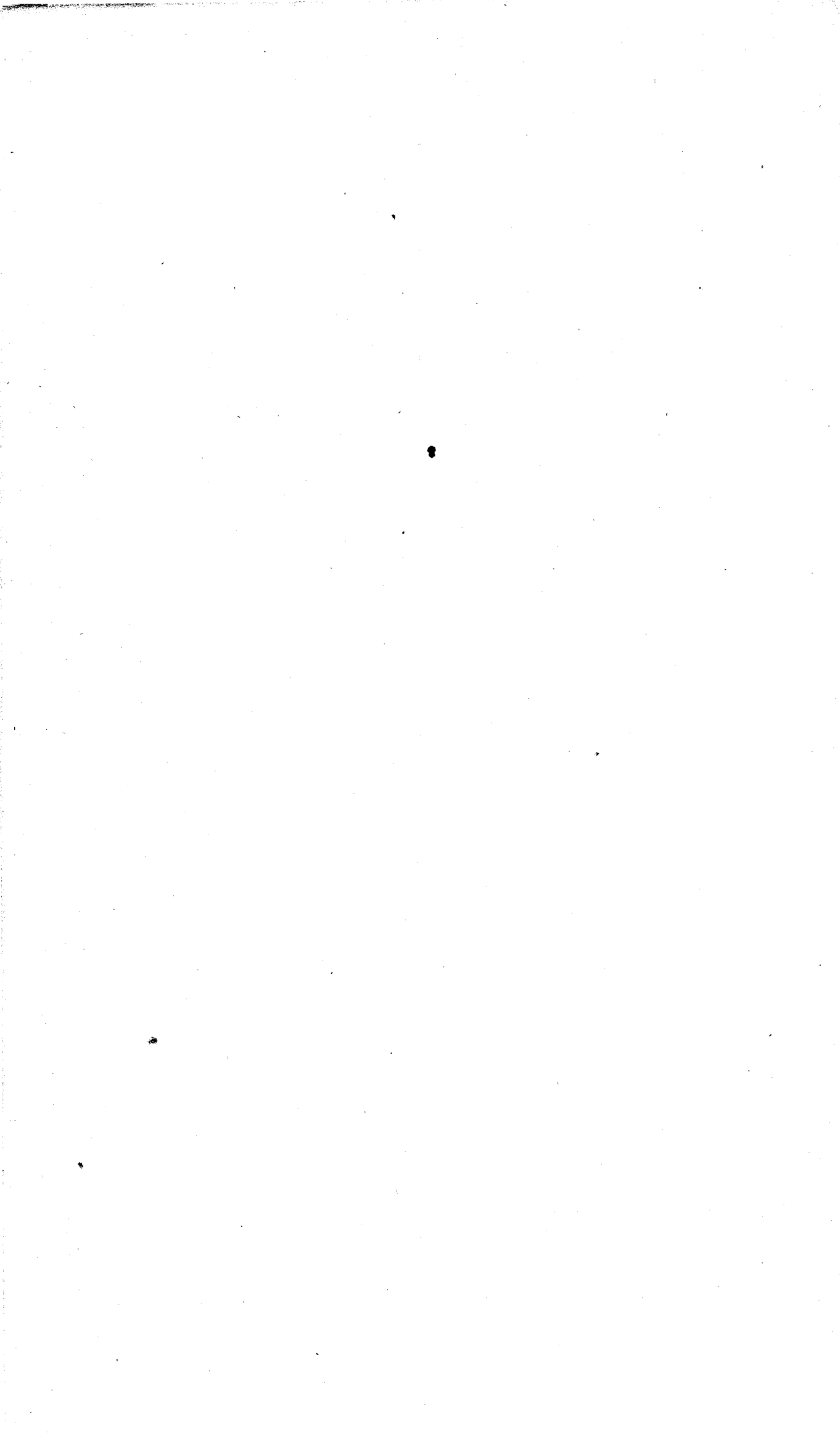
Clerk of Council.

DUNEDIN, 10th November 1859.—I hereby declare that I reserve this Bill for the signification of the Governor's pleasure thereon.

W. CARGILL,

Superintendent of the Province of Otago.

[This Ordinance was disallowed by His Excellency the Governor. See "General Government Gazette," of 7th February 1860.]





MAORI LODGING ORDINANCE, 1859.

IN THE TWENTY-THIRD YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION VIII.—No. 38.

ANALYSIS :

Title.	3. Building to be erected and maintained without cost to the Province.
Preamble.	4. In event of its being removed, new Building to be erected at expense of Province.
1. Superintendent authorised to Lease a Site for a Native Lodging in Dunedin.	5. Short Title.
2. Duration of Lease and Rent.	

AN ORDINANCE to Authorise a Lease to His Excellency the Governor of a Site for a Lodging in Dunedin for the Accommodation of Aboriginal Natives.

Passed the Provincial Council this 9th day of November 1859.

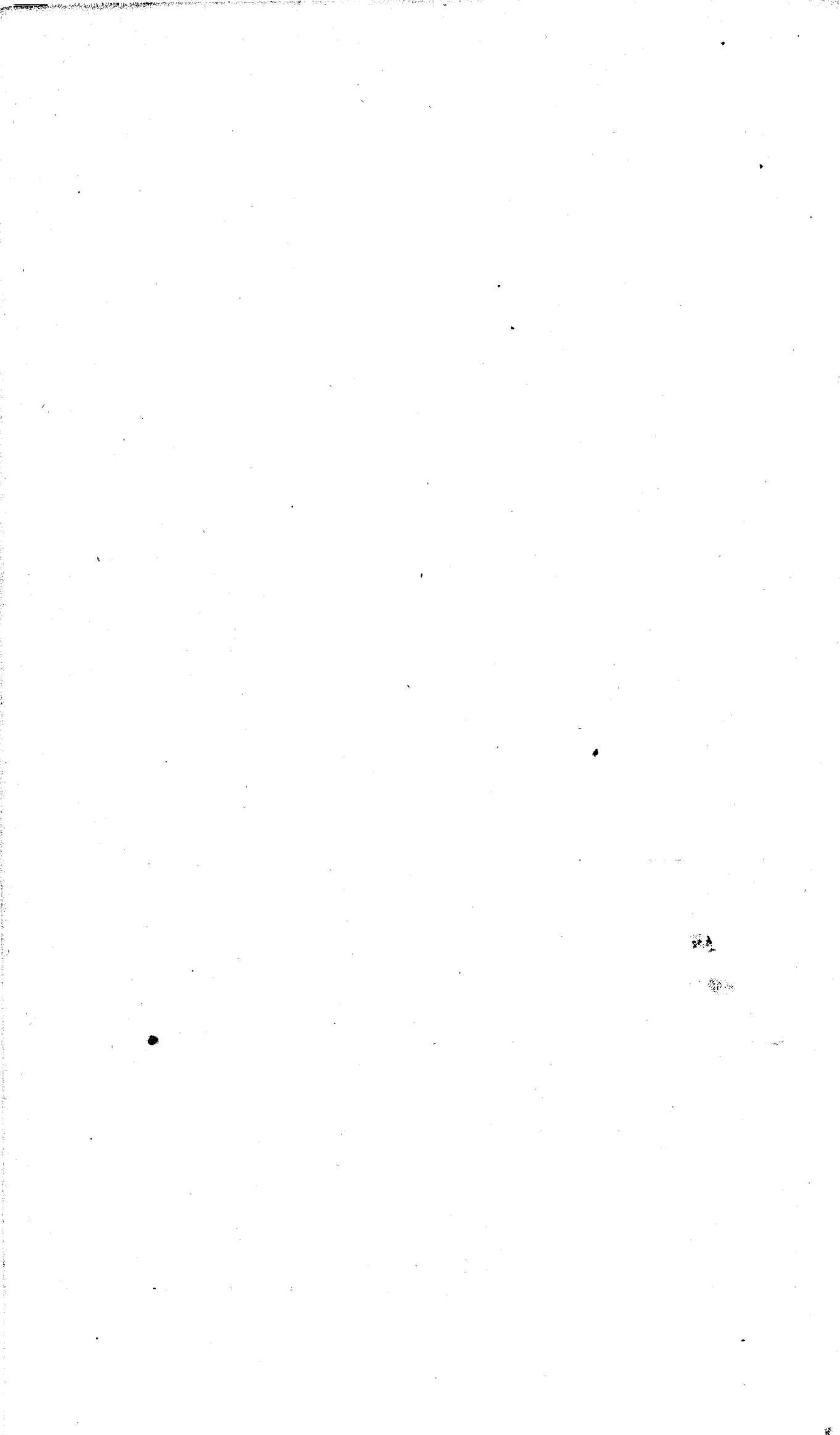
JAMES MACANDREW,
Speaker.

ROBT. CHAPMAN,
Clerk of Council.

DUNEDIN, 10th November 1859.—I hereby declare that I reserve this Bill for the signification of the Governor's pleasure thereon.

W. CARGILL,
Superintendent of the Province of Otago.

[This Ordinance was disallowed by His Excellency the Governor. See "General Government Gazette," of 7th February 1860.]





PORT CHALMERS AND INVERCARGILL TOWN BOARDS
ORDINANCE, 1859.

IN THE TWENTY-THIRD YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION VIII.—No. 40.

ANALYSIS :

- | | |
|------------------------------|------------------------------|
| Preamble. | 4. Members. |
| 1. Port Chalmers Town Board. | 5. Powers. |
| 2. Invercargill Town Board. | 6. Boundaries of said Towns. |
| 3. Mode of Elections. | 7. Short Title. |

AN ORDINANCE to *Constitute Public Boards for the Towns of Port
Chalmers and Invercargill.*

WHEREAS the administration and management of various Preamble.
matters and things concerning the Towns of Port Chalmers
and Invercargill respectively, may be beneficially devolved from
time to time by Ordinance upon a Public Board elected by the
inhabitants of the said Towns respectively ;

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 Port Chal-
mers for performing any duties that may from time to time be de-
Port Chalmers Town Board.

volved upon the said Board, and on and from the day of the first General Meeting thereof the Members of the said 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 Port Chalmers ; 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, or 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 to, or such debt, claim or demand to be due to or by the Town Board of Port Chalmers, or its Clerk, or any other officer suing or being sued for the same.

Invercargill Town Board.

2. There shall be a Public Board within the Town of Invercargill for performing any duties that may from time to time be devolved upon the said Board, and on and from the day of the first General Meeting thereof the Members of the said 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 Invercargill ; 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, or 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 to, or such debt, claim, or demand, to be due to or by the Town Board of Invercargill, or its Clerk, or other officer suing or being sued for the same.

Mode of Elections.

3. Subject to the provisions herein contained, every Election of Members of the said Town Boards of Port Chalmers and Invercargill respectively, shall be conducted in the manner prescribed for the election of the Members of the Town Board of Dunedin, by an Ordinance of the Superintendent and Provincial Council of Otago, entitled, " An Ordinance to constitute a Public Board for the Town of Dunedin."

Members.

4. Each of the Boards hereby constituted shall consist of nine Members. Four of the nine members to be first elected shall go out of office upon the first Wednesday in the month of January 1861, and the remaining five Members upon the first Wednesday in the month of January 1862 ; and in every subsequent year those Members, whether four or five, as the case may be, who shall have been longest in office, shall go out of office on the first Wednesday in the month of January in each year : And if, in the first Elections of the Members of the said Boards respectively, a Poll shall have taken place, the four Members who shall go out of office in the year 1861 shall be

those who were lowest on the Poll; and in case of equality or of no Poll having taken place, then the four to go out of office shall be determined by lot.

5. Subject to the provisions herein contained the said Town Boards of Port Chalmers and Invercargill respectively, shall have and may exercise similar powers and privileges in all respects to those by the before recited Ordinance granted to the Town Board of Dunedin; and all the provisions of the before recited Ordinance shall apply respectively to the said Town Boards of Port Chalmers and Invercargill, the election of, and persons elected, Members of the said Boards, and the Committees and Officers of the same, as well as in all other respects. ^{Powers.}

6. It shall be lawful for the Superintendent, by and with the advice and consent of the Executive Council, to define, and from time to time alter, and of new define, for the purposes of this or any other Ordinance, the boundaries of each of the aforesaid Towns of Port Chalmers and Invercargill. ^{Boundaries of said Towns.}

7. This Ordinance shall be termed and may be cited and referred to as the "Port Chalmers and Invercargill Town Boards Ordinance, 1859." ^{Short Title.}

Passed the Provincial Council this 31st day of October 1859.

JAMES MACANDREW,

Speaker.

ROBT. CHAPMAN,

Clerk of Council.

DUNEDIN, 10th November 1859.—I hereby declare that I reserve this Bill for the signification of the Governor's pleasure thereon.

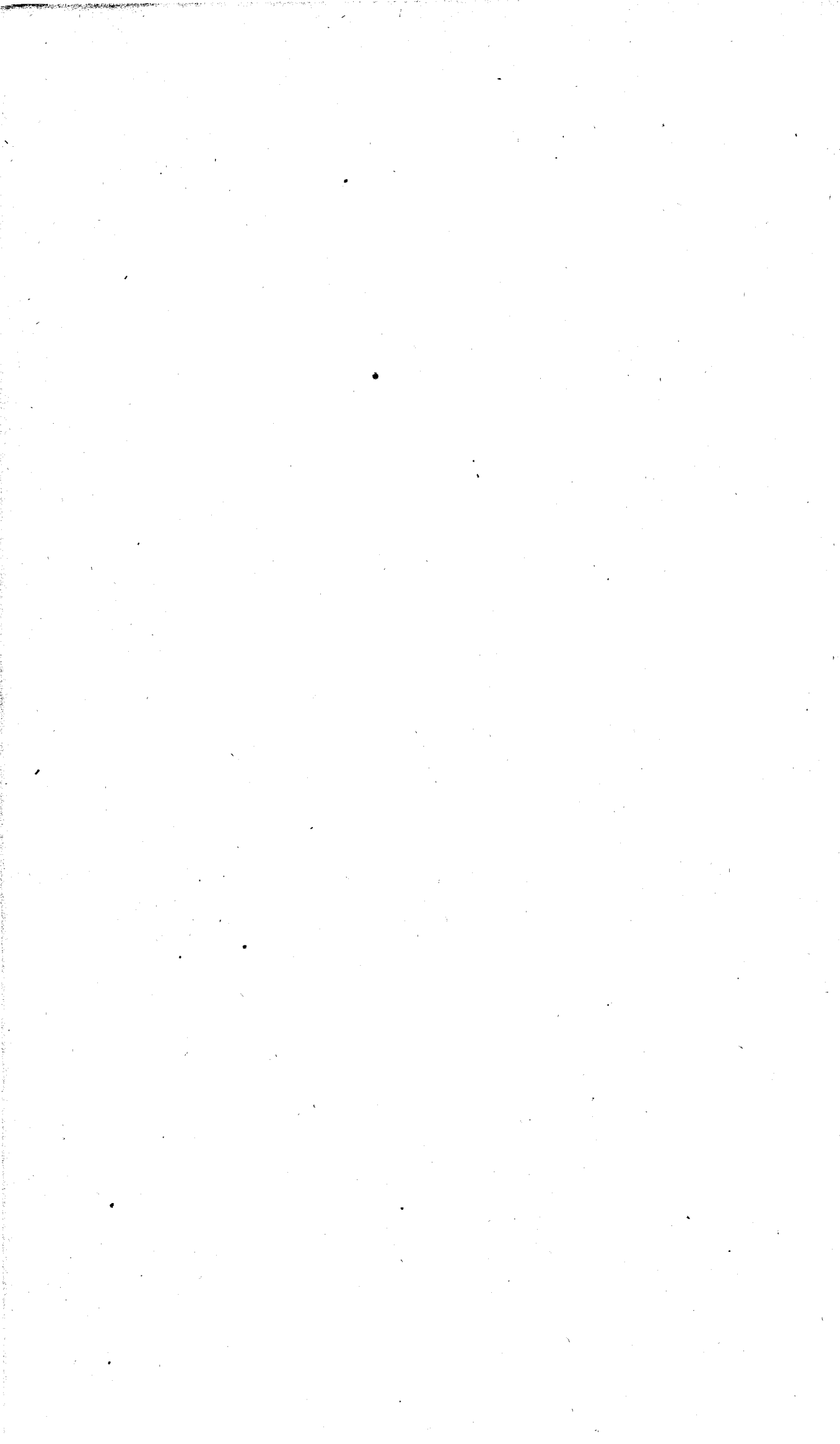
W. CARGILL,

Superintendent of the Province of Otago.

I hereby assent to this Bill, this 31st day of January 1860.

T. GORE BROWNE,

Governor.





TOWNS' ROADS AND STREETS ORDINANCE, 1859.

IN THE TWENTY-THIRD YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION VIII.—No. 40.

ANALYSIS :

Preamble.

1. Town Board to make and maintain Streets.
2. Expense to be liquidated by rates.

3. Provisions of Dunedin Roads and Streets Ordinance to apply to other Towns.
4. Mode of bringing Ordinance into force.
5. Short Title.

AN ORDINANCE to Regulate the Management of Streets and other Matters within certain Towns of the Province of Otago.

WHEREAS it is expedient to regulate the making, maintaining, and managing of Roads, Streets, Bridges, Footpaths, Drains, and other improvements within the several Towns of the Province of Otago ;

Preamble.

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 Town Boards of Port Chalmers and Invercargill, constituted by the "Port Chalmers and Invercargill Town Boards Ordinance, 1859," passed in the present Session of the Provincial Council of Otago, and every Town Board at any time hereafter constituted for a Town situated within the said Province, and proclaimed in manner hereinafter mentioned, shall respectively have the management and charge, and the making, repairing, maintaining, and regulating of all Roads and Streets within the respective Towns for which they are constituted ; 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 such Roads and Streets ; and of promoting, managing, and regulating all other improvements and undertakings within the said respective Towns, or for the benefit of the Inhabitants thereof ; and within the limits of

Town Board to make and maintain streets.

the same shall be deemed and taken to be, and shall have and exercise, all the powers of Commissioners, for the repair 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.

Expense to be liquidated by rates.

2. For liquidating the expense of all works authorised by this Ordinance, and resolved to be executed from time to time by the said Town Boards respectively, and the charges of Surveyors, Overseers, Collectors, and other Officers, and other necessary charges and expenses, such Town Boards respectively shall from time to time levy upon lands, buildings, and hereditaments situated within the respective Towns, and (in virtue of the provisions herein contained or referred to) not exempted from assessment, Rates similar to, and not exceeding, those authorised to be levied by an Ordinance of the Superintendent and Provincial Council of Otago, intituled, "An Ordinance to regulate the management and control of Streets and other things in and about Dunedin."

Provisions of Dunedin Roads and Streets Ordinance to apply to other towns.

3. Subject to the provisions herein contained, all the provisions of the before recited Dunedin Roads and Streets Ordinance, shall in all respects apply to the Towns of Port Chalmers and Invercargill respectively, and to every other Town situated within the Province and proclaimed in manner hereinafter mentioned, and to the Town Boards thereof respectively; which Boards shall have, and may exercise, within their respective Towns, similar powers in all respects to those by the aforesaid Ordinance granted to the Town Board of Dunedin.

Mode of bringing Ordinance into force.

4. It shall be lawful for the Superintendent, with the advice and consent of the Executive Council, from time to time, by Proclamation inserted in the Provincial Government Gazette, to declare the provisions contained in the before recited Dunedin Roads and Streets Ordinance; and this Ordinance to be in force from and after a date to be named in such Proclamation, in any Town situated within the Province, the boundaries of which Town shall be defined in the said Proclamation; provided always, that without such Proclamation this Ordinance shall come into force as to the said Towns of Port Chalmers and Invercargill upon the passing of the same.

Short Title.

5. This Ordinance shall be termed and may be cited and referred to as "The Towns' Roads and Streets Ordinance, 1859."

Passed the Provincial Council this 31st day of October 1859.

JAMES MACANDREW,

Speaker.

ROBT. CHAPMAN,

Clerk of Council.

DUNEDIN, 10th November 1859.—I hereby declare that I reserve this Bill for the signification of the Governor's pleasure thereon.

W. CARGILL,

Superintendent of the Province of Otago.

I hereby assent to this Bill, this 31st day of January 1860.

T. GORE BROWNE,

Governor.



APPROPRIATION ORDINANCE, 1860.

IN THE TWENTY-THIRD YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION IX.—NO. 41.

ANALYSIS :

Title.

- | | |
|--|--|
| 1. Certain Sums to be applied to the service of the Six Months commencing on 1st April, and ending on 30th September 1860. | 2. Treasurer to pay Money on Superintendent's Warrant, and to be allowed credit for all Money so paid. |
| | 3. Short Title. |

AN ORDINANCE to *Appropriate the Revenue of the Province of Otago for the period of Six Months, from and after the 31st day of March 1860.* Title.

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

1. There may be issued out of the Revenue of the Province of Otago, for the particular purposes for which they were appropriated, such sums as were appropriated for the Six Months preceding the 1st day of April 1860, and were not then expended: And there may be also issued out of the said Revenue and applied for defraying the charges of the Government of the said Province for the Six Months commencing on the said 1st day of April 1860, and ending

Certain sums to be applied to the service of the six months commencing on 1st April, and ending 30th September 1860.

on the 30th day of September 1860, the Sum of Seventy Thousand Five Hundred and Fifty Pounds Six Shillings and Ninepence Sterling, in any Sums not exceeding the several Sums for the several purposes hereinafter particularly specified, that is to say—

SUPERINTENDENT'S DEPARTMENT—		
Superintendent	£300 0 0	
Superintendent's Clerk	125 0 0	
Assistant Clerk	65 0 0	
	<hr/>	£490 0 0
TREASURER AND SOLICITOR'S DEPARTMENT—		
Solicitor	100 0 0	
Treasurer	125 0 0	
Accountant	125 0 0	
Clerk	75 0 0	
	<hr/>	425 0 0
PROVINCIAL COUNCIL DEPARTMENT—		
Payment to Country Members	150 0 0	
Clerk	37 10 0	
	<hr/>	187 10 0
REGISTRAR'S DEPARTMENT—		
Registrar of Deeds	20 0 0	
Clerk	125 0 0	
	<hr/>	145 0 0
WASTE LAND DEPARTMENT—		
Chief Commissioner	225 0 0	
Clerk to Chief Commissioner	125 0 0	
Clerk to Treasurer and Receiver	125 0 0	
Two Clerks at £160 each, and one at £100 per annum	210 0 0	
Local Officer, Invercargill	150 0 0	
Clerk	75 0 0	
Crown Grants, Clerk	75 0 0	
Refunds on Lands	1000 0 0	
Stationery	150 0 0	
Printing and Advertising	240 0 0	
Contingencies	50 0 0	
	<hr/>	2425 0 0
SURVEY DEPARTMENT—		
Chief Surveyor	250 0 0	
Three District Surveyors, £300 per annum	450 0 0	
Three Assistant do. £250 "	375 0 0	
Three Sub-Assistant do. £200 "	300 0 0	
Six Apprentices £12 "	36 0 0	
Two Draughtsmen, £225 and £150 " , the latter from 12th March last	195 14 4	
Nine Survey Parties (including Labourers' Wages and Provisions), £600 per annum each	2700 0 0	
Travelling Expenses and Field Allowances for Ten Surveyors and Six Apprentices, £50 each	400 0 0	
Contract Surveys	1000 0 0	
Instruments, Stationery, and Contingencies	150 0 0	
	<hr/>	5856 14 4
PUBLIC WORKS DEPARTMENT—		
Civil Engineer	200 0 0	
Draftsman	112 10 0	
Inspector of Roads	125 0 0	
Overseer of Works	109 0 0	
Clerk at Invercargill, and Collector of Dog Tax, &c.	50 0 0	
Overseer of Roads and Public Works at Invercargill	100 0 0	
Travelling Expenses and Contingencies	100 0 0	
	<hr/>	796 10 0
ROADS DEPARTMENT—		
Dunedin to Taieri Ferry	6000 0 0	
Taieri Ferry to Clutha Ferry	1000 0 0	
Clutha Ferry to Otaria	1000 0 0	
Main Road in direction of Village Reserve at the mouth of the Clutha River	1000 0 0	
Dunedin to West Taieri	500 0 0	
From Portobello Bay by Anderson's Bay	1000 0 0	
Dunedin to Head of North-east Valley	1500 0 0	
Head of North-east Valley to Waikouaiti	2000 0 0	
	<hr/>	
Carry forward	£14,000 0 0	£10,325 14 4

Brought forward £14,000 0 0 £10,325 14 4

ROADS' DEPARTMENT.—Continued.

Waikouaiti to Oamaru	1000 0 0	
Through the Shag Valley to the Maniototo District	400 0 0	
Road from Sheep Reserve and the Wanaka Lake, supplemental	500 0 0	
Head of North-east Valley to Port Chalmers	200 0 0	
From North-east Valley to Timber District	500 0 0	
Compensation for do.	250 0 0	
Dray Bridge on the Makerewa on the Ryal Bush Road from Invercargill	500 0 0	
Dray Bridge over Jacob's River, on the Village and Ferry reserve at Gunny's Bush	500 0 0	
Invercargill to Wallace Town	4000 0 0	
Do. to Campbelltown	1000 0 0	
Do. to Otaria	1500 0 0	
Do. to Riverton	750 0 0	
Riverton to Mount Pleasant	500 0 0	
Waimuma and Charleston	333 0 0	
		25,933 0 0

BUILDINGS, &c.—

Addition to Superintendent's Office	250 0 0	
Court House and Council Hall Fittings	300 0 0	
Jail, Dunedin	5000 0 0	
Extension of Lock-up, Dunedin	300 0 0	
Lock-up at Oamaru	200 0 0	
Hospital—Repairs on Building	50 0 0	
Do. Building Additional Ward for Female Patients	300 0 0	
Accommodation at Immigrants' Barracks for Constable	160 0 0	
Addition to Survey Office, Dunedin	300 0 0	
Powder Magazine	272 10 0	
Immigrants' Barracks, South	800 0 0	
Repairing and Painting of Buildings	500 0 0	
Jetty, Dunedin—Deepening Channel and Making Road	1000 0 0	
Do. at Pelichet Bay	500 0 0	
Do. Bluff	600 0 0	
Do. Oamaru	3000 0 0	
Do. Clutha	200 0 0	
Do. Moeraki	400 0 0	
Crane for Dunedin Jetty	100 0 0	
Do. „ Jetty at Port Chalmers	100 0 0	
Do. „ „ Invercargill	100 0 0	
Do. „ „ Waihola	50 0 0	
Do. „ „ Riverton	50 0 0	
Dipping Tank, &c. New River	200 0 0	
Bridge over Upper Taieri Ferry	1500 0 0	
Do. „ Waiopai	400 0 0	
Do. „ Oamaru	500 0 0	
Stockyard and Shed at Clutha Ferry	150 0 0	
Works not provided for	500 0 0	
Instruments, Stationery, and Contingencies	300 0 0	
		18,082 10 0

HARBOUR DEPARTMENT—

Dunedin:

Harbour Master, at the rate of £250 per annum	187 10 0	
Boat's Crew, ditto, to act as Constables	130 0 0	
Pilot at Heads (besides one-fifth pilotage)	87 10 0	
Assistant Pilot	60 0 0	
Four Boatmen	168 0 0	
Pilot for Upper Harbour	50 0 0	
Oil	113 0 0	
Jetty Keeper	75 0 0	

Bluff:

Pilot (besides one-fifth of pilotage)	50 0 0	
Boatmen	60 0 0	
Beacons at New River	50 0 0	

Carry forward £1031 0 0 £54,341 4 4

Brought forward	£1031	0	0	£54,341	4	4
HARBOUR DEPARTMENT.—Continued.						
<i>New River:</i>						
Pilot (besides one-fifth pilotage)	60	0	0			
Boatmen, not exceeding	240	0	0			
Beacons at Jacob's River	50	0	0			
Contingencies	100	0	0			
				1481	0	0
POLICE DEPARTMENT—						
Chief Constable	100	0	0			
One Sergeant of Police, 7s. per diem	63	17	5			
Three Privates for Day duty, 6s. "	164	5	0			
Three " Night do., 6s. "	164	5	0			
One Overseer to Prisoners, 6s. "	54	15	0			
Two Constables at Port Chalmers, 6s. per diem	109	10	0			
One Sergeant at Invercargill, 7s. "	63	17	6			
One Constable at Campbelltown	54	15	0			
One Private at Riverton, 6s. per diem	54	15	0			
One Constable at Oamaru	54	15	0			
Office Keeper and Messenger	62	10	0			
Special Services and Contingencies.	250	0	0			
Pound Keeper.	25	0	0			
Inspector of Weights and Measures	12	10	0			
Inspector of Slaughter Houses	12	10	0			
Clothing for Police	110	0	0			
				1357	4	11
GAOL DEPARTMENT—						
<i>Dunedin:</i>						
Gaoler	87	10	0			
Turnkey	60	0	0			
<i>Invercargill:</i>						
Gaoler (acts also as Constable)	63	17	6			
Rations, Furnishings, &c.	300	0	0			
				511	7	6
SHEEP INSPECTORS' DEPARTMENT—						
North—Chief Inspector (including Forage for three						
Horses	250	0	0			
South—Chief Inspector (including Forage for three						
Horses	250	0	0			
Four Sub-Inspectors—two at £50 and two at £10 per						
annum	60	0	0			
				560	0	0
HOSPITAL DEPARTMENT—						
Provincial Surgeon	100	0	0			
Attendants	90	0	0			
Rations, Medicines, &c.	465	0	0			
				655	0	0
EDUCATION—						
Salaries for Six Months				579	10	0
STEAM—						
Coasting Service				1500	0	0
Debentures Payable	2600	0	0			
Interest on Debentures	2500	0	0			
				5100	0	0
MISCELLANEOUS—						
Grant in aid of the sufferers by the Taranaki War	1000	0	0			
Printing and Advertising	300	0	0			
Stationery	150	0	0			
Firewood or Coal	100	0	0			
Statistics	100	0	0			
Expenses connected with Sitting of Supreme and other						
Courts	200	0	0			
Allowance to Upper Taieri Ferryman	15	0	0			
Loan for Fencing Cemetery at Port Chalmers	100	0	0			
Loan to Town Board	2000	0	0			
General Contingencies	500	0	0			
				4465	0	0
				£70,550	6	9

Treasurer to pay money on Superintendent's warrant, and to be allowed credit for all money so paid.

2. The Provincial Treasurer shall issue and pay from time to time any Sum or Sums of Money for the purposes hereinbefore mentioned, not exceeding in whole the Sums respectively above specified, to such persons and in such proportions as the Superintendent shall

by Warrant or Warrants, signed by him, from time to time direct ; and such Treasurer shall in his accounts be allowed credit for all sums paid by him in pursuance of such Warrants ; and the receipt of the person to whom such sums shall have been paid, shall be to him a full and valid discharge for the sum or sums for which such receipt shall have been given, and the amount thereof shall be passed to his credit in account accordingly.

3. This Ordinance may be cited and referred to as the "Appro- Short Title.
piation Ordinance, 1860."

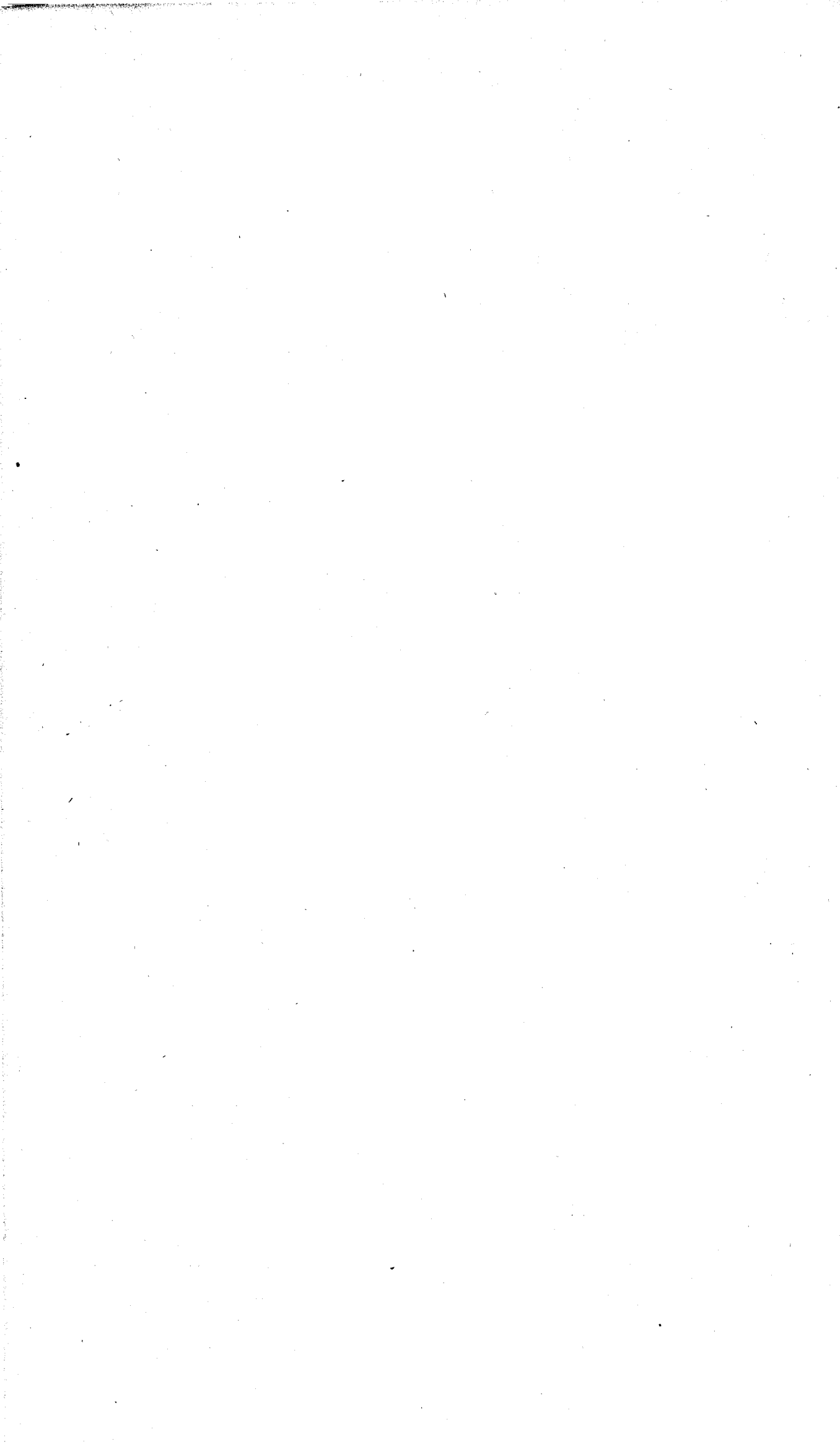
Passed the Provincial Council this 27th day of April 1860.

J. RICHARDSON,
Speaker.

ROBERT CHAPMAN,
Clerk of Council.

Assented to on behalf of the Governor, at Dunedin, this
Twenty-seventh day of April, One Thousand Eight
Hundred and Sixty.

JAMES MACANDREW,
Superintendent of the Province of Otago.





BOARD OF AUDIT AND EXECUTIVE COUNCIL
ORDINANCE, 1860.

IN THE TWENTY-THIRD YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION IX.—No. 42.

ANALYSIS :

Title.		after such dissolution till election of Superintendent.
Preamble.		
1. The Auditors appointed by the Provincial Council to remain in office notwithstanding its dissolution.	3.	Repeal of Enactments repugnant to this Ordinance.
2. The Executive Council to remain in office	4.	Short Title.

AN ORDINANCE *to authorise the Auditors and the Members of the Executive Council to act notwithstanding the Dissolution of the Provincial Council.* Title.

WHEREAS by the Ordinance intituled "An Ordinance to provide for Auditing the Accounts of the Province of Otago," it is among other things enacted that two of the Auditors thereby authorised to be appointed shall be elected by the Provincial Council for any 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 ; and it is expedient to repeal such limitation of the period for which the said two Auditors may be appointed and Preamble.

may act : And whereas it is also expedient to amend the "Executive Council and Official Appointments Ordinance, 1856 :"

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

The Auditors appointed by the Provincial Council to remain in office notwithstanding its dissolution.

1. It shall be lawful for the Auditors elected, or to be from time to time elected, by the Provincial Council of Otago, and in office at the time of the dissolution of the present Provincial Council, or of any future Provincial Council, to continue in office and to act as Auditors notwithstanding such dissolution, until the meeting of the next succeeding Provincial Council.

The Executive Council to remain in office after such dissolution till election of Superintendent.

2. It shall be lawful for the persons who shall be in office as Members of the Executive Council, at the time of the dissolution of the present Provincial Council, or of any future Provincial Council of the Province of Otago, to continue in office and to act as Members of the Executive Council notwithstanding the dissolution of such Provincial Council, until the election of a Superintendent, consequent upon such dissolution.

Repeal of enactments repugnant to this Ordinance.

3. The several provisions in the before-recited Board of Audit Ordinance, and Executive Council and Official Appointments Ordinance respectively, in so far as the same are repugnant to this Ordinance, shall be and are hereby repealed.

Short Title.

4. This Ordinance may be cited and referred to as "The Board of Audit and Executive Council Ordinance, 1860."

Passed the Provincial Council this 18th day of April 1860.

J. RICHARDSON,
Speaker.

ROBT. CHAPMAN,
Clerk of Council.

Assented to on behalf of the Governor, at Dunedin, this Twenty-seventh day of April, One Thousand Eight Hundred and Sixty.

JAMES MACANDREW,
Superintendent of the Province of Otago.



OTAGO LOAN ORDINANCE, 1860.

IN THE TWENTY-THIRD YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION IX.—No. 43.

ANALYSIS :

- | | |
|---|--|
| Title. | 5. Principal and Interest charged on Provincial Revenue. |
| Preamble. | 6. Money raised to be applied to Immigration. |
| 1. Superintendent to appoint Agents to raise and manage a Loan. | 7. Principal to be repaid at the expiration of Ten Years. |
| 2. Powers of Agents. | 8. Three per cent. on £50,000 annually to form a Sinking Fund. |
| 3. Bonds, &c. to be in form as prescribed by Agents | 9. Short Title. |
| 4. Interest payable in London. | |

AN ORDINANCE *for raising a Loan of Fifty Thousand Pounds for the purposes of Immigration into the Province of Otago.*

Passed the Provincial Council this 26th day of April 1860.

JOHN RICHARDSON,

Speaker.

ROBT. CHAPMAN,

Clerk of Council.

DUNEDIN, 27th April 1860.—I hereby declare that I have reserved this Bill for the signification of the Governor's pleasure thereon.

JAMES MACANDREW,
Superintendent of the Province of Otago.

[The Governor did not assent to this Bill, see "General Government Gazette," 12th September 1860.]





APPROPRIATION ORDINANCE, 1860 AND 1861.

IN THE TWENTY-FOURTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XI.—No. 44.

ANALYSIS :

- | | |
|---|--|
| Title. | dent's Warrant, and to be allowed credit for all money so paid. |
| 1. Certain sums to be applied to the service of the Six Months, commencing on 1st October 1860, and ending 31st March 1861. | 3. The Treasurer to be allowed credit for sums paid, but not authorised by Appropriation Ordinances 1859 and 1860. |
| 2. Treasurer to pay money on Superinten- | 4. Short Title. |

AN ORDINANCE to appropriate the Revenue of the Province of Otago for the period of Six Months from and after the 30th day of September 1860.

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

1. Out of the Revenue of the Province, there may be issued and applied for defraying the charges of the Government of the Province of Otago for the Six Months, commencing on the 1st day of October 1860, and ending on 31st day of March 1861, the sum

of One Hundred and Twenty-six Thousand Two Hundred and Forty-three Pounds One Shilling and Nine Pence in any sums not exceeding the several sums for the several purposes hereinafter particularly specified, that is to say—

SUPERINTENDENT'S DEPARTMENT—

Superintendent	£300	0	0	
Superintendent's Clerk	125	0	0	
Assistant Clerk	65	0	0	
				<u>£490 0 0</u>

SOLICITOR'S DEPARTMENT—

Solicitor	100	0	0	
Allowance for Clerk	50	0	0	
Do. do. for services prior to October last	50	0	0	
				<u>200 0 0</u>

TREASURER'S DEPARTMENT—

Treasurer	125	0	0	
Accountant	125	0	0	
				<u>250 0 0</u>

AUDIT—

Mr. Morris, for past services	50	0	0	
Three Auditors for half-year ending 31st March, 1861	45	0	0	
				<u>95 0 0</u>

PROVINCIAL COUNCIL DEPARTMENT—

Clerk	37	10	0	
Temporary Assistant Clerk	12	10	0	
Expenses of Country Members	200	0	0	
Office Keeper	60	0	0	
				<u>310 0 0</u>

REGISTRAR'S DEPARTMENT—

Registrar	20	0	0	
Clerk	125	0	0	
				<u>145 0 0</u>

LAND OFFICE—

Chief Commissioner	225	0	0	
Clerk to Chief Commissioner	137	10	0	
Clerk to Treasurer and Receiver	125	0	0	
Three Clerks, (two, £160, one, £50)	210	0	0	
Crown Grants Clerk	75	0	0	
Local Officer, Invercargill	150	0	0	
Clerks	75	0	0	
Ranger for Bush Reserves	100	0	0	
Refunds on Lands	1000	0	0	
Stationery	100	0	0	
Printing and Advertising	250	0	0	
Contingencies	50	0	0	
				<u>2497 10 0</u>

SURVEY DEPARTMENT—

Chief Surveyor	250	0	0	
Three District Surveyors—£150 each	450	0	0	
Two Assistant do. —£125 each	250	0	0	
Six Sub-Assistant do. —£100 each	600	0	0	
Four Apprentices, £6 each	24	0	0	
Chief Draughtsman	125	0	0	
				<u>2497 10 0</u>

Carry forward £1699 0 0 £3987 10 0

Brought forward	£1699 0 0	£3987 10 0
Assistant Draughtsman	75 0 0	
Extra Assistance	50 0 0	
Eleven Survey Parties, including Labourers' Wages and Provisions, £250 each	2750 0 0	
Travelling Expenses and Field Allowances for 16 Sur- veyors and Apprentices, at £25 each	400 0 0	
Instruments, Stationery, and Contingencies	150 0 0	
Contract Survey	250 0 0	
		5374 0 0

PUBLIC WORKS DEPARTMENT—

Civil Engineer	250 0 0	
Provincial Government Agent at Invercargill	50 0 0	
Engineer's Assistant and Draughtsman	125 0 0	
Inspector of Roads	125 0 0	
Two District Assistant Engineers, not exceeding £150	300 0 0	
Two Cadets, at £6 5s. each	12 10 0	
Two Engineer Parties, including Labourers' wages and provisions, at £250 each	500 0 0	
Overseer of Public Works	109 0 0	
Forage for a Horse in lieu of other travelling expenses	25 0 0	
Clerk of Works at Invercargill	50 0 0	
Overseer of Works at Invercargill	100 0 0	
General Travelling Expenses	250 0 0	
Instruments and Stationery, and Contingencies	250 0 0	
Paymaster and Inspector of Works	150 0 0	
		2296 10 0

MAIN ROADS—

Dunedin to Taieri Ferry	8000 0 0	
Taieri Ferry to Clutha Ferry	2000 0 0	
Clutha Ferry to Otaria	500 0 0	
Saddlehill to West Taieri	2500 0 0	
West Taieri to Interior	2000 0 0	
Dunedin to Portobello, in continuation	1000 0 0	
Dunedin to Head of North-east Valley	1000 0 0	
North-east Valley, original Lower Main Road	400 0 0	
Head of North-east Valley to Waikouaiti	1500 0 0	
Waikouaiti to Oamaru	1500 0 0	
Head of North-east Valley to Port Chalmers	1000 0 0	
Invercargill to Interior by Ryal Bush	3000 0 0	
Branch to Wallacetown	1500 0 0	
Invercargill to Campbelltown	2000 0 0	
Invercargill to Riverton	500 0 0	
Riverton to Mount Pleasant	2000 0 0	
Invercargill to Otaria	1000 0 0	
Road Branch to the Village Reserve at the mouth of the Clutha River	1000 0 0	
Dunedin to Half-way Bush	500 0 0	
North-east Valley to Timber District	750 0 0	
		33,650 0 0

BRANCH ROADS—

(To be equally supplemented by District Rates or Contribution.)

From the Sheep Reserve and Wanaka Lake	500 0 0	
To Tokomairiro Coal Fields	300 0 0	
Main Road through Hawkesbury	150 0 0	
Road through Shag Valley to Maniototo District	400 0 0	
Branch Road to Upper Kaikorai	150 0 0	
Road, Sawyers' Bay Jetty to Main Road	50 0 0	
		1550 0 0

BRIDGES—

Jacob's River, Timber	1200 0 0	
Oamaru Creek, Stone	1300 0 0	
Makerewa River on Wallacetown Road	1200 0 0	

Carry forward	£3700 0 0	£46,858 0 0
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Brought forward	£3700	0	0	£46,858	0	0	
Makerewa River on Ryal Bush Road	1200	0	0				
Waiopai do. on do.	800	0	0				
Upper Taieri	1700	0	0				
Waimumo and Charleston Creeks—Bridges	333	0	0				
					7733	0	0

BUILDINGS, &c.—

Completing Court House Fittings, Draining and Fencing Grounds	500	0	0				
Gaol, Dunedin	7000	0	0				
Provincial Lunatic Asylum	2000	0	0				
Lock-up at Oamaru	200	0	0				
Landing Place at Oamaru	500	0	0				
Additional Ward to Hospital, and repairs to and Drainage of Buildings	500	0	0				
Repairing and Improving Gaol at Invercargill	100	0	0				
Converting old Land Office, Invercargill, to a Lock-up	20	0	0				
Addition to Survey Office	150	0	0				
Mataura Ferry House Addition	300	0	0				
Immigrants' Barracks at South	800	0	0				
Pilot's House at Bluff	300	0	0				
Repairs and Painting Public Buildings	600	0	0				
Quarantine Buildings and Works	1500	0	0				
For Purchase and Mooring a Hulk off Oamaru	1500	0	0				
Jetty at Pelichet Bay	550	0	0				
Do. at Invercargill	1000	0	0				
Do. at Bluff	1000	0	0				
Addition to Platform at Riverton Jetty	75	0	0				
Crane for Dunedin Jetty	100	0	0				
Do. " Invercargill do.	100	0	0				
Do. " Port Chalmers do.	100	0	0				
Do. " Waihoia do.	50	0	0				
Do. " Riverton do.	50	0	0				
Clutha Coal Field Works	1084	0	0				
Toward Erection of Athenæum and Mechanics' Institute	1000	0	0				
Dipping Apparatus at Campbelltown	250	0	0				
Removing Obstructions and Improving the Navigation of the Taieri River and Waihoia	1000	0	0				
Stockyard and Shed at Clutha Ferry	150	0	0				
Works not provided for	500	0	0				
Lock-up, Waikouaiti	150	0	0				
Fencing Lock-up, Riverton	20	0	0				
Pound at Port Chalmers	40	0	0				
					23,189	0	0

HARBOUR DEPARTMENT—

Dunedin:

Harbour Master	125	0	0				
Boat's Crew, do. to act as Constables	70	0	0				
Pilot at Heads (besides a portion of pilotage)	87	10	0				
Assistant Pilot	60	0	0				
Four Boatmen	120	0	0				
Jetty Keeper	75	0	0				
Assistant, 6s. per day	46	19	0				
Moorings for Quarantine Station	100	0	0				
Pilot's House	60	0	0				
Dredging Harbour	1000	0	0				
					1744	9	0

Bluff:

Pilot (besides a portion of pilotage)	70	0	0				
Crew of Cutter "Alma"	120	0	0				
					190	0	0

New River:

Pilot (besides a portion of pilotage)	70	0	0			
Boatmen, not exceeding	120	0	0			

Carry forward	£190	0	0	£79,714	9	0
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Brought forward	£190 0 0	£79,714 9 0
New Boat	50 0 0	
Value of Boat to Ackers, late Pilot	36 10 8	
Contingencies for the various Harbours	100 0 0	
Buoys, Beacons, and Boats; Repairs, &c.	200 0 0	
Oil	100 0 0	
Keeper of Hulk at Oamaru	60 0 0	
		<u>736 10 8</u>
POLICE DEPARTMENT—		
Chief Constable	100 0 0	
One Sergeant	63 17 6	
One Corporal	59 6 3	
Six Privates	328 10 0	
Extra Constable	59 6 3	
One Corporal at Port Chalmers	59 6 3	
One Private do.	54 15 0	
One Constable at Waikouaiti	54 15 0	
One Sergeant at Invercargill	63 17 6	
One Private at do.	54 15 0	
One Constable at Campbelltown	54 15 0	
One Private at Riverton	54 15 0	
One Corporal at Oamaru	59 6 3	
One Private at do.	54 15 0	
Office Keeper and Messenger	62 10 0	
Special Services and Contingencies	250 0 0	
Police Clothing	62 10 0	
Poundkeeper	25 10 0	
Inspector of Weights and Measures	12 10 0	
		<u>1535 0 0</u>
GAOL DEPARTMENT—		
<i>Dunedin:</i>		
Gaoler	87 10 0	
Turnkey	60 0 0	
<i>Invercargill:</i>		
Gaoler (acts also as Constable)	63 17 6	
Rations, Furnishings, &c. for both Gaols	450 0 0	
		<u>661 7 6</u>
SHEEP INSPECTORS' DEPARTMENT—		
North—Chief Inspector (including Forage for Three Horses)	250 0 0	
South—Chief Inspector (including Forage for Three Horses)	250 0 0	
Four Sub-Inspectors, two at £50 and two at £10 per annum	60 0 0	
Arrears due Sub-Inspectors	47 10 0	
		<u>607 10 0</u>
HOSPITAL DEPARTMENT—		
Provincial Surgeon	100 0 0	
Attendants	90 0 0	
Chaplain (also for Gaol and Immigration Barracks)	25 0 0	
Rations, Medicines, &c.	450 0 0	
		<u>665 0 0</u>
EDUCATION—		
Clerk (also Clerk to Road Board and Treasurer)	100 0 0	
Salaries	1104 10 0	
Fees to be returned	363 3 7	
Buildings and repairs	2991 16 0	
		<u>4559 9 7</u>
IMMIGRATION—		
Immigration Agent, Dunedin	125 0 0	
To Assist Immigrants from Great Britain	20,000 0 0	
		<u>20,125 0 0</u>
Carry forward	£108,604 6 9	

Brought forward	£108,604	6	9
STEAM—			
Inter-Colonial	£4000	0	0
Coasting Service	3250	0	0
Inland Navigation	1000	0	0
	<hr/>		8250 0 0
LOANS—			
Debentures Payable	2500	0	0
Interest on Debentures	2500	0	0
	<hr/>		5000 0 0
MISCELLANEOUS—			
Balance of Rent due Mechanics' Institute	18	15	0
Firewood or Coal	150	0	0
Expenses of Supreme and other Courts	100	0	0
Loan for Fencing Port Chalmers Cemetery	100	0	0
Loan to Dunedin Town Board, including £400, balance of former vote	1900	0	0
Loan to Port Chalmers Town Board	1000	0	0
Printing and Advertising	300	0	0
Stationery	100	0	0
Gratuity to Mrs. Oates	120	0	0
Relief to Destitute Persons	100	0	0
General Contingencies	500	0	0
	<hr/>		4388 15 0
	<hr/>		<u>£126,243 1 9</u>

Treasurer to pay money on Superintendent's Warrant, and to be allowed credit for all money so paid.

2. The Provincial Treasurer shall issue and pay from time to time any sum or sums of money, for the purposes hereinbefore mentioned, not exceeding in the whole the sums respectively above specified, to such persons and in such proportions as the Superintendent shall by Warrant or Warrants signed by him from time to time direct; and such Treasurer shall in his Accounts be allowed credit for all sums paid by him in pursuance of such Warrants; and the receipt of the person to whom such sums shall have been paid, shall be to him a full and valid discharge for the sum or sums for which such receipts shall have been given, and the amount thereof shall be passed to his credit in account accordingly.

The Treasurer to be allowed credit for sums paid, but not authorised by Appropriation Ordinances 1859 and 1860.

3. And whereas the actual expenditure for the Provincial Government and Public Works and undertakings has exceeded the sums authorised by the Appropriation Ordinances for the year commencing 1st October 1859, and ending 30th September 1860, by the sum of three thousand one hundred and fifty-seven pounds and three pence sterling, according to the items enumerated in the Schedule hereto annexed; and whereas the said expenditure was reasonable and necessary, therefore the said Superintendent is hereby indemnified for the issue of his Warrants for the said amount of three thousand one hundred and fifty-seven pounds and three pence; for which amount the Provincial Treasurer shall be allowed, and is hereby authorised, to take credit in his accounts.

Short Title.

4. This Ordinance may be cited and referred to as the "Appropriation Ordinance, 1860 and 1861."

SCHEDULE.

PROVINCIAL COUNCIL DEPARTMENT		£22 14 0
CROWN LANDS—Local Officer, Invercargill		58 6 8
PUBLIC WORKS—		
Dunedin Jetty	£0 4 9	
Clutha Punt	0 0 9	
Government Offices, Invercargill	48 0 0	
Landing-place at Oamaru	111 18 3	
Works not specially voted	431 9 0	
		<u>591 12 9</u>
ROADS—		
Tokomaitiro to Waiopai	129 15 10	
Metalled Track to Blueskin	3 8 5	
Anderson's Bay Road	300 0 0	
Dray Track to Oamaru	5 18 5	
Main Streets, Invercargill	6 0 4	
		<u>445 3 0</u>
HARBOUR—Boats' Crews, Lower Harbour		0 12 11
POLICE—		
Special Services and Contingencies	89 17 7	
Clothing for Police	12 17 6	
		<u>102 15 1</u>
GAOL DEPARTMENT—Rations, &c.		85 0 7
Immigration		1789 17 10
Commission, &c.		8 11 5
Keeper of Court-House and Council Hall		52 6 0
		<u>£3157 0 3</u>

Passed the Provincial Council this 4th day of January 1861.

ROBERT CHAPMAN, FREDERICK WALKER,
Clerk of Council. Member presiding in absence of the
Speaker.

Assented to on behalf of the Governor, at Dunedin, this fourth day of January one thousand eight hundred and sixty-one.

JAMES MACANDREW,
Superintendent of the Province of Otago.

APPENDIX TO APPROPRIATION ORDINANCE,
1860 AND 1861.

DETAILS OF THE VOTE FOR EDUCATION.

SUMS VOTED FOR EDUCATIONAL PURPOSES FOR THE YEAR ENDING
30TH SEPTEMBER 1861.

BUILDINGS, &c.

DUNEDIN—

For Rent of present School-house, to cover Repairs	£120 0 0	
For Contingencies	10 0 0	
		£130 0 0

PORT CHALMERS DISTRICT—

For School-house, including sum of £200 voted last year, which being still unpaid, may be re-voted	233 0 0	
For Contingencies to Port Chalmers School, and Portobello Side School	20 0 0	
Fencing Play Ground, &c.	42 0 0	
Rent	25 0 0	
		320 0 0

NORTH-EAST HARBOUR DISTRICT—

For School Buildings	385 0 0	
For Rent of Ground for one year, from 11th May 1860	3 0 0	
For Contingencies, &c.	20 0 0	
		408 0 0

NORTH-EAST VALLEY DISTRICT—

For Fencing School Ground	10 0 0	
For Contingencies	10 0 0	
		20 0 0

WAKARI DISTRICT—

For Plastering outside Walls, Painting Doors, Windows, &c., and Papering inside	20 0 0	
For Rent of Section; arrear of last year, £2 2s., and current year, £4 4s.	6 6 0	
For Contingencies	10 0 0	
		36 6 0

ANDERSON'S BAY DISTRICT—

For Painting	20 0 0	
For Contingencies	10 0 0	
		30 0 0

GREEN ISLAND DISTRICT—

For Painting Schoolmaster's House	20 0 0	
For Contingencies	10 0 0	
		30 0 0

EAST TAIERI DISTRICT—

For Two Outbuildings	10 0 0	
For Contingencies	10 0 0	
		20 0 0

Carry forward		£994 6 0
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Brought forward	£994 6 0
NORTH TAIERI DISTRICT—	0 0 0
WEST TAIERI DISTRICT—	
For Scholars' Desk, Teacher's Desk, and Black Board	£14 0 0
For Painting School Buildings	8 0 0
For Contingencies	10 0 0
	<u>32 0 0</u>
WAIHOLA DISTRICT—	
For Painting School Buildings	5 0 0
For Drain around do.	2 10 0
For Contingencies	10 0 0
	<u>17 10 0</u>
MOERAKI BUSH SIDE SCHOOL—	
For Outbuildings and for Painting School	15 0 0
For Contingencies	10 0 0
	<u>25 0 0</u>
TOKOMAIRO DISTRICT—	
For Contingencies	10 0 0
CLUTHA DISTRICT—	
For Lining School-house, &c.	18 0 0
For Contingencies	10 0 0
	<u>28 0 0</u>
SOUTH CLUTHA SIDE SCHOOL—	
For Contingencies	10 0 0
WAREPA SIDE SCHOOL—	
For Contingencies	10 0 0
INVERCARGILL DISTRICT—	
For School Buildings in course of being erected	440 0 0
For Enlarging the Building being erected	150 0 0
Contingencies	10 0 0
	<u>600 0 0</u>
RIVERTON DISTRICT—	
For School-house	450 0 0
For Schoolmaster's House	50 0 0
For Rent of Temporary School-house	25 0 0
For Desks, Forms, and Apparatus	20 0 0
For Contingencies	10 0 0
	<u>655 0 0</u>
WAIKOUAITI DISTRICT—	
For School Buildings and outbuildings	550 0 0
For Fencing	20 0 0
For Rent of Temporary Accommodation for School and Teacher	30 0 0
For Contingencies	10 0 0
	<u>610 0 0</u>
	<u>£2991 16 0</u>

TEACHERS' SALARIES VOTED FOR

HALF-YEAR ENDING 31ST MARCH, 1861.

DUNEDIN—			
Rector			£125 0 0
Female Teacher, including house rent			62 0 0
Assistant Male Teacher			50 0 0
PORT CHALMERS—			
Teacher		£50 0 0	
Schoolmistress (Portobello)		30 0 0	
		<u>80 0 0</u>	
NORTH-EAST HARBOUR—			
Teacher			50 0 0
NORTH-EAST VALLEY—			
Teacher			50 0 0
WAKARI—			
Teacher			50 0 0
ANDERSON'S BAY—			
Teacher			50 0 0
GREEN ISLAND—			
Teacher			50 0 0
EAST TAIERI—			
Teacher		£50 0 0	
Schoolmistress (Saddlehill)		12 10 0	
		<u>62 10 0</u>	
WEST TAIERI—			
Teacher			50 0 0
WAIHOLA—			
Teacher		£50 0 0	
Do. Moeraki Bush Side School, not exceeding		25 0 0	
		<u>75 0 0</u>	
TOKOMAIRIRO—			
Teacher			50 0 0
CLUTHA—			
Teacher		£50 0 0	
Do. South Clutha, not exceeding		25 0 0	
Do. Warepa		25 0 0	
		<u>100 0 0</u>	
INVERCARGILL—			
Teacher			50 0 0
RIVERTON—			
Teacher			50 0 0
WAIKOUAITI—			
Teacher			50 0 0
GOODWOOD—			
Teacher			50 0 0
			<u>£1104 10 0</u>
Clerk's Salary for Half-year			100 0 0
Buildings, &c., as before stated			2991 16 0
Fees Returned			363 3 7
			<u>£4559 9 7</u>
Total voted			£4559 9 7

FEES Accounted for prior to 30th September 1860, to be Returned to the Teachers as under :

Port Chalmers	£48 1 0	West Taieri	£42 19 7
North-east Valley	50 0 0	Waihola	2 10 6
Wakari	31 1 0	Tokomairiro	50 0 0
Anderson's Bay	47 7 6	Clutha	8 10 0
Green Island	32 14 0		
East Taieri	50 0 0		
			<u>£363 3 7</u>



APPROPRIATION ORDINANCE, 1861.

(No. 2.)

IN THE TWENTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XII.—NO. 45.

ANALYSIS:

Title.	2. Treasurer to pay Money on Superintendent's Warrant and to be allowed Credit for all Monies so paid.
Preamble.	
1. Certain Sums to be applied to the Service of the Half-year ending 30th September, 1861.	3. Short Title.

*An Ordinance to appropriate the Revenue for the Half-year ending
30th September, 1861.*

Title.

WHEREAS it is expedient that provision should be made for defraying the expenses of the Government of the Province of Otago from the Revenues thereof for the service of the Half-year, from the first day of April, one thousand eight hundred and sixty-one, to the thirtieth day of September, one thousand eight hundred and sixty-one, both inclusive :

Preamble.

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. Out of such Revenues there may be issued and applied, in manner hereinafter mentioned, any sum or sums of money not exceeding the several sums of money hereinafter specified, amounting in the whole to the sum of Ninety-nine Thousand Four Hundred and Ninety-nine Pounds Eight Shillings and Five Pence Sterling, for defraying the charges of the Government of the said Province for

Certain sums to be applied to the service of the half-year ending 30th September 1861.

the Half-year commencing on the first day of April, one thousand eight hundred and sixty-one, and ending on the thirtieth day of September, one thousand eight hundred and sixty-one, both inclusive, that is to say, for the service of—

ESTABLISHMENTS.

SUPERINTENDENT'S DEPARTMENT—

Superintendent	...	...	...	£300	0	0	
Clerk to Superintendent	...	...	...	125	0	0	
Assistant Clerk	65	0	0	
							£490 0 0

EXECUTIVE DEPARTMENT—

Non-official Members	150	0	0	150 0 0
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SOLICITOR'S DEPARTMENT—

Solicitor	100	0	0	
Allowance for Clerk	50	0	0	
							150 0 0

TREASURER'S DEPARTMENT—

Treasurer	...	...	...	125	0	0	
Accountant and Sub-Treasurer	175	0	0	
							300 0 0

AUDIT DEPARTMENT—

Auditors (at £15 each)	45	0	0	45 0 0
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REGISTRAR'S DEPARTMENT—

Registrar	20	0	0	
Clerk	125	0	0	
Collection of Taxes	50	0	0	
							195 0 0

PROVINCIAL COUNCIL DEPARTMENT—

Speaker	...	...	...	50	0	0	
Chairman of Committees	...	...	...	25	0	0	
Clerk	...	...	...	37	10	0	
Assistant Clerk	...	...	...	12	10	0	
Office-keeper	...	...	...	60	0	0	
Copying and Printing Proceedings	...	...	...	100	0	0	
Country Members' Expenses	...	...	—	200	0	0	
Council Library	...	...	...	150	0	0	
							635 0 0

LAND DEPARTMENT—

Chief Commissioner	...	...	...	225	0	0	
Clerk to Chief Commissioner	...	...	...	137	10	0	
Clerk to Treasurer and Receiver	...	...	...	125	0	0	
Assistant Clerks (two at £80 and one at £50 each)	...	...	...	210	0	0	
Crown Grant Clerk	...	...	...	75	0	0	
Rangers of Bush Reserves	...	...	...	100	0	0	
Refunds on Lands	...	...	...	500	0	0	
Stationery	...	...	...	50	0	0	
Printing and Advertising	...	...	...	150	0	0	
Contingencies	...	...	...	100	0	0	
Unofficial Members of Waste Land Board	...	...	...	50	0	0	
							1722 10 0

SURVEY DEPARTMENT—

Chief Surveyor	...	...	...	250	0	0	
Surveyors, at £150 each	...	...	...	450	0	0	
Assistant Surveyors, at £125 each	...	...	...	250	0	0	
Sub-Assistant District Surveyors, at £100 each	...	...	...	500	0	0	
Apprentices, at £6 each	...	...	...	6	0	0	
Chief Draughtsman	...	...	...	125	0	0	
Assistant Draughtsman	...	...	...	75	0	0	
Extra Assistant (now Lithographic Draughtsman)	...	...	...	50	0	0	
Lithographic Printer	...	...	...	75	0	0	
Apprentice	...	...	...	6	0	0	
Survey Parties, including Wages, Provisions, at £250 each	...	...	...	2500	0	0	
Travelling Expenses and Field Allowances to Surveyors and Apprentices	...	...	...	300	0	0	
Road Surveys of old Districts	...	...	...	1000	0	0	
Instruments	...	...	...	80	0	0	
Stationery	...	...	...	40	0	0	

Carry forward £5707 0 0 £3687 10 0

SURVEY DEPARTMENT—(Continued.)

Brought forward...	...	...	£5707 0 0	£3687 10 0
Contingencies	...	...	30 0 0	
Contract Survey in Southland...	...	...	300 0 0	
			<hr/>	6037 0 0
PUBLIC WORKS DEPARTMENT—				
Superintendent of Public Buildings	...	...	150 0 0	
Assistant and Inspector	...	...	100 0 0	
Engineering Parties (including Labourers' Wages, Provisions) at £250 each	...	...	600 0 0	
Instruments	...	...	20 0 0	
Stationery	...	...	20 0 0	
Contingencies	...	...	20 0 0	
Engineer of Roads and Bridges—Hire for a Horse	...	...	25 0 0	
Assistant Surveyor...	...	...	137 10 0	
Northern Inspector	...	...	125 0 0	
Southern Inspector	...	...	100 0 0	
Clerk and Draughtsman	...	...	87 10 0	
Travelling and Field Expenses of Officers	...	...	200 0 0	
Salaries in adjustment	...	...	270 0 0	
			<hr/>	1855 0 0
HARBOUR DEPARTMENT—				
Harbour Master at Dunedin	...	...	125 0 0	
Boat's Crew, do.	...	...	70 0 0	
Pilot at the Heads do.	...	...	125 0 0	
Assistant Pilot do.	...	...	60 0 0	
Boatmen do. (at £30 each)	...	...	120 0 0	
New Boat	...	...	50 0 0	
Jetty Keeper do.	...	...	75 0 0	
Assistant Jetty Keeper, do.	...	...	46 19 0	
Dredging Machine and other Works	...	...	700 0 0	
Contingencies	...	...	50 0 0	
Moorings at Oamaru	...	...	50 0 0	
			<hr/>	1471 19 0
POLICE DEPARTMENT—				
Chief Constable	...	...	100 0 0	
Sergeants, at £63 17s. 6d. each	...	...	127 15 0	
Corporals, at £59 6s. 3d. each	...	...	177 18 9	
Privates, at £54 15s. each	...	...	492 15 0	
Constable	...	...	59 6 3	
Office-Keeper and Messenger	...	...	62 10 0	
Pound Keeper	...	...	25 0 0	
Inspector of Weights and Measures	...	...	12 10 0	
Clothing for Police	...	...	186 0 0	
			<hr/>	1243 15 0
GOLD FIELD POLICE DEPARTMENT—				
Sergeant, from 7th May to 30th September	...	...	67 2 0	
Horses, at £45 each	...	...	180 0 0	
Saddlery and Equipment	...	...	63 6 0	
Uniform for Police, at	...	...	14 1 10	
Tent	...	...	8 18 9	
Firearms	...	...	55 6 6	
Travelling Expenses and Field Allowances	...	...	200 0 0	
Contingencies	...	...	100 0 0	
Contingencies Extraordinary	...	...	1000 0 0	
			<hr/>	1688 15 1
GAOL DEPARTMENT—				
Gaoler	...	...	89 10 0	
Turnkeys, at £60 each	...	...	120 0 0	
Rations	...	...	600 0 0	
			<hr/>	809 10 0
SHEEP INSPECTORS' DEPARTMENT—				
Chief Inspector, including Forage for Horses	...	...	275 0 0	
Chief Inspector, South, do.	...	...	125 0 0	
Sub-Inspectors (2 at £25, and 2 at £5)	...	...	15 0 0	
Sub-Inspector at Port Chalmers	...	...	50 0 0	
„ North and South, at £50 each per Annum	...	...	50 0 0	
Arrears due to Sub-Inspectors	...	...	295 0 0	
			<hr/>	810 0 0
HOSPITAL DEPARTMENT—				
Provincial Surgeon	...	...	100 0 0	
Carry forward	...	...	£100 0 0	£17,603 9 1

HOSPITAL DEPARTMENT—(Continued.)

Brought forward..	..	..	£100 0 0	£17,603 9 1
Attendants .....	...	...	90 0 0	
Chaplain (Donation) .....	...	...	25 0 0	
Rations, Medicines, &c. ....	...	...	450 0 0	
				665 0 0

EDUCATION DEPARTMENT—

Inspector of Schools and Secretary .....	...	...	125 0 0	
Clerk .....	...	...	100 0 0	
Teachers' Salaries .....	...	...	1029 10 0	
Buildings and Repairs .....	...	...	3326 17 9	
Contingencies .....	...	...	150 0 0	
				4731 7 9

IMMIGRATION DEPARTMENT—

Immigration Agent	125 0 0	
Contingencies	50 0 0	
				175 0 0

Total of Establishments	£23,174 16 10
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ROADS.

SOUTHERN TRUNK ROAD—

Dunedin to Taieri Ferry	6000 0 0	
Taieri Ferry to Clutha Ferry	2000 0 0	
Clutha Ferry to Maitara .....	...	...	300 0 0	
				8300 0 0

NORTHERN TRUNK ROAD—

Dunedin to Waikouaiti .....	...	...	2000 0 0	
Waikouaiti to Oamaru .....	...	...	800 0 0	
Oamaru to Waitaki .....	...	...	500 0 0	
				3300 0 0

CENTRAL INTERIOR TRUNK ROAD—

Saddlehill to West Taieri .....	...	...	2486 16 7	
West Taieri to Interior .....	...	...	1800 0 0	
				4286 16 7

SOUTHERN INTERIOR TRUNK ROAD—

Clutha Mouth towards Interior	600 0 0	600 0 0
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NORTHERN INTERIOR TRUNK ROAD—

Oamaru to Interior	500 0 0	500 0 0
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BRANCH ROADS—

Dunedin to Portobello	624 18 8	
" to West Taieri	298 13 0	
Port Chalmers to Northern Trunk (North-east Valley to Port Chalmers)	500 0 0	
North-east Valley to Timber District .....	...	...	500 0 0	
				1923 11 8

CONTINGENT ROADS—

Dunedin to Half-way Bush .....	...	...	200 0 0	
Kaikorai Mill to West Taieri .....	...	...	520 0 0	
North-east Valley Original Lower Line .....	...	...	297 3 10	
				1017 3 10

SUPPLEMENTAL ROADS—

Taieri River to Waipori .....	...	...	102 0 0	
Main Road through Hawkesbury .....	...	...	188 6 1	
Shag Valley to Maniototo .....	...	...	282 7 1	
Sheep Reserve to Wanaka .....	...	...	848 14 4	
Hawkesbury .....	...	...	250 0 0	
Oamaru .....	...	...	100 0 0	
				1771 7 6

BRIDGES AND FERRIES—

West Taieri .....	...	...	2050 0 0	
Oamaru .....	...	...	1000 0 0	
North-east Valley—Water of Leith .....	...	...	400 0 0	
Love's Creek	250 0 0	
Clutha Punt and Gangways	100 0 0	
				3800 0 0

Carry forward	£48,673 16 5
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Brought forward	£48,673 16 5
SUPPLEMENTAL BRIDGES—					
Tokomairiro Coal Fields	£350 0 0	350 0 0
PUBLIC WORKS—					
Jail, Dunedin	...	...	...	4000 0 0	
Jail Furniture, do.	...	...	...	350 0 0	
Improvement of Court-House Ground, do.	...	...	...	350 0 0	
Lunatic Asylum, do.	...	...	...	2000 0 0	
Hospital, do.	...	...	...	250 0 0	
Jetty, do.	...	...	...	2000 0 0	
Crane for Jetty, do.	...	...	...	25 0 0	
Coal Shed and Stage, do.	...	...	...	300 0 0	
Government Buildings, Repairing and Painting do.	...	...	...	350 0 0	
Jetty, Port Chalmers	...	...	...	300 0 0	
Crane for Jetty, do.	...	...	...	100 0 0	
Quarantine Works, do.	...	...	...	150 0 0	
Pilot's House at the Heads	...	...	...	270 0 0	
Lock-up at Waikouaiti	...	...	...	150 0 0	
Jetty at Moeraki	...	...	...	450 0 0	
District Survey Office, do.	...	...	...	27 0 0	
Jail, Oamaru	...	...	...	140 0 0	
Court-House, do.	...	...	...	600 0 0	
Landing-place, do.	...	...	...	500 0 0	
Improving Navigation Waihola Lake	...	...	...	1000 0 0	
Works not provided for	...	...	...	300 0 0	
Clutha Coal Field Works	...	...	...	1083 6 8	
Athenæum, Dunedin	...	...	...	620 0 0	
					15,315 6 8
STEAM—					
Inter-colonial	...	...	...	1000 0 0	
Coasting Service	...	...	...	1500 0 0	
Inland Navigation	...	...	...	100 0 0	
					2600 0 0
LOANS—					
Debentures, Payment of	...	...	...	2500 0 0	
„ Interest on	...	...	...	1000 0 0	
					3500 0 0
Assisting Immigrants	...	...	...		20,000 0 0
MISCELLANEOUS—					
Stockyard for Cattle at Port Chalmers	...	...	...	100 0 0	
Weights and Measures, Standards, &c.	...	...	...	50 0 0	
Recreation Grounds	...	...	...	500 0 0	
Gratuity to Mr. Leitch	...	...	...	20 0 0	
Officiating Resident Magistrate at Oamaru	...	...	...	31 13 4	
Compensation to Mr. Hertslet	...	...	...	50 0 0	
Do. to Messrs. Filleul	...	...	...	500 0 0	
Returning Officers Expenses	...	...	...	150 0 0	
Crown Prosecutor's Arrears of Salary	...	...	...	77 8 0	
Loan to Dunedin Town Board	...	...	...	1300 0 0	
„ Port Chalmers do.	...	...	...	1000 0 0	
Firewood or Coal	...	...	...	110 0 0	
Relief to Destitute Persons	...	...	...	200 0 0	
Printing	...	...	...	200 0 0	
Advertising	...	...	...	200 0 0	
Stationery	...	...	...	300 0 0	
General Contingencies	...	...	...	500 0 0	
					5289 1 4
EXPENDITURE IN SOUTHLAND,					
<i>From 31st March, to June 29th.</i>					
ROADS—					
Invercargill to Interior, by Ryall Bush	...	...	...	362 19 7	
„ Campbelltown	...	...	...	505 2 1	
„ Riverton	...	...	...	36 12 4	
Riverton to Mount Pleasant	...	...	...	371 3 11	
Branch Road to Wallace Town	...	...	...	415 19 6	
Mataura Ferry House	...	...	...	300 0 0	
Makerewa and Bush Cuttings	...	...	...	240 16 0	
Carry forward	...	...	...	£2,232 13 5	£95,728 4 5

Brought forward	..	..	£2,232	13	5	£95,728	4	5
BRIDGES—								
Waimoomoo and Charleston Creeks	...	...	197	19	2			
Dipping Tank at the South	...	...	98	13	6			
						2529	6	1
SALARIES—								
Clerk to Public Works	...	...	25	0	0			
Overseer	...	...	33	6	8			
Local Officer, Crown Lands	...	...	50	0	0			
Clerk	...	...	25	0	0			
HARBOUR—								
Bluff and New River	...	...	209	3	4			
Pilot's House at Bluff	...	...	7	0	0			
GAOL—								
Rations, &c.	...	...	10	6	6			
Salary of Gaoler	...	...	31	18	9			
Education—Invercargill School	...	...	25	3	8			
Invercargill Jetty	...	...	24	19	0			
Contingencies connected with the South	...	...	800	0	0			
						1241	17	11
						£99,499	8	5

Treasurer to pay money on Superintendent's warrant, and to be allowed credit for all monies so paid

2. The Provincial Treasurer shall issue and pay, from time to time, any sum or sums of money for the purposes hereinbefore mentioned, not exceeding on the whole the sums respectively above specified, to such persons and in such proportions as the Superintendent shall, by Warrant or Warrants signed by him and countersigned by any one member of the Executive Council, except the Treasurer, from time to time direct : And such Treasurer shall in his accounts be allowed credit for all sums paid by him in pursuance of such Warrants, and the receipt of the person to whom such sums shall have been so paid shall be to him a full and valid discharge for the sum or sums for which such receipt shall have been given, and the amount thereof shall be passed to his credit in account accordingly.

Short Title.

3. This Ordinance may be cited and referred to as the "Appropriation Ordinance, 1861, (No 2)."

Passed the Provincial Council this 5th day of July 1861.

ROBT. CHAPMAN,

Clerk of Council.

ALEX. RENNIE,

Speaker.

Assented to on behalf of the Governor, at Dunedin, this Sixth day of July One Thousand Eight Hundred and Sixty-one.

J. RICHARDSON,

Superintendent of the Province of Otago.

APPENDIX TO APPROPRIATION ORDINANCE, 1861,
(No. 2.)

DETAILS OF THE VOTE FOR EDUCATION.

TEACHERS' SALARIES FOR THE HALF-YEAR ENDING
30TH SEPTEMBER 1861.

DUNEDIN—					
Rector ...	...	...	...	£125 0 0	
House Rent	...	...	...	62 0 0	
Assistant Male Teacher	...	...	...	50 0 0	
				<u>50 0 0</u>	£237 0 0
PORT CHALMERS—					
Teacher ...	...	...	...	50 0 0	
Schoolmistress (Portobello)	...	...	...	30 0 0	
				<u>30 0 0</u>	80 0 0
NORTH-EAST HARBOUR—					
Teacher ...	...	...	...	...	50 0 0
NORTH-EAST VALLEY—					
Teacher ...	...	...	...	...	50 0 0
WAKARI—					
Teacher ...	...	...	...	...	50 0 0
ANDERSON'S BAY—					
Teacher ...	...	...	...	...	50 0 0
GREEN ISLAND—					
Teacher ...	...	...	...	...	50 0 0
EAST TAIERI—					
Teacher ...	...	...	...	£50 0 0	
Schoolmistress (Saddlehill)	...	...	...	12 10 0	
				<u>12 10 0</u>	62 10 0
WEST TAIERI—					
Teacher ...	...	...	...	...	50 0 0
WAIHOLA—					
Teacher ...	...	...	...	£50 0 0	
Do. (Moeraki Bush)	...	...	...	25 0 0	
				<u>25 0 0</u>	75 0 0
TOKOMAIRO—					
Teacher ...	...	...	...	...	50 0 0
CLUTHA—					
Teacher ...	...	...	...	50 0 0	
Do. South Clutha, not exceeding	...	...	...	25 0 0	
Do. Warepa, not exceeding	...	...	...	25 0 0	
Do. Coast District, not exceeding	...	...	...	25 0 0	
				<u>25 0 0</u>	125 0 0
WAIKOUAITI—					
Teacher ...	...	...	...	...	50 0 0
GOODWOOD—					
Teacher ...	...	...	...	...	50 0 0
					<u>50 0 0</u>
					£1029 10 0

BUILDINGS.

SUMS VOTED IN ADDITION TO THE SUMS SPECIFIED IN THE APPROPRIATION ORDINANCE, 1860-1861.

DUNEDIN—						
For a New School-house in the vicinity of Knox Church	...	...	...	£500	0	0
For a School-house at Caversham	...	...	...	200	0	0
NORTH-EAST HARBOUR—						
For Fencing the School Lands	...	...	...	30	0	0
NORTH-EAST VALLEY—						
For Repair of Ventilator and Zinc Gutters, and for Pegs (in addition to any balance of Contingencies unpaid)	...	...	...	5	0	0
WAKARI—						
For Water Closets	...	...	...	7	10	0
ANDERSON'S BAY—						
For Extension of the School Buildings	...	...	...	90	0	0
GREEN ISLAND BUSH—						
For a New School-house	...	...	...	£300	0	0
For Fencing the Land	...	...	...	21	0	0
				<hr/>		
				321	0	0
EAST TAIERI-SADDLEHILL DISTRICT—						
For Educational Buildings	...	...	...	300	0	0
WEST TAIERI—						
Blackboard and Painting	...	...	...	20	0	0
NORTH TAIERI—						
For School Buildings, Teacher's House, and necessary equipments	...	...	...	400	0	0
In aid of Education, this district having hitherto received no assistance from Government	...	...	...	25	0	0
				<hr/>		
				425	0	0
TOKOMAIRIRO—						
Fencing	...	...	...	15	0	0
WAIHOLA—						
Alterations in School-house	...	...	...	£15	0	0
Fencing	...	...	...	60	0	0
				<hr/>		
				75	0	0
MOERAKI—						
Side School—Alterations and Repairs of School	...	...	...	13	0	3
CLUTHA—						
For Oil-Painting School Buildings, Inch Clutha	...	...	...	10	0	0
For do. do. South Clutha	...	...	...	10	0	0
For do. do. Warepa	...	...	...	10	0	0
				<hr/>		
				30	0	0
NOTE.—These sums to be in addition to the contingencies already voted.						
WAIKOUAITI—						
School-house	...	...	...	341	0	0
Fencing	...	...	...	4	7	6
				<hr/>		
				345	7	6
GOODWOOD—						
School Buildings	...	...	...	450	0	0
OAMARU—						
School Buildings	...	...	...	500	0	0
				<hr/>		
				£3326	17	9



DISEASED CATTLE ORDINANCE, 1861.

SESSION XII.—NO. 46.

IN THE TWENTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

ANALYSIS:

Title.

Preamble.

1. Superintendent and others may prohibit and prevent the landing of Cattle from the Australian Colonies into the Province of Otago.
2. Penalty on persons landing, or assisting in landing, such Cattle, and forfeiture of same.
3. Cattle from England, or elsewhere, may be placed in Quarantine.

4. Ordinance to be in force until notice given in the Government Gazette, and may be reinforced by like notice.
5. In case of Disease, Superintendent to Proclaim part of the Province an Infected District.
6. Superintendent may alter Boundaries of Proclaimed District and cause it to cease to be a Proclaimed District.
7. Interpretation Clause.
8. Short Title.

AN ORDINANCE *to prohibit the Importation of Diseased Cattle into the Province of Otago, and to prevent the spread of Disease amongst the Cattle of the Province.* Title.

WHEREAS the importation of Neat Cattle from the Australian Colonies into the Province of Otago is of frequent occurrence : AND WHEREAS a fatal and infectious disease, commonly known as Pleuro-pneumonia, is very prevalent amongst Cattle in the said Colonies : AND WHEREAS, the progress of the said Disease is at first so slow and subtle as to render it difficult, and even impossible, to determine whether Cattle are, or are not, infected therewith. And it is, therefore, expedient, in order to prevent the introduction of the said Disease amongst the Cattle of this Province to Prohibit the Importation of all Neat Cattle from the Australian Colonies, and to provide means for preventing the spread of infectious Diseases amongst the Cattle of the Province. Preamble.

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

Superintendent and others may prohibit and prevent the landing of Cattle from the Australian Colonies into the Province of Otago.

1. It shall be lawful for the Superintendent, and all Inspectors and Sub-Inspectors of Sheep, and all Constables and other persons appointed by the Superintendent in that behalf, to prohibit and prevent the Landing of any Cattle shipped from any port or place in any of the Australian Colonies, or Tasmania on any part of the Coast, or in any Port or Harbour, or in any Bay, Inlet, or River in this Province. And also to prohibit and prevent the driving or conveying of any Cattle into this Province from either of the adjoining Provinces of Canterbury or Southland.

Penalty on persons landing, or assisting in landing, such Cattle, and forfeiture of same.

2. If any person shall Land, or attempt to land, or in any manner aid or assist in Landing any Cattle shipped from any port or place in any of the said Australian Colonies, or Tasmania, on any part of the Coast, or in any Port or Harbour, or in any Bay, Inlet, or River in this Province; or drive, or assist in driving, or convey, or assist in conveying, any Cattle from either of the adjoining Provinces of Canterbury and Southland, he shall, on conviction thereof before any Resident Magistrate, or any two Justices of the Peace for the Colony of New Zealand, forfeit and pay for every such offence any sum not exceeding One Hundred Pounds, to be recovered in a summary way. And shall, in addition to such penalty, be imprisoned for any period not exceeding Six Calendar Months, if the Resident Magistrate or Justices of the Peace by whom he shall be so convicted shall so adjudge. And all Cattle so Landed, Driven, or Conveyed into this Province shall be forfeited, and shall be destroyed and burned, or buried as the Superintendent shall direct.

Cattle from England, or elsewhere, may be placed in Quarantine.

3. It shall be lawful for the Superintendent to direct that, except as aforesaid, any Cattle arriving in this Colony from Great Britain, or elsewhere, shall be placed in Quarantine at the expense of the owner or owners thereof, for such period as the Superintendent shall from time to time direct.

Ordinance to be in force until notice given in the Government Gazette, and may be reinforced by like notice.

4. The aforesaid provisions of this Ordinance shall remain in force until notice to the contrary shall be given by the Superintendent and published in the *Provincial Government Gazette*, that they shall cease as to all, or any, of the said Australian Colonies, Tasmania, Great Britain, or elsewhere. And shall, and may, from time to time, and at any time thereafter, be again put in force and again made to cease and determine, as to all or any of the said Australian Colonies, Tasmania, Great Britain, or elsewhere, by a like Notice, signed by the Superintendent, and published in manner aforesaid, as often as the Superintendent shall deem it to be expedient to cause the said provisions to be enforced, or to cease, as the case may be.

In case of Disease, Superintendent to proclaim part of the Province an Infected District.

5. In case the said Disease, or any Disease which in its symptoms shall bear affinity or resemblance thereto, shall break out amongst Cattle in any part of this Province, it shall be lawful for the Superintendent, by Notice published in the *Provincial Government Gazette*, to proclaim a District, including that part of the Province in which

such Disease shall have broken out, to be an infected District, and to prohibit and prevent the driving or removing of any Cattle from the said proclaimed District into any other part of this Province, or from any other part of this Province into the said proclaimed District, and to take all necessary and effectual means for preventing the driving or removing of all Cattle from such proclaimed District into any other part of this Province, and from any other part of this Province into the said proclaimed District : And if any person shall, after the publication of such Notice, drive or remove, or cause to be driven or removed, any Cattle from such proclaimed District into any other part of this Province, or shall drive or remove, or cause to be driven or removed, any Cattle from any other part of this Province into such proclaimed District, he shall for every such offence forfeit and pay any sum not exceeding One Hundred Pounds, to be recovered in a summary way : And for more effectually preventing the spread of infectious Diseases amongst Cattle in this Province, it shall be lawful for the Superintendent to cause Cattle suspected to be diseased to be destroyed, and their carcasses to be burned, buried, or otherwise disposed of as he may think fit, and to make to the owner or owners of any Cattle which he shall so cause to be destroyed compensation after the rates following, that is to say—For Cattle under two years of age, any sum not exceeding Three Pounds (£3) per head, and for Cattle above that age any sum not exceeding Six Pounds (£6) per head.

6. It shall be lawful for the Superintendent by notice published in the *Provincial Government Gazette*, from time to time to alter the boundaries of any proclaimed district and to cause any such district to cease to be a proclaimed district.

Superintendent may alter boundaries of proclaimed District, and cause it to cease to be a proclaimed District.

7. The word "Cattle" in this Ordinance shall mean and include one or more Bull, Cow, Heifer, Ox, Steer, or Calf, and the word "person" shall mean and include several persons, both male and female.

Interpretation clause.

8. This Ordinance shall be termed and may be cited as the "Diseased Cattle Ordinance, 1861."

Short Title.

Passed the Provincial Council this 28th day of June 1861.

ROBERT CHAPMAN,
Clerk of Council.

ALEX. RENNIE,
Speaker.

Assented to on behalf of the Governor, at Dunedin, this Sixth day of July One Thousand Eight Hundred and Sixty-one.

J. RICHARDSON,
Superintendent of the Province of Otago.





EXECUTIVE COUNCIL ORDINANCE, 1861.

IN THE TWENTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XII.—NO. 47.

ANALYSIS:

Title.

Preamble.

1. Repeal of "Executive Council Ordinance, 1854," except Clauses 2 and 3, and "Official Appointments Ordinance, 1856."
2. The Government to be administered by Superintendent, with advice of an Executive Council.
3. The Executive Council to consist of not less than three Members, nor more than Five, and non-official Members to be Paid.
4. Treasurer to give Security.
5. Accountant to be Sub-Treasurer and to give Security.
6. Monies to be Paid under Warrant of Superintendent and countersigned by any one Member of the Executive Council except the Treasurer.
7. Instructions to Provincial Agents for Payment of Money, &c., to be countersigned by the Treasurer.
8. Members of the Executive Council and other Officers may Resign on written Notice.
9. Superintendent to appoint Officers for Discharging the Business of the Province.
10. Superintendent to prescribe Rules for transacting the business of the several Departments of the Province.
11. Any Officer Suspended or Removed may Appeal to Provincial Council.
12. Official Appointments not to lapse, but to continue in force till Revoked, or new Appointment made.
13. Short Title.

AN ORDINANCE *to Amend and Consolidate the Laws constituting* ^{Title.}
an Executive Government for the Province of Otago.

WHEREAS it is expedient to amend and consolidate the Laws ^{Preamble.}
constituting the Executive Government for the Province of
Otago;

BE IT THEREFORE ENACTED by the Superintendent of the Province

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

Repeal of "Executive Council Ordinance, 1854," except Clauses 2 and 3, and "Official Appointments Ordinance, 1856."

1. The several Ordinances of the Superintendent and Provincial Council of the Province of Otago,—that is to say, an Ordinance, passed in the seventeenth year of the reign of Her Majesty Queen Victoria, intituled "An Ordinance to constitute an Executive Government for the Province of Otago," and an Ordinance passed in the nineteenth year of the reign of Her said Majesty, intituled "An Ordinance to amend an Ordinance to constitute an Executive Government for the Province of Otago,"—shall be, and the same are, hereby repealed, save and except Clause 2 of the said first-mentioned Ordinance, by which it is enacted that the Superintendent shall establish a Provincial Government Gazette and provide and use the Public Seal of the Province; and also, save and except Clause 3 of the same Ordinance, by which it is enacted that there shall be a Provincial Treasurer for the Province, who shall receive and pay all Monies receivable and payable for and on behalf of the Province.

The Government to be administered by Superintendent, with advice of an Executive Council,

2. The administration of the Provincial Executive Government is hereby vested in the Superintendent, who shall act only by and with the advice and consent of an Executive Council, the members of which shall be appointed by the Superintendent and hold office during his pleasure. The Superintendent, when present, shall preside, and shall have a deliberative as well as a casting vote in all its acts and proceedings, and no act or resolution of the Executive Council shall have any effect unless two members besides the Superintendent be present; and in the absence of the Superintendent from any cause, a member of the Executive Council, to be chosen by themselves, shall preside in the place of the Superintendent.

The Executive Council to consist of not less than Three Members, nor more than Five, and non-official Members to be Paid.

3. The Executive Council shall consist of not less than three nor more than five members, of which the Provincial Solicitor and Provincial Treasurer shall be *ex officio* members, and all of whom shall be members of the Provincial Council; and the non-official members of such Executive Council shall be paid for their attendance such sum as shall be voted by the Provincial Council.

Treasurer to give Security.

4. The Treasurer, before entering on the duties of his office, shall give to the Superintendent sufficient and satisfactory security for the due and faithful discharge of the duties of his said office.

Accountant to be Sub-Treasurer, and to give Security.

5. There shall be an Accountant who shall be also Sub-Treasurer, who shall give to the Superintendent sufficient and satisfactory security for the due and faithful discharge of the duties of his office.

Monies to be Paid under Warrant of Superintendent and

6. No public monies shall be paid by the Treasurer, except under a written warrant signed by the Superintendent and countersigned

by any one member of the Executive Council except the Treasurer ; and all such monies (except sums under £5) shall be paid by cheque countersigned by the Sub-Treasurer, and not otherwise.

countersigned by any one Member of the Executive Council except the Treasurer.

7. All instructions by the Superintendent to the Provincial Agents or other persons not resident in the Colony, for the payment of monies or for the sale or appropriation of Debentures or other Securities belonging to the Government, shall be countersigned by the Treasurer.

Instructions to Provincial Agents for payment of Money, &c., to be countersigned by the Treasurer.

8. 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, or other property connected with his office, to any person authorised by the Superintendent to receive the same.

Members of the Executive Council and other Officers may Resign on written Notice.

9. The Superintendent shall, from time to time, by and with the advice and consent of the Executive Council, and not otherwise, appoint all such officers as he shall deem necessary for the effective discharge of the business and affairs of the Province, and fill up existing offices with fit and proper persons whenever any vacancy shall occur therein ; and shall also have power to suspend and remove any officer from his employment for neglect of duty, or for any other just and sufficient cause.

Superintendent to appoint Officers for Discharging the Business of the Province.

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

Superintendent to prescribe Rules for transacting the business of the several Departments of the Province.

11. If any officer appointed or 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 showing 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 from office, and the Council shall investigate the same accordingly.

Any Officer Suspended or Removed may Appeal to Provincial Council.

12. No official appointment made by the Superintendent shall lapse by the death, retirement from office, or new election of the Superintendent, until the same shall be revoked or a new appointment made.

Official Appointments not to lapse, but to continue in force till Revoked, or new Appointment made.

Short Title.

13. This Ordinance shall be termed, and may be cited and referred to, as "The Executive Council Ordinance, 1861."

Passed the Provincial Council this 28th day of June 1861.

ROBT. CHAPMAN,
Clerk of Council.

T. B. GILLIES,
Speaker.

Assented to on behalf of the Governor, at Dunedin, this
Sixth day of July One Thousand Eight Hundred and
Sixty-one

J. RICHARDSON,
Superintendent of the Province of Otago.



TRIGONOMETRICAL STATION ORDINANCE, 1861.

IN THE TWENTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XII.—No. 48.

ANALYSIS:

- | | |
|--|---|
| Title. | 3. Trigonometrical Stations on Lands Unsold to be Reserved. |
| Preamble. | 4. Penalties for Injuring Stations and Survey Marks. |
| 1. Trigonometrical Stations to vest in Superintendent, on Payment or Tender of £5. | 5. Short Title. |
| 2. How Tender to be made. | Schedule. |

AN ORDINANCE to provide for the security and preservation of ^{Title}
*Trigonometrical Stations and Boundary and Survey Marks in
the Province of Otago.*

WHEREAS it is requisite, in order to complete the General ^{Preamble.}
Survey of the Province, and to preserve and ascertain the
true and exact boundaries of all Surveyed Lands, that the Trigonometrical Stations and other Survey marks appertaining to the General Survey of the Province should be preserved and maintained; and whereas lands have been sold on which some of the said Stations are situate without reserving the site of such Stations, and some of such Stations have been destroyed by the owners of the lands on which

the same were situate, and front and ranging pegs have in many instances been wantonly removed ;

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

Trigonometrical Stations to vest in Superintendent, on payment or tender of £5.

1. That on payment or tender of the sum of £5 to the owner of any land in which any Trigonometrical Station is or has been situate, and which has not been reserved, the site of such Station, and the land around the same included in a circle, the radius of which is ten feet from the centre of such Station, and of a right of way to and from the same in, through, and over the land on which the same is situate, shall vest in the Superintendent and his successors in office, in trust for the use of the Province, and may be used by the Government Surveyors, or any other Surveyors, or any person or persons acting for and on behalf of the Government for any purpose relating to the survey of the Province, or of any part thereof.

How Tender to be made.

2. That a notice, published in the *Provincial Government Gazette*, by the authority of the Superintendent, in the form contained in the Schedule hereto annexed, notifying that the owner of the land in which any such Station shall be situate, may receive upon application to the Provincial Treasurer the sum of £5 as the purchase money for the site of such Station, and right of way to and from the same, shall be deemed for the purposes of this Ordinance a sufficient Tender of the said sum, and the Provincial Treasurer is hereby authorised and required to pay the said sum of £5 to every such owner who shall apply for the same.

Trigonometrical Stations on lands unsold to be reserved.

3. That whenever the land on which any such Station is situate has not already been sold, the site of such Station, together with a right of way to and from the same as aforesaid, shall be expressly reserved, and if not expressly reserved, shall be deemed and taken to be reserved from sale, and shall be excepted out of any grant of the land on which the same shall be situate.

Penalties for injuring Stations and Survey Marks.

4. That any person who shall injure or destroy any Trigonometrical Station, shall for such offence forfeit and pay any sum not exceeding £100. And any person who shall remove or destroy any Boundary or Survey Marks, or any Front or Ranging Pegs, made and fixed by the Government or Authorised Surveyors, shall for every such offence forfeit and pay any sum not exceeding £50 ; and such penalties may be recovered in a summary way before any Justice of the Peace.

Short Title.

5. This Ordinance shall be termed, and may be cited as the "Trigonometrical Station Ordinance, 1861."

SCHEDULE.

Schedule.

Notice is hereby given, pursuant to an Ordinance passed in the 25th year of the reign of Her Majesty Queen Victoria, intituled "An Ordinance to provide for the security and preservation of Trigonometrical Stations and Boundary and Survey

Marks in the Province of Otago," that the sum of £5 is hereby tendered to the owner, or (if his name be known) A. B., the owner of the land situate [here describe the land], for the purchase of the site of the Trigonometrical Station situate in the said land, and numbered _____ on the Survey Map of the said Province, and the land around the same included in a circle, the radius of which is ten feet from the centre of such Station, together with a right of way to and from the same in, through, or over the said land, for the purposes in the said Ordinance mentioned: And that the said sum of £5 is in the hands of the Provincial Treasurer of the said Province, ready to be paid to the owner, or (if his name be known) to the said A. B., the owner of the said land, on his application for the same at the office of the Provincial Treasurer, at Dunedin.

Dated at Dunedin, this _____ day of _____ 186 .

By order of

Superintendent of the said Province.

Passed the Provincial Council this 28th day of June, 1861.

ROBT. CHAPMAN,

Clerk of Council.

T. B. GILLIES,

Speaker.

Assented to on behalf of the Governor, at Dunedin, this
Sixth day of July One Thousand Eight Hundred and
Sixty-one.

J. RICHARDSON,

Superintendent of the Province of Otago.





THE SHEEP ORDINANCE AMENDMENT ORDINANCE, 1861.

IN THE TWENTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XII.—No. 49.

ANALYSIS:

Title.	
Preamble.	Inspectors under said Ordinance to be exercised by Inspector and Sub-Inspectors appointed under this Ordinance.
1. Clause 9, &c., of "Sheep Ordinance, 1856," repealed.	5. Inspector and Sub-Inspectors appointed under said Ordinance for the Northern District, to be Inspector and Sub-Inspectors for the Province of Otago.
2. Superintendent to appoint one Inspector for the Province of Otago.	6. Short Title.
3. Inspector to appoint Sub-Inspectors.	
4. Powers and Duties of Inspectors and Sub-	

AN ORDINANCE to Amend an Ordinance to prevent the Spread
amongst Sheep of the Scab or other Infectious Disease. Title.

WHEREAS an Ordinance was passed by the Superintendent and Provincial Council of the Province of Otago, in the twentieth year of the reign of Her present Majesty, intituled "An Ordinance to prevent the spread amongst Sheep of the Scab or other infectious disease;" And whereas by Clause 9 of the said Ordinance it was enacted that it should be lawful for the Superintendent from time to time to appoint two Sheep Inspectors, and to remove them, and to appoint others in their stead, and one of the said Inspectors should be appointed for and over that portion or division of the Province north of the Clutha River, and the other for and over that portion of the Province south of the said river; and whereas part of Preamble.

the said Province south of the said river Clutha has been formed into the Province of Southland ; And whereas it is expedient that there should be but one such Inspector for the Province of Otago :

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

Clause 9, &c., of
" Sheep Ordinance,
1856," repealed.

1. Clause 9, and so much of the rest of the said recited Ordinance as relates to the powers and duties of the Inspector and Sub-Inspectors of Sheep for the Southern District of the said Province of Otago, shall be and the same are hereby severally repealed.

Superintendent to ap-
point one Inspector
for the Province of
Otago.

2. The Superintendent, by and with the advice and consent of his Executive Council, shall from time to time appoint one fit and competent person to perform the duties of Sheep Inspector for the Province of Otago, as well northward as southward of the said river Clutha ; and the person so to be appointed shall devote the whole of his time to the duties of his said office ; and the Superintendent shall and may from time to time remove any such Inspector, and appoint another in his stead.

Inspector to appoint
Sub-Inspectors.

3. For the purpose of carrying out the provisions of the said recited Ordinance, it shall be lawful for the said Inspector from time to time to appoint two or more competent persons to be Sub-Inspectors.

Powers and Duties of
Inspectors and Sub-
Inspectors under said
Ordinance to be ex-
ercised by Inspector
and Sub-Inspectors
appointed under this
Ordinance.

4. All the powers given by the said Ordinance to the Inspectors and Sub-Inspectors, and all the duties authorised and required to be performed by them respectively, are hereby given to and authorised and required to be exercised by the Inspector and Sub-Inspectors to be appointed under this Ordinance.

Inspector and Sub-
Inspectors appointed
under said Ordinance
for the Northern Dis-
trict, to be Inspector
and Sub-Inspectors
for the Province of
Otago.

5. The Inspector and Sub-Inspectors respectively appointed under the said recited Ordinance for the said Northern District, shall be, and they are hereby declared to be, the Inspector and Sub-Inspectors of Sheep for the Province of Otago.

Short Title.

6. This Ordinance shall be termed, and may be cited and referred to, as the " Sheep Ordinance Amendment Ordinance, 1861."

Passed the Provincial Council this 28th day of June, 1861.

ROBT. CHAPMAN,

Clerk of Council.

T. B. GILLIES,

Speaker.

Assented to on behalf of the Governor, at Dunedin, this Sixth day of July One Thousand Eight Hundred and Sixty-one.

J. RICHARDSON,

Superintendent of the Province of Otago.



AMERICAN BLIGHT PREVENTION ORDINANCE, 1861.

IN THE TWENTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XII.—NO. 50.

ANALYSIS:

- 1. Preamble.
- 2. Persons having Trees infected with American Blight liable to a penalty of Forty Shillings for the first offence.
- 3. For second or any subsequent offence penalty not exceeding Five Pounds.
- 4. Persons selling or offering for sale Trees infected, liable to a penalty of Ten Pounds.
- 5. Commencement of Ordinance.

AN ORDINANCE to Prevent the Increase of the American Blight. Title.

WHEREAS considerable injury has been done to Fruit Trees within the Province of Otago by the Blight, or Insect called American Blight: And whereas it is expedient to prevent as far as possible the increase thereof; Preamble.

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

That if any person shall have in his possession, or under his control, any Tree infected with the American Blight, or shall occupy any Orchard, or other ground whereon any Trees infected with American Blight shall be growing, he shall be liable to a penalty of Forty Shillings for the first offence.

the said Blight shall be standing or growing, after having received three calendar months' notice to clean such Trees, and such person shall, for every such offence, be liable to a penalty not exceeding Forty Shillings, to be recovered in a summary manner before any two Justices of the Peace.

For second or any subsequent offence penalty not exceeding Five Pounds.

2. If any person shall have in his possession, or under his control, any Tree infected with the American Blight, or shall occupy any Garden, Orchard, or other ground whereon any Tree infected with the said Blight shall be standing or growing, such person shall for the second or any subsequent offence be liable to a penalty not exceeding Five Pounds, to be recovered as aforesaid: Provided always that no person shall be convicted of such offence more than once within the period of three calendar months.

Persons selling or offering for sale Trees infected, liable to a penalty of Ten Pounds

3. If any person shall himself, or by means of any one under his control, land or cause to be landed from any ship, boat, or other vessel, any Tree infected with the said Blight; or if any person shall sell, or offer or expose for sale, any Tree infected with the said Blight, he shall for every such offence be liable to a penalty not exceeding Ten Pounds, to be recovered as aforesaid.

Commencement of Ordinance.

4. This Ordinance shall come into operation on and after the fifteenth day of July, in the year of our Lord one thousand eight hundred and sixty-one.

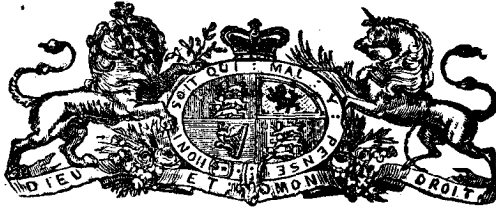
Passed the Provincial Council this 4th day of July 1861.

ROBT. CHAPMAN,
Clerk of Council.

ALEX. RENNIE,
Speaker.

Assented to on behalf of the Governor, at Dunedin, this
Sixth day of July One Thousand Eight Hundred and
Sixty-one

J. RICHARDSON,
Superintendent of the Province of Otago.



THE EDUCATION ORDINANCE, 1861.

IN THE TWENTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XII.—No. 51.

ANALYSIS.

Title.	18. Teachers to be selected by School Committee.
Preamble.	19. Engagement of Teachers defined.
1. "Education Ordinance, 1856," repealed.	20. Appointment of Assistant Teachers.
2. All Contracts under repealed Ordinance fulfilled under this Ordinance.	21. School Fees collected by Teacher.
3. All Property vested in Superintendent in trust.	22. Expenditure, how defrayed.
4. Constitution of the Otago Education Board.	23. District Portion of Expenditure, how to be raised.
5. Appointment of Secretary of the Board and Inspector of Schools.	24. Mode of Assessing.
6. Meetings of the Board.	25. Making Assessment.
7. Powers of the Board to be exercised at Meetings thereof.	26. Notice to Person Assessed. Objections to Assessment, how decided.
8. Proceedings of the Board to be entered in a Minute Book.	27. Assessments, by whom payable.
9. Powers of Board.	28. Assessments, how to be recovered.
10. Duties of the Secretary of the Board.	29. Secretary or Collector may sue for Rates.
11. Duties of the Inspector of Schools.	30. Grants in aid of Educational efforts in certain cases.
12. Education Districts, how to be formed.	31. Establishment and support of High School at Dunedin.
13. Election of District School Committee.	32. Town of Dunedin may be divided into School Districts.
14. Annual Meeting of District School Committees, and Election of new Committees.	33. Salaries of Teachers.
15. Appointment of Secretary and Treasurer to School Committees.	34. Religious Instruction.
16. Powers of District School Committees.	35. Parents and Rate-payers may visit Schools.
17. Schools and Teachers' Houses.	36. Short Title.
	Schedule A, form of Assessment.
	Schedule B, form of Notice of Assessment.

AN ORDINANCE for the Regulation and Management of Public Schools in the Province of Otago, and to promote the establishment of such Schools. Title.

WHEREAS an Ordinance was passed by the Superintendent and Provincial Council of the Province of Otago, in the nineteenth year of the reign of her Majesty Queen Victoria, intituled "An Ordinance to Provide the Means of Education within the Preamble.

Province of Otago :” And whereas it is expedient to repeal the said Ordinance, and to substitute other provisions in lieu thereof ;

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

Education Ordinance,
1856, repealed.

1. The said recited Ordinance shall be, and the same is, hereby repealed.

All contracts under
repealed Ordinance
fulfilled under this
Ordinance.

2. All subsisting contracts, entered into under and by virtue of the said recited Ordinance, shall be fulfilled and executed under this Ordinance.

All property vested
in Superintendent in
trust.

3. All lands, tenements, property, and effects, of what nature or kind soever of which the Education Board established under the said recited Ordinance shall be seized or possessed of at the time of passing this Ordinance, and all other property of the like kind which shall at any time hereafter be appropriated, given, devised, or bequeathed, in any manner howsoever, for the purposes of this Ordinance, shall vest in the Superintendent of the Province of Otago and his successors in trust, for the purposes of this Ordinance ; and shall be administered by him and them with the advice and consent of the Education Board, and not otherwise to be appointed as hereinafter provided.

Constitution of the
Otago Education
Board.

4. The Superintendent and the members of his Executive Council for the time being, together with the Speaker of the Provincial Council, shall constitute a Board for carrying into effect the provisions of this Ordinance, and shall be called the “Otago Education Board.”

Appointment of Se-
cretary of the Board
and Inspector of
Schools.

5. In order to carry out the provisions of this Ordinance, the said Board shall appoint a Secretary and an Inspector of Schools, who shall respectively hold office during the pleasure of the said Board, and shall receive such salaries as shall from time to time be voted by the Provincial Council ; and in addition thereto the said Secretary and Inspector shall receive, over and above such salary, a reasonable allowance for travelling expenses : Provided, nevertheless, that the appointments of Secretary to the said Board and Inspector of Schools may be held by one and the same person, if the Board shall so determine.

Meetings of the Board

6. The Board shall hold two General Meetings, one in the month of April, and the other in the month of October, in every year ; and such Meetings shall be convened by one month's previous notice, to be published in the *Government Gazette* and Provincial newspapers ; and it shall be competent for the Secretary, whenever he shall see occasion, or shall be requested by the Superintendent, or any two Members of the Board, to call a Special Meeting of the Board, and every such Meeting shall be convened by seven days' previous notice to be published in the Provincial newspapers ; and the Board having duly met, may from time to time adjourn, to meet at such other time and place as it shall appoint : Provided that all

Meetings of the Board, and all adjournments thereof, shall be open to the public.

7. All the powers hereby given to the Board shall be exercised at meetings duly convened as aforesaid, at which meetings not less than three members shall be present; and the Superintendent, when present, shall be *ex officio* Chairman of such meetings, and in his absence the members present shall elect one of their number to be Chairman; and on every question before the Board, the decision of the majority shall be final and conclusive; but in case the votes shall be equal, the Chairman having a deliberative vote, shall also have a casting vote; and no resolution or decision come to at any meeting of the Board shall be revoked or altered at any subsequent meeting of the Board, unless notice of the intention to propose such revocation or alteration shall have been previously given to the Secretary of the Board: Provided also, that the Board may delegate its power to a committee of not less than three of its members.

Powers of the Board to be exercised at meetings thereof.

8. Minutes of the proceedings of the Board shall be regularly entered in a book to be kept for that purpose, and at every meeting of the Board the minutes of the preceding meeting shall be read over and signed by the Chairman of the meeting at which the same shall be read; and the minutes, when so signed, shall for all purposes be held to be a true statement and record of the proceedings of the Board.

Proceedings of the Board to be entered in a Minute-book.

9. The Board shall exercise a general superintendence over all the Public Schools which have already been established under the said recited Ordinance, and which shall be hereafter established under the provisions of this Ordinance; and shall promote the establishment of school districts, and define the limits thereof, and shall have power to alter such limits, and also the limits of any school districts already formed, as it shall see fit, and to divide any district into two or more districts, or to combine two or more districts, or parts of districts, into one: And when any district shall be divided into two or more districts, or two or more districts or parts of districts combined into one district, then and in every such case the powers and functions of the Board so divided or combined shall cease and determine, and a Board shall be elected for each of the districts formed out of the district or parts of district so divided or combined in manner hereinafter provided for the election of Boards for new districts: And the Board shall direct the expenditure and due application of all monies that shall be appropriated by the Superintendent and Provincial Council for the purposes of education, and shall thereout provide sites for school buildings, and defray the expense of erecting and furnishing schools, and building teachers' houses, and fencing the land annexed thereto.

Powers of Board.

10. The Secretary shall attend all meetings of the Board and of its Committees, and enter the proceedings of the Board in the minute-book to be provided for that purpose, and conduct the correspondence of the Board, and shall also prepare the reports of committees, and take charge of and preserve all letters, papers, and docu-

Duties of the Secretary of the Board.

ments relating to the business of the Board, and perform all such duties as may be required by the Board for carrying out the provisions of this Ordinance.

Duties of the Inspector of Schools.

11. It shall be the duty of the Inspector to visit and inspect all the Schools established under the said recited Ordinance, and which may hereafter be established under the provisions of this Ordinance throughout the Province, once or oftener in every year, and from time to time to investigate and report on any matters relating to the educational condition of any school district, in such manner and according to such directions as shall from time to time be given by the Board in that behalf; and every School Teacher already appointed, or who shall be hereafter appointed under the provisions of this Ordinance, shall, whenever required so to do by the Inspector, examine the scholars under his charge, in the presence of the Inspector and such of the members of the School Committee of the district in which the School shall be situate as shall choose to attend such examination; and it shall be competent for the Inspector, and any member of such Committee, to take part and assist in such examinations; and the Inspector shall likewise, under the direction of the Board, investigate and report upon all complaints which shall or may at any time be made to the Board, either by the School Teachers or the District School Committees, relative to the said Schools or to any matter connected therewith, and also upon any special matter respecting which the Board may desire to be informed, in such manner as the Board shall direct; and the Inspector, either alone or in conjunction with the Secretary, shall make an Annual Report, to be presented to the Board at the General Meeting to be held in the month of October in every year as aforesaid; containing an account of the transactions of the Board up to the 30th day of September immediately preceding; and such Annual Report shall contain a statement of the number of Schools in every Educational District within the Province, the Statistics of attendance at such Schools, the proportion of such attendance to the population of the district, the number of Schools which have been established under this and the said recited Ordinance, and the number of additional Schools which may be required; the districts and localities where the same have been established or are required; and what changes or alterations shall have taken place in regard to such matters since the last Annual Report, so as to exhibit yearly a complete account of the state of Education within the Province, and accurate details in regard to any want of Education which may exist therein; and such Report, with any Resolution or Resolutions of the Board thereon, shall be presented by the Superintendent to the Provincial Council.

Education Districts, how to be formed.

12. Whenever it shall appear to the Board that there exists in any locality or district a necessity for provision being made for public education therein, the Board shall call, by advertisement, a public meeting of the male householders above the age of twenty-one years resident within such district, at which meeting the Secretary of the Board shall attend, and afford information regarding the provisions of this Ordinance, and the proceedings proper to be taken under the same; and such meeting shall thereupon declare, by the votes of the majority of the persons present, whether they are willing

that the said district shall be formed into an Educational District under the provisions of this Ordinance ; and in the event of their deciding that question affirmatively, such district shall thereupon become, and the said Board shall proclaim in the *Provincial Government Gazette* such district (giving the boundaries thereof) to be an Educational District under this Ordinance : And all districts established under the said recited Ordinance shall, on the passing of this Ordinance, be, and they are hereby declared to be, Educational Districts under the provisions of this Ordinance ; and the School Committees of the said last mentioned districts shall continue to exercise the functions of their office under this Ordinance until their successors are appointed, in the same manner as they might have exercised them if the said recited Ordinance had remained in force and unrepealed.

13. At any meeting of such resident male householders as aforesaid in any district, at which the majority shall have declared their willingness to provide one-half of the annual expenses of an Educational District under the provisions of this Ordinance, the persons then present shall thereupon elect, by a majority of votes, not less than five nor more than nine male householders, as aforesaid, resident in the district, of whom a majority shall be parents of families ; and the persons so elected shall be called the District School Committee, and shall hold office until the election of their successors in office in manner hereinafter mentioned.

Election of District School Committee.

14. On the first Monday in the month of October in each year a public meeting of the resident male householders of and above the age of Twenty-one years in every Educational District shall be held, at an hour and place to be fixed by the Secretary of the Board and notified by public advertisement at least one month previously, and in such other manner as the Board shall direct ; and at such meeting (at which at least ten male householders, as aforesaid, resident in the district shall be present) a Chairman shall be chosen, and the School Committee for the preceding year shall give a full report of their proceedings ; and thereupon the electors present shall proceed to elect, either by show of hands or by ballot, as shall be determined upon by the said meeting, a new School Committee for the ensuing year, and may re-elect all or any of the persons going out of office to be members of such new Committee ; and every Committee so to be appointed shall in like manner hold office until the appointment of their successors ; and if any vacancy or vacancies shall occur, by death or removal, in any School Committee, the remaining members of the Committee, whether a quorum or not, shall be entitled to elect a qualified person or persons to fill such vacancy.

Annual Meeting of District School Committees, and Election of new Committees.

15. The proceedings of every School Committee shall be transacted at meetings to be convened at the request of two or more of the members thereof, at which meetings three members shall form a quorum, and the Chairman shall have a deliberative as well as a casting vote at every such meeting, and the decision of the majority shall be final and conclusive : and every School Committee shall be at liberty to appoint one of their own members or other qualified person to be their Secretary and Treasurer, who shall convene all

Appointment of Secretary and Treasurer to School Committees

meetings of the Committee, by causing three days' previous notice to be given to each member thereof, and shall attend such meetings of the said Committee, and take minutes of their proceedings, and do whatever may be required of him in the execution of this Ordinance; and such Secretary and Treasurer shall receive such remuneration for his services, and give such security for the due performance of his duties, as shall be agreed upon and required by the said Committee; and the accounts of such Treasurer shall be rendered to and audited annually by every such Committee previous to their retirement from office; and the balance of such accounts (if any) shall be paid over by such Committee to their successors.

Powers of District
School Committees.

16. Subject to the general superintendence and control of the Board and such inspection as aforesaid, the School Committee of every Educational District shall have full power to determine the number and description of Schools, whether Main or Side Schools, necessary for the district; the extent and description of buildings required for educational purposes therein; the salary of the Teacher or Teachers; and the rates of School Fees; and shall also be entitled to select the Teacher or Teachers of such School or Schools, and generally to have the entire management of educational matters within the district.

Schools and Teachers'
Houses.

17. In connection with every Main School there shall be a Teacher's House, and not more than ten acres of land contiguous thereto, or as near as circumstances will permit, for the use and occupation of the Teacher of such Main School; of which lands such a portion as the Committee shall think necessary shall be laid off as a play-ground: And all buildings to be erected under the provisions of this Ordinance shall be erected in conformity with plans and specifications to be furnished or approved of by the Superintendent of Public Buildings, and sanctioned by the Board.

Teachers to be se-
lected by School Com-
mittee.

18. The School Committee of every Educational District shall be entitled to select a Teacher or Teachers for every Main and Side School in the district, either in Great Britain or in the Colony: Provided that any Teacher who shall be unable to produce certificate of qualification from her Majesty's Committee of Privy Council on Education, shall be required to produce a certificate of qualification from the Inspector to be appointed as aforesaid, and such other certificates of fitness as shall be required by any regulations that may hereafter be made by the Board; provided nevertheless that in case a qualified Teacher cannot be obtained for any School or Schools, a person not duly qualified may be temporarily appointed until his place can be supplied by a qualified Teacher.

Engagement of
Teachers defined.

19. And whereas it is expedient that the position and rights of School Teachers should be accurately defined; and whereas great public inconvenience might ensue if School Teachers could not be dismissed without fixing upon them the stigma of crime or moral delinquency; Be it therefore declared and enacted:—

That all engagements and contracts entered into on the part of the Provincial Government with School Teachers in Great Britain shall be punctually fulfilled in the Colony, and subject thereto, that the engagement of every School Teacher under this Ordinance shall be and

be deemed to be a yearly engagement; and that no School Teacher shall be at liberty to relinquish his said engagement without giving to the Secretary of the School Committee of the Educational District in which he holds his appointment, three months' notice in writing of his intention so to do; and such engagement shall not be determined by any School Committee, except upon giving a like notice, signed by their Secretary, with the express sanction of the Board: and the Teacher's occupation of the School-house, Teacher's House, and Land attached thereto, is hereby declared to be an occupancy by sufferance only: Provided always that such notices as aforesaid may be given to expire at any time.

20. Whenever an Assistant Teacher shall be required in any Main or Side School, the selection of such Assistant Teacher shall be entrusted to the Teacher of the said School, subject only to the approval of the School Committee of the District.

Appointment of Assistant Teachers.

21. It shall be lawful for every School Teacher, or the Treasurer appointed by the Committee, to ask, demand, receive, sue for, and recover from the parents or guardians of the children attending the School, such School Fees or Charges as shall be authorised by the School Committees to be charged; and the School Fees, if collected by the Teacher, shall be paid over to the Treasurer quarterly: Provided always that it shall be lawful for the School Committee of every District, by a warrant or warrants under the hand of their Secretary, to authorise the gratuitous Education of such children as shall be named therein.

School Fees collected by Teacher.

22. A sum not exceeding £50 per annum in each case towards the payment of the Teachers' salaries, one-half of their passage money from Britain, and of the costs of keeping in repair all School Buildings, Teachers' houses, and the Fencing of Land annexed thereto, shall be defrayed out of funds to be appropriated by the Superintendent and Provincial Council for Educational purposes, or such other funds, applicable to such purposes as may be at the disposal of the Board; and the remainder of such Salaries and Expenses, and the whole of the Insurance of School Buildings, shall from time to time be defrayed by every School District, by and out of School fees, donations, and subscriptions, and, if necessary, by and out of rates to be made and levied in manner hereinafter provided; and in no case shall any reduction be made in a Teacher's Salary, once fixed, without the consent of the Education Board.

Expenditure, how defrayed.

23. Within one month after the annual election of every School Committee, and immediately after the formation of every new Educational District, the School Committee shall make an estimate of the sum which will be required for the purposes aforesaid, in addition to fees, subscriptions, and donations (if any), during the then current year, in their respective districts, and the expenses of making and levying a rate to meet such expenditure; and thereupon it shall be lawful for every such Committee to make a District Rate of sufficient amount to meet such expenditure, to be assessed upon all houses, shops, warehouses, barns, stables, mills, and other buildings, and upon

District portion of Expenditure, how to be raised.

all yards, gardens, and other lands and hereditaments whatsoever ; and such Rates shall be made and laid upon all such houses, shops, warehouses, barns, stables, mills, and other buildings, yards, and gardens, according to the net annual value thereof, whether situate in towns or elsewhere, separately from any other land with which the same may be held and occupied : And in order to facilitate and simplify the assessment and rating of land for the purposes of this Ordinance, all land situate outside the limits of any town, enclosed and laid down in pasture, and all enclosed arable land, shall be deemed and taken to be of the annual value of twenty shillings per acre, and all unenclosed and unimproved land of the annual value of four shillings per acre : Provided that no barns, stables, and other buildings for farm purposes, except the dwelling-house or houses on any farm, shall be assessed for the purposes of this Ordinance.

Mode of Assessing.

24. In order to ascertain the net annual value of the houses, shops, warehouses, barns, stables, mills, and other buildings, yards, and gardens to be assessed as aforesaid, it shall be the duty of every School Committee to appoint some competent person or persons 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 said Committee 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 each particular subject of Assessment, and the net annual value of the same, whether occupied or unoccupied, and the amount of Rate chargeable thereon respectively, in the form in Schedule A hereunto annexed : Provided also that no assessment shall be made on any Gaol, Hospital, Custom House, Police Office, Court House, or any other Government offices or buildings ; or on any waste lands of the Crown, or land reserved for any public purposes ; or on any property used solely for religious or educational purposes.

Making Assessment.

25. Every such Assessment shall be taken into consideration at a Meeting of the Committee convened for that purpose in manner aforesaid, and the Assessment shall be altered or amended as the said Committee shall think fit, and thereafter shall be signed by the Chairman of the said meeting.

Notice to Person assessed. Objections to Assessment, how decided.

26. Every person whose property shall have been assessed to such rate, shall have notice, in the form in Schedule B hereunto annexed, to be left at his place of abode, or affixed to some conspicuous part of the property Assessed—of the nature and amount of the Assessment ; and every person who shall object to such Rate, on any account whatever, shall, within ten days from the service or affixing of such notice, deliver to the Secretary of the Committee a statement in writing of the grounds of his objections, and thereupon he shall be heard in support of his objections at a subsequent meeting of the Committee to be convened for that purpose, whereof public notice shall be given by advertisement in one or more newspapers at least ten days before the holding of such meeting ; and at such meeting, or at any adjournment thereof, the Committee shall order the Assessment to be amended, or disallow the objections, or give such other

decision as they shall consider just : And no such Assessment shall be quashed or set aside for, or on account of, any irregularity, but any such error or irregularity shall and may be amended by order of the Committee levying the same ; and every such amended Assessment shall be as valid and effectual as if no such error or irregularity had existed therein.

27. Every Assessment so made shall be payable at such time and place as the Committee shall determine, and may be levied either from the owners or other persons having right to the rents of such lands, buildings, and hereditaments as aforesaid, 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 entitled to such rents, unless by virtue of any subsisting contract either expressed or implied, the tenants or occupiers shall be liable to pay the same.

Assessments, by whom payable.

28. If any person shall refuse or neglect to pay such Assessment for the space of fourteen days after the same shall have become payable and been demanded from him personally or at his dwelling-house, 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, and which warrant every Justice of the Peace acting in the Province of Otago is hereby authorised and required to grant, on proof being given before him upon oath that such Rate had been demanded in manner and by any of the means aforesaid, to enter into any part of the lands, buildings, and hereditaments so assessed, and to levy such Rate, together with the expense of levying the same, by distress and sale of the goods and chattels found therein or thereon.

Assessments, how to be recovered.

29. It shall be lawful for the Secretary of any School Committee, or the Collector appointed by such Committee, to sue any person liable to the payment of any rate made in pursuance of this Ordinance in any Court of competent jurisdiction ; and for the purposes of any such action or suit, it shall be sufficient to state that such Rate is due and payable to the person instituting such suit, either as such Secretary or Collector.

Secretary or Collector may sue for Rates.

30. It shall be lawful for the Board at its discretion to grant any moderate sum or sums of money in aid of the efforts made by private individuals or associations for the promotion of Education in districts in which, from the smallness or scattered position of the population, or from other causes, no Educational District shall have been proclaimed.

Grants in aid of educational efforts in certain cases.

31. So soon as a suitable building can be provided, there shall be established in Dunedin a High School, to be called "The High School of Dunedin," under a Rector or Head Master and duly qualified Assistants, in which shall be taught all the branches of a liberal Education, the Latin and Greek Classics, and Mathematics, and such other branches of science as the advancement of the Colony and the increase of the population may from time to time require ; and the

Establishment and support of High School at Dunedin.

said High School shall be entirely under the superintendence and control of the Board, and shall be maintained and supported, and all salaries and expenses connected therewith paid, out of School Fees and Monies appropriated by the Superintendent and Provincial Council for that purpose, and any other available Funds.

Town of Dunedin
may be divided into
School Districts.

32. In the meantime, and until the establishment of the said High School, it shall be competent for the Board to divide the town of Dunedin into two or more Educational Districts; and to erect such Schools and Teachers' Houses as in the judgment of the Board such districts may require; and the School expenses of such districts shall be defrayed in manner hereinbefore provided for the maintenance of District Schools.

Salaries of Teachers.

33. The Salary of the Rector of the High School shall not be less than Two Hundred and Fifty Pounds a year; and the Salary of the Teacher of every main District School not less than One Hundred Pounds a year.

Religious instruction.

34. In every School established under the provisions of this Ordinance, the Holy Scriptures shall be read daily, and such religious instruction given as the District School Committee shall appoint: Provided always that no religious doctrines shall be taught at variance with what are commonly known as Evangelical Protestant Doctrines; and provided also that the hours for religious instruction and Scripture Reading shall be either at the opening or close of the School daily, as may be fixed by the Teacher, and no child whose parent or guardian shall object to such instructions shall be bound to attend at such times.

Parents and Rate-
payers may visit
Schools.

35. The Parent or Guardian of any child attending School, or any Rate-Payer, Subscriber, or Donor, shall be entitled to visit the School at any time on obtaining an order to that effect from any member of the School Committee.

Short Title.

36. This Ordinance shall be termed and may be cited as "The Education Ordinance, 1861."

Passed the Provincial Council this 4th day of July 1861.

ROBT. CHAPMAN,
Clerk of Council.

ALEX. RENNIE,
Speaker.

Assented to on behalf of the Governor, at Dunedin, this
Sixth day of July One Thousand Eight Hundred and
Sixty-one.

J. RICHARDSON,
Superintendent of the Province of Otago.

SCHEDULE B.

NOTICE.

The Committee of the _____ Educational District
 have determined that the Assessment for the Year 18____, shall be paid to me,
 at _____ in one sum, on the _____ day
 of _____

I therefore request Payment on that day of the undermentioned sum, being the amount of your Assessment. And I hereby give you Notice that in the event of your neglecting to pay the same within 14 days thereafter, the powers vested in the said Committee by the Education Ordinance, 1861, will be put into force.

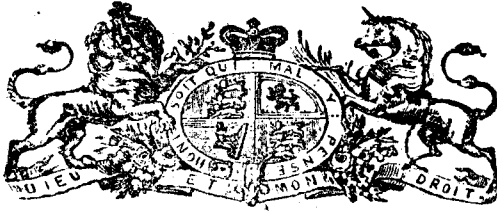
No.	Description of Property Assessed.	In what capacity Assessed.	Rateable Annual Value.			Amount of Assessment at the rate of in the pound.		
			£	s.	D.	£	s.	D.

And I hereby give you further Notice, that if you have any objections to the above Assessment, the grounds of your objection must be stated in writing, and lodged with me within 10 days from the date of this Notice; and thereupon you will be heard in support of your objection at a General Meeting of the Committee of the said District, to be held at _____, on the _____ day of _____ at _____ o'clock

A. B.,

Secretary (or Collector) to the said Committee.

Dated at _____ this _____ day of _____ 18 ____ .



THE ROADS ORDINANCE, 1861.

IN THE TWENTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XII.—No. 52.

ANALYSIS.

Title.

Preamble.

1. Repeal of "Roads Ordinance 1856," "Roads Ordinance Amendment Ordinance, 1856," and "Roads Claims Ordinance, 1859."
2. Public Roads and other property vested in Superintendent.
3. The Formation and Repairs of Main Roads to be under the control of Superintendent.
4. Monies appropriated for Public Roads how to be expended.
5. When money is Voted in aid of any District Road, the amount raised in the district to be paid to the Provincial Treasurer.
6. Roads to be classed as Main Roads and Branch Roads.
7. Useless Roads may be shut up, and may be Sold.
8. Map or Plan of Districts and Roads to be made and to be evidence, and may be altered.
9. Minute Book of General Board to be deposited with Superintendent, and may be referred to.
10. Minute Book to be kept by Superintendent, and to be open for Inspection.
11. Proceedings to be observed by the Superintendent in making, altering, or widening Public Roads,—and how and when objections are to be heard.
12. Superintendent may order Work to be proceeded with, but persons dissatisfied may have redress.
13. After Notice and Decision Provincial Engineer of Roads may proceed with the Work, and land previously Fenced to be protected by a temporary Fence.
14. No Road to be made through Gardens, &c., without owners' consent.
15. Sixty-six feet to be the least width of any Public Road to be hereafter laid off.
16. No Compensation to be Paid for making Road through lands where a right has been reserved; but, where land is enclosed, the Road to be Fenced off before open for Public Use.
17. A Right of Road reserved through lands Sold under proclamation of 4th March, 1853.
18. Rule of Compensation if surveyed at date of purchase and purchased after 1st April, 1856.
19. Provincial Engineer of Roads and Workmen may enter upon lands for making Roads.
20. Materials may be taken from any lands for making Roads and Bridges. Proviso as to notice. Surface Damage to be compensated for and made good. Penalty for taking away materials procured for Roads.
21. Provincial Engineer of Roads and District Boards may make Drains through any lands, and other works for improving Roads.
22. Footpaths to be made.
23. Provisions respecting Horse and other ways from Main Road to adjoining land, and penalty for neglect.
24. No Stockyard to be erected within two chains from the centre of any Main Road. Penalty for non-removal after notice.
25. Wilful injury to Roads, &c., a misdemeanour.
26. Penalties for certain acts and omissions under this Ordinance.
27. Penalties recoverable summarily.
28. Amount of compensation may be ascertained and settled either by arbitration or by action.
29. When the owner of land required for the purposes of this Ordinance shall be a Married Woman, Infant, or Trustee, who to appoint arbitrators, &c.; and how compensation money to be paid.
30. The Province may be divided into Districts—Constituted. Power to alter them.
31. District Boards of Trustees. Each Board to bear the name of its District, and to be subject to the supervision of the Superintendent.
32. Qualifications of Trustees.

33. How Meetings for the election of Road Trustees to be convened.
34. When new District formed, how Trustees are to be elected.
35. Mode of proceeding at Election Meetings.
36. Number of Members of each District Board. Procedure if Electors fail to meet to elect.
37. Vacancies in District, how to be supplied. Tenure of office of Members.
38. First meeting of District Boards. Boards to hold at least four meetings in the year. Any two Members may call meetings. Notice of meetings how to be given. Members to defray their own expenses. Majority. Quorum. Orders once made not to be revoked without previous notice.
39. Powers of District Boards.
40. Boards may name Committees.
41. And appoint Officers.
42. Minute and Account Books to be kept. Accounts to be Audited.
43. Any person may take copies of Accounts. Fee. Abstract to be published. Penalty for neglect.
44. Officers to Account. Proceedings on Officers misconducting themselves.
45. Exemptions from Road Assessment.
46. District rates to be levied for Branch Roads; and there may be special rates for particular parts of a District. Separate accounts of the receipts and expenditure of such Rates to be kept.
47. Rates to be levied by District Boards. Rates not to be set aside for informality, and may be amended. Yearly maximum of Rates. Power to increase the same with consent of ratepayers.
48. Owners and occupiers of land to make a true return of their lands and of its acreage, when required by Notice so to do. Penalties for default and false returns.
49. Procedure in laying on district and special rates.
50. Rates payable as District Boards may direct. May be levied from owners or occupiers. Their relief the one against the other.
51. Mode of recovery of Rates.
52. The Clerk or Collector may sue.
53. Two Members of any Board may make contracts by authority of the Board. Trustees not to be personally liable.
54. Short Title. Schedule.

Title.

AN ORDINANCE to Consolidate and Amend the Laws relating to Public Roads within the Province of Otago, and to Regulate the Management thereof.

Preamble.

WHEREAS it is expedient to consolidate and amend the laws relating to Public Roads within the Province of Otago, and to provide for the formation, improvement, management, and maintenance of Roads and Bridges in the said Province :

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 "Roads Ordinance, 1856," "Roads Ordinance Amendment Ordinance, 1856," and "Roads Claims Ordinance, 1859."

1. The several Ordinances of the Superintendent and Provincial Council of the Province of Otago, that is to say, an ordinance passed in the 19th year of the reign of her Majesty Queen Victoria, intituled "An Ordinance to amend the Laws relating to Public Roads within the Province of Otago, and to regulate the management thereof;" and an Ordinance passed in the 20th year of the reign of Her said Majesty, intituled, "An Ordinance to constitute or reserve a right of Road through Waste Lands of the Crown sold or to be sold, and to regulate the compensation for the same;" and an Ordinance passed in the 23rd year of the reign of Her said Majesty intituled "An Ordinance to authorise the judicial trial of questions arising out of the making or altering of Roads," shall be, and the same are hereby respectively repealed, save and except so much of the said first-mentioned ordinance as repeals an ordinance passed by the Superintendent and Provincial Council of Otago, sess. I. No. 10, intituled "An Ordinance for forming, altering, and maintaining public Roads in the Province of Otago," and an ordinance passed by the Lieutenant-Governor and Legislative Council of New Munster in 1849, sess. I. No. 10, intituled "An Ordinance to authorise the levying and collection of tolls on roads and rates on land in the Pro-

vince of New Munster ;" and also save and except as to proceedings now pending, to which the said ordinances, or any of them, are applicable, and for which no special provision is hereinafter contained.

2. All public roads within the Province of Otago (not under the jurisdiction of any Town Board), and also all lands, quarries, property and other effects of what nature or kind soever vested in and possessed by the General Board of Road Trustees under the first-mentioned Ordinance at the time of the passing of this Ordinance, shall on the passing of this Ordinance vest in, and be possessed by, the Superintendent and his successors in trust, for the purpose of this Ordinance : and all the functions entrusted to, and all the duties required of, the Superintendent by this Ordinance shall be executed and performed by him, with the advice and consent of his Executive Council and not otherwise.

Public Roads and other property vested in Superintendent.

3. The formation of new main lines of Road, and the repairs, maintenance, and management of all main lines of Road already made, or under formation, or which shall hereafter be made, and the construction and repair of all bridges and other works of what kind soever connected with such main roads and bridges shall, from and after the passing of this Ordinance be entirely under the control and management of the Superintendent of the Province, and of the Engineers, Surveyors, and other officers acting under him in the execution of this Ordinance.

The Formation and Repairs of Main Roads to be under the control of Superintendent.

4. All Monies that shall be hereafter appropriated by the Superintendent and Provincial Council out of the public revenue of the Province, for the making and repairing of any public roads, bridges, or other works connected therewith, shall be expended and applied by the Superintendent.

Monies appropriated for Public Roads how to be expended.

5. Whenever any Monies shall be Voted out of the Public Revenue in aid of monies to be raised in any district for the purpose of making or improving any road, bridge, or other work connected therewith, the money to be raised in such district shall be paid to the Provincial Treasurer, and thereupon the monies so raised and paid in, together with the money appropriated out of the public revenue, shall be applied to the intended purpose under the superintendence of the Provincial Engineer of Roads or other person acting in that capacity, and other officers acting under him, but not otherwise.

When money is Voted in aid of any District Road, the amount raised in the district to be paid to the Provincial Treasurer.

6. The public roads within the Province shall, as heretofore, be classed as Main Roads and Branch Roads. The Main roads shall include all general public roads and leading communications between the larger divisions of the Province. The Branch roads shall comprise all other public roads in the districts into which the Province has already been divided, under the provisions of the first mentioned Ordinance, and into which it shall hereafter be divided, under this Ordinance, and all roads required for any public purpose, except such roads as the Superintendent shall determine to be unnecessary and useless to the public, and shall direct to be discontinued as public roads and shut up and disposed of in manner hereinafter provided. Provided always, that the Superintendent may, from time to time, as

Roads to be classed as Main Roads and Branch Roads.

he shall see occasion, alter such classification and order that any Main road shall become a Branch road, or that any branch road shall become a main road, and thereafter such roads shall become branch roads or main roads as the case may be, and be dealt with accordingly.

Useless Roads may be shut up, and may be Sold.

7. Whenever any road or part of a road shall become useless, the Superintendent may, after giving two months' notice of his intention so to do in the Government Gazette, and in one or more newspapers published in the Province, cause the same to be shut up, unless sufficient cause be shown to the contrary; and whenever any road shall be diverted, varied, or altered, and the new road shall be made and completed, such new road shall be in lieu of the old road, and the old road shall cease to be a public road; and any road which shall have become useless and ordered to be shut up as aforesaid, shall be sold and conveyed by the Superintendent to the owner or owners of the adjoining land, if willing to purchase the same,—and if not, to any other person or persons, unless such old road shall lead to any lands, house, or place which cannot be conveniently approached except by such useless or old road; then such useless or old road shall be sold, subject to a right-of-way and passage to such lands, house, or place respectively: Provided that if any such road was originally reserved out of any grant made to the owner of the adjoining lands, the owner of such land may resume the same on its abandonment, without purchase, and the Superintendent shall, at his request and cost, convey the same to him.

Map or Plan of Districts and Roads to be made and to be evidence, and may be altered.

8. On the map or plan already provided pursuant to the said first-mentioned Ordinance, or which shall be hereafter provided for recording Roads, the Superintendent shall cause the boundaries of the several districts, into which the Province has been already divided, or into which it shall hereafter be divided pursuant to this Ordinance, to be plainly marked and set out, and all the public roads within any district to be delineated and set down, and the Main roads and Branch roads to be distinguished by different colours; provided always that such map or plan may be from time to time altered or amended as circumstances may render necessary by the authority of the Superintendent; and such plan, or a copy thereof, or of any part thereof, sealed with the seal of the Superintendent, shall be received as evidence in all suits, controversies, and disputes touching the existence, limits, situation, or classification of any such roads, or any other matter relating thereto.

Minute-book of General Board to be deposited with Superintendent, and may be referred to.

9. After the passing of this Ordinance, the Minute-book of the proceedings of the General Road Board under the first-mentioned Ordinance shall be deposited and kept in the office of the Superintendent, and may be referred to and used for all purposes for which the same might have been referred to and used in case the said ordinance had not been repealed.

Minute-book to be kept by Superintendent, and to be open for inspection.

10. Minutes of all orders, resolutions, and proceedings of the Superintendent and his Executive Council had and taken in pursuance of this Ordinance shall be entered in a book or books to be kept by a clerk to be appointed for that purpose, who shall attend all meetings of the Superintendent and his Executive Council for

executing this Ordinance; and at every such meeting the minutes of the preceding meeting shall be read over and signed by the Superintendent, and shall thereafter be open for inspection by any person interested therein, on the payment of a fee of two shillings and sixpence.

11. Whenever the Superintendent shall deem it necessary or expedient to open or make a new road, or to increase the width or alter the line of any existing road, or to proceed with the execution of any new work in connection therewith, he shall cause a map and survey plan thereof, describing the exact course and bearings, and the admeasurements required for the same, and through what lands the same is proposed to pass, and the names of the owners or occupiers thereof, so far as known, together with an estimate of the expense of the work, and the compensation (if any) proposed to be paid to the owners or occupiers of any such lands respectively, to be deposited in the office of the Provincial Engineer at Dunedin, and a notice to be published in the Provincial Government Gazette and in one or more newspapers published in the Province, describing generally the same particulars, and referring to such maps, plans, and estimates to be seen in the Provincial Engineer's office, and calling upon all persons affected to set forth in writing, addressed to the Superintendent, within thirty days from the first publication of such notice, any well-grounded objections they may have to the work, or any claims they may have in respect thereof; and at a meeting of the Superintendent and two or more members of his Executive Council, to be held on a subsequent day, to be fixed in and by such notice, and held at the Superintendent's office, it shall be competent for any person who shall be affected by such proposed work, and who shall have set forth in writing his objections or claims as aforesaid, to appear at the said meeting and be heard in support of the same.

Proceedings to be observed by the Superintendent in making, altering, or widening Public Roads; and how and when objections are to be heard.

12. If, after the expiration of such term, and the due consideration of all objections and claims set forth, as aforesaid (if any), it shall nevertheless appear to the Superintendent necessary or expedient to proceed with the work, he shall make an order thereupon, directing such work to be executed according to such plans and estimates as aforesaid, on making or tendering compensation (if any) to the person or persons entitled thereto, out of monies appropriated for that purpose: Provided that any person who shall be dissatisfied with any such order or decision may seek redress in manner hereinafter provided.

Superintendent may order work to be proceeded with, but persons dissatisfied may have redress.

13. After the expiration of such notice and decision (if any) as aforesaid, the Provincial Engineer of Roads, or other person acting in that capacity, and all persons acting under his orders, shall have authority to enter upon the said land, and to define and make the line of road, and execute the work of which notice shall have been so given as aforesaid; and such line of road when defined, and work when executed, shall be taken to be part of the road, and shall be under the care and management of the Provincial Engineer of Roads, or other person acting in that capacity, and vested in, and subject to, the order and control of the Superintendent: Provided that in all cases where any fencing is removed for the purpose of altering any

After notice and decision, Provincial Engineer of Roads may proceed with the work, and land previously fenced to be protected by a temporary fence.

road, the land from which the fence shall have been so removed shall be protected by a temporary fence, which shall be made and continued during the progress of such alteration in the road as aforesaid.

No Road to be made through Gardens, &c. without owners' consent.

14. Nothing herein contained shall be construed to authorise or empower the Provincial Engineer of Roads, or other person acting in that capacity, to take or make use of, or to order or direct, any road to be made in or through any garden, orchard, or other enclosed ground planted for ornament or shelter, or planted and set apart as a nursery for trees, or any part thereof respectively, without the consent of the owner or proprietor thereof in writing first had and obtained: Provided that the same shall have been planted or set apart for any of the purposes aforesaid for a period of five years.

Sixty-six feet to be the least width of any Public Road to be hereafter laid off.

15. The least legal width of any main public road, to be hereafter laid off, shall be sixty-six feet, inclusive of the bank, ditch, and fence on either side thereof.

No compensation to be paid for making Road through lands where a right has been reserved; but, where land is enclosed, the Road to be fenced off before open for public use.

16. No compensation shall be paid for making, altering, or widening any main or district road, or any road to any public quarry, bush, or other reserve, in, through, or over the whole or any part of any land out of which a right to make a road has been reserved, unless such land shall have been cultivated, in which case compensation shall be made to the owner or occupier for the injury thereby done to the crops growing thereon.

A right of Road reserved through lands sold under Proclamation of 4th March 1853.

17. It shall be implied that a right has been reserved to make a road in, through, or over all Waste Lands of the Crown heretofore sold under the Land Regulations, contained in the proclamation of the Governor of New Zealand dated 4th March 1853, unless the contrary shall be proved; and in such case an allowance shall be made for any land required for the purposes of this Ordinance after the rate originally paid for such land.

Rule of compensation if surveyed at date of purchase, and purchased after 1st April 1856.

18. In all cases of Waste Lands of the Crown, surveyed at the date of purchase, and purchased subsequent to the 1st day of April 1856, or to be hereafter purchased, the compensation to be given to the owner of such lands for any part thereof taken for a public road in, through, or over such lands, or any part thereof, shall be at and after the rate originally paid or to be paid for such land; and where any road shall be made, altered, or widened in, through, or over any land out of which a right of road has not been reserved, compensation for the land required for any of the said purposes shall be made according to the fair value thereof.

Provincial Engineer of Roads and workmen may enter upon lands for making Roads.

19. In making, altering, widening, or repairing any road, or constructing or repairing any bridge or other work under the provisions of this Ordinance, it shall be lawful for the Provincial Engineer of Roads, or other person acting in that capacity, and workmen or others employed by him, from time to time to enter for such purpose upon any lands or grounds, and to stake out such road, and to cut and make any drains, ditches, or arches through or into any lands adjoining or contiguous to such road or any part thereof, and to make a temporary way or ways through or over any lands not being a garden, orchard,

or other enclosed ground planted for ornament or shelter ; provided that the same shall have been planted or set apart for any of the purposes aforesaid for a period of five years.

20. It shall be lawful for the Provincial Engineer of Roads, or other person acting in that capacity, and workmen, and others employed by him, and for the Road Trustees of any district, and persons employed by them, to enter upon and to search for, dig, take, and carry away any stone, gravel, sand, or other materials in and from any land where the same may be found, or in and from any river or creek, but so nevertheless as not thereby to divert or interrupt the course of such river or creek, or within the distance of 150 feet from any bridge, or within the like distance of any dam or weir ; and also to gather stones lying upon any uncultivated land ; and likewise to raise and quarry stone and other materials, and to take and carry away so much of the said stone and materials as in the discretion of the said Provincial Engineer of Roads, or other person acting in that capacity, or District Road Trustees, as shall be thought necessary to be employed in the formation, construction, and amendment of the said roads and bridges, without making any satisfaction or payment for the said stone or materials ; but satisfaction shall be made for all surface damage done to any enclosed lands or grounds by digging for and carrying away such materials as aforesaid : Provided that when such land shall be occupied, but not otherwise, the Provincial Engineer of Roads, or other person acting in that capacity, or the Road Trustees of any District, as the case may be, shall, at least one week before entering upon the same for any of the purposes aforesaid, serve upon the owner of such land, or his agent, or the occupier thereof, notice of his or their intention so to do ; and shall, when such materials have been taken, fill up or securely fence off all holes, pits, or cuttings, and efface as nearly as may be all irregularities and damage done by taking such materials and conveying the same to the road or bridge for the making or repairing of which the same shall be required : And if any person shall take away any materials which shall have been procured or provided, or used, for the repair or use of any road, or shall take materials out of any quarry which shall have been opened by the Provincial Engineer of Roads, or other person acting in that capacity, or District Road Trustees for the purpose of getting materials for any road, so as to interrupt or interfere with their operations, he shall for every such offence forfeit and pay any sum not exceeding Five pounds.

Materials may be taken from any lands for making Roads and Bridges. Proviso as to notice. Surface damage to be compensated for and made good. Penalty for taking away materials procured for Roads.

21. It shall be lawful for the said Provincial Engineer of Roads, or other person acting in that capacity, or any District Road Trustees, or any person authorised by him or them, to cause to be cut through all or any lands, whether adjacent or otherwise to any public road or any road or way made under the provisions hereof, such drains or ditches, and also to remove such obstructions to the free passage of water off the said roads or ways, and to drain and turn water off the said roads or ways on to any lands, and to erect such causeways, bridges, archways, sewers, and generally to use such means as to any of them shall seem requisite for the carrying this Ordinance into execution, without being deemed a trespasser or trespassers, or making any compensation for so doing.

Provincial Engineer of Roads and District Roads may make Drains through any lands, and other works for improving Roads.

Footpaths to be made.

22. It shall be lawful for the Provincial Engineer of Roads or other person acting in that capacity, by order of the Superintendent, or any District Board of Road Trustees, to make and keep in repair footpaths on any main or branch road; and they are hereby respectively required, at as early a period as they shall find it to be suitable, to make and maintain a footpath on all public roads.

Provisions respecting horse and other ways from Main Road to adjoining land, and penalty for neglect.

23. Where any cart-way, horse-way, or foot-way shall lead from a main road to any adjoining land, the owner or occupier of such land shall make and construct, to the satisfaction of the Provincial Engineer of Roads, or other person acting in that capacity, a sufficient tunnel or bridge over any ditch, drain, or watercourse lying between such land and main road, and shall likewise metal and keep metalled, to the satisfaction of the Provincial Engineer of Roads, or other person acting in that capacity, such cart-way, horse-way, or foot-way from the metalled part of such main road to such adjoining land; and in case he shall fail or omit so to do, within ten days after notice given him by the Provincial Engineer of Roads, or other person acting in that capacity, he shall forfeit and pay for every day thereafter he shall fail or omit so to do, the sum of Ten shillings.

No stockyard to be erected within two chains from the centre of any Main Road. Penalty for non-removal after notice.

24. If any person shall hereafter erect any Stockyard within two chains from the centre of any main road, or district road, and shall not remove the same within ten days after notice given him by the Provincial Engineer of Roads, or other person acting in that capacity, or District Road Trustees, for that purpose, he shall for every day that the same shall be suffered to remain after the expiration of such notice, forfeit and pay the sum of Twenty shillings.

Wilful injury to Roads, &c., a misdemeanour.

25. If any person shall wilfully damage or destroy any main or district road, or any work connected therewith, or any footpath belonging thereto, he shall be guilty of a misdemeanour, and liable to fine and imprisonment.

Penalties for certain acts and omissions under this Ordinance.

26. The following acts and omissions shall be offences under this Ordinance, and all persons convicted thereof shall be liable to the penalties severally attached thereto :—

- I. Any person riding, driving, or leading any horse, ass, mule, or cattle, or wheeled carriage wholly or partly upon any footpath at the side of any main road, or metalled District Road, or drawing any sledge, or dragging any log or other thing without being properly supported on wheels, on any such road, or leaving on any such road any timber, stones, cart, waggon, plough, or other implement of husbandry, or any other thing whereby the safety of passengers may be endangered, or suffering any offensive liquid to flow thereon, or throwing any rubbish into the same, or leaving any carriage on any such road unattended, or suffering any child under thirteen years of age to be in charge of any cart or carriage with beast of draught attached thereto : Penalty for each of such acts, not less than One pound, nor more than Five pounds.

2. Any person suffering any horse or cattle to be at large on any such road : Penalty not exceeding ten shillings, nor less than five shillings per head.
3. The person in charge of any cart or carriage, riding on the same, or on the shafts, without holding the reins ; or any person riding or driving so furiously as to endanger the limbs or lives of passengers : Penalty, forty shillings.

27. All penalties imposed by this Ordinance shall be recovered summarily before any Justice of the Peace. Penalties recoverable summarily.

28. If any owner or occupier of any land required for the purposes of this Ordinance shall not be satisfied with the amount of compensation proposed to be paid to him, or if any dispute shall arise between the Superintendent and any person or persons, or between any District Road Board and any person or persons touching any act to be done by him or them respectively in pursuance of this Ordinance, then and in either of the said cases the amount of compensation, or other matter in dispute, may be referred to two arbitrators—one to be chosen by either party, and a third by the two so chosen ; and such referees shall have power to call for and examine any documents relating to the matter in dispute, and to examine witnesses on oath, to be administered by any one of them, and the award of such referees, or the majority of them, being put in writing and signed, shall be final, and the same shall be filed in the Supreme Court, and upon application by either party be made a Rule of Court, and in all cases the cost of such reference shall be in the discretion of the referees ; Provided that in any of the said cases, either or any of the said parties may, if he or they shall prefer to have the same tried and decided judicially instead of by arbitration, institute proceedings in any competent court of law for the trial and decision of any such question or matter in dispute ; and the Superintendent may sue and be sued in any such action. Amount of compensation may be ascertained and settled either by arbitration or by action.

29. When any land required for the purposes of this Ordinance shall be owned by a person having only a partial or qualified interest in the freehold, or by a married woman, infant, idiot, lunatic, or by a trustee or other person without power to sell, the amount to be paid for such land shall be settled by arbitration or action as hereinbefore provided ; and the person entitled to receive the rents—the guardian, committee, or trustee as the case may be—shall be the party entitled to appoint a referee and conduct the reference or action (as the case may be) ; and the purchase-money or compensation to be paid for any land taken from any such party, shall be paid by the Provincial Treasurer as the Supreme Court shall direct upon the petition of any person interested therein. When the owner of land required for the purposes of this Ordinance shall be a married woman, infant, or trustee, who to appoint arbitrators, &c. ; and how compensation money to be paid.

30. For the purposes of this Ordinance, the said Province (except the Towns under the management of Town Boards) may from time to time be divided into districts ; and until otherwise provided in virtue of the powers hereinafter mentioned, there shall be twenty-five districts, which shall be named and bounded as in the Schedule to The Province may be divided into Districts—Constituted. Power to alter them.

this Ordinance annexed : Provided always that it shall be lawful for the Superintendent, from time to time, by proclamation in the Government Gazette, to alter, vary, diminish, or enlarge the boundaries of any or all of such districts, and to increase the number of districts by forming and naming new districts, or by dividing any district into two or more districts; and when any Road District shall be divided into two or more districts, the powers and functions of the Board of Trustees for such divided district shall wholly cease, and a Board of Trustees shall be elected for each of the districts formed out of the districts so divided, in manner hereinafter provided for the election of Boards of Trustees for new districts.

District Boards of Trustees. Each Board to bear the name of its District, and to be subject to the supervision of the Superintendent.

31. For the purpose of providing for the management and superintendence of roads by persons in every district immediately interested therein, there shall be in every district aforesaid, a District or Local Board of Trustees, to be elected in manner and to possess the powers hereinafter provided; and such Board shall bear the name of the district, and shall have the more immediate direction, management, and superintendence of the public roads locally situated therein, subject to the supervision and control of the Superintendent, and to the provisions of this Ordinance.

Qualifications of Trustees.

32. Every person of the male sex and twenty-one years of age and upwards, who is rated or liable to be rated for roads within any part of the Province, in virtue of this Ordinance, shall be qualified to be elected a member of any District Board of Road Trustees; and no person duly appointed a Trustee for the execution of this Ordinance shall, by reason of such appointment, be disqualified from acting as Resident Magistrate or Justice of the Peace; and no lender of money for the purposes of this Ordinance, nor assignee of such lender, nor any person receiving interest for any such money lent, shall on that account be disqualified to act as a Trustee or a Justice of the Peace in the execution of this Ordinance; but no person so elected shall directly or indirectly derive any emolument or profit from any business or work of any description performed or to be performed by him under this Ordinance, nor be capable, while he holds office as a Trustee, of enjoying any office of profit to be created or established by virtue of this Ordinance.

How meetings for the election of Road Trustees to be convened.

33. In the month of April in every year, in every district aforesaid, a meeting of the male persons rated or liable to be rated for roads therein, shall be convened by the Superintendent of the Province upon not less than ten days' previous notice in the Government Gazette or otherwise as he shall see fit, at such place in such district and at such time as he shall appoint, for the purpose of electing qualified persons to be the members of the District Board of Road Trustees; and the Trustees so to be appointed shall hold office until the appointment of their successors; And the Trustees elected under the first-mentioned Ordinance, shall be and are hereby constituted Trustees for their respective districts under this Ordinance, and shall hold office until the appointment of their successors.

When new District formed, how Trustees are to be elected.

34. Whenever any new district shall be formed by the Superin-

tendent in pursuance of the provisions of this Ordinance, a meeting of the male persons rated or liable to be rated for roads therein shall be convened by the Superintendent in manner aforesaid for the purpose of electing qualified persons to be the members of the Board of Road Trustees for such district, who shall hold office until the appointment of their successors in manner aforesaid.

35. The electors assembled at every such meeting shall, by a majority of their number, appoint a Chairman, and elect not less than six nor more than nine persons qualified as aforesaid to form the District Board of Road Trustees; and the state of the votes shall be ascertained by a show of hands, or in such other manner as to the Chairman shall seem expedient; and at the meeting of which he is Chairman, he shall be disqualified to be elected a Trustee, and shall have no vote except a casting vote in every case of equality of votes; and he shall declare the state of the votes at the meeting, which declaration shall be final, and shall forthwith make to the Superintendent a true return in writing of the names and occupations of the persons elected.

Mode of proceeding at election meetings.

36. It shall be lawful for the Superintendent, from time to time as he shall think fit, to regulate the number of members of each District Board of Trustees, having regard to the population of the district, and the business of the Board; and in case the said electors in any such district shall fail from any cause whatever to meet and elect the full number of Trustees for the district, it shall be lawful for the Superintendent to remedy the neglect so often as it shall happen by authorising a meeting or meetings of the electors to be called for the purpose of completing the required elections; and if the electors in any such district shall neglect or refuse to meet after being twice duly required, it shall be lawful for the Superintendent to nominate and appoint so many persons to be members of such District Board as with those elected by the district, if any, will not exceed the number of Trustees eligible for such district.

Number of members of each District Board. Procedure if electors fail to meet to elect.

37. Every vacancy in the office of member of a District Board of Trustees, whether by non-acceptance, resignation, death, or otherwise, shall be filled up by the other or remaining members of the District Board of Trustees in which such vacancy shall occur, electing a qualified person to supply the same: And all persons elected members of such District Boards shall hold office till the next annual or general election; but shall, at such annual or general election, if still qualified, be eligible for re-election.

Vacancies in District, how to be supplied. Tenure of office of members.

38. The first meeting of every District Board of Trustees, after the first annual elections, shall be held at such time and place within each district, and after such notice in the Government Gazette and otherwise as the Superintendent shall direct: And the first meeting of every such Board, after the second and subsequent yearly elections of the members thereof, shall be held within one month after such yearly elections, and shall be convened by the Clerk of Roads to the Superintendent, after such notice as the Superintendent shall direct: And every such Board shall hold not less than four meetings in the

First meeting of District Boards. Boards to hold at least four meetings in the year. Any two members may call meetings. Notice of meetings, how to be given. Members to defray their own expenses. Majority. Quorum. Orders once made not to be revoked without previous notice.

year, at stated quarterly periods to be fixed by every such Board, for executing the several powers and duties committed to them ; and a Chairman shall in the first place be appointed at every meeting, who shall have a deliberative vote, and in case of an equality of votes, shall have a casting vote : And it shall be lawful for any two members of every such Board at any time to call or to require the Clerk of any such Board to call a meeting thereof ; and every such Board having at any time and from time to time so met, may adjourn to meet at such time and place as any such Board shall appoint : Provided always that notice of all meetings shall be given to the members in such manner as every such Board shall from time to time direct ; and at all their meetings the members shall defray their own expenses ; and all their orders and determinations in the execution of such powers and authorities shall be exercised at meetings to be held in pursuance hereof, unless otherwise particularly provided for by the major part of the number of every such Board who shall be present, the number present being not less than three members of any such Board for the time being ; and no order or determination of any meeting of every such Board, 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 previously given to the Clerk and to every member of the Board.

Powers of District Boards.

39. Subject to the provisions in this Ordinance contained, and to the authorities and powers of the Superintendent, every District Board of Trustees respectively shall have the care, direction, and management of the several public roads (except Main Roads) lying within their district, and of the repairing and maintaining of the same and of the public works connected therewith.

Boards may name Committees.

40. Every such Board shall have power to name Committees of their own number for the more immediate direction and management of all or any of the matters lawful to every such 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 such Boards respectively, shall in like manner apply to and affect all such Committees.

And appoint Officers.

41. Every District Board may from time to time appoint a fit person or persons to be their Clerk and Treasurer, and determine, with consent of the Superintendent, the amount of his or their salary or salaries, which shall be paid out of the local or district funds hereinafter mentioned : And the several District Boards respectively are hereby authorised and required to take such security from any of the said officers for their intromissions, and for the faithful discharge of their duty, as may be deemed expedient.

Minute and Account Books to be kept. Accounts to be audited.

42. Every District Board of Road Trustees shall cause Minute Books to be kept, in which shall be entered the minutes of all their orders and proceedings ; as also Account Books, in which shall be

entered true and regular accounts of all monies received and expended on account of roads, bridges, and works under their charge, specifying the sums applied to ordinary repairs, and to improvements of each road, bridge, and work; and to management and expenses; and the sums due and not recovered; as also the amount of debt and interest thereof; and such accounts shall be annually made up, and shall be audited and signed by three members of the Board from time to time appointed by the Board to examine and audit the same: Provided always that it shall be lawful to the Superintendent to order accounts to be so audited at any time.

43. Any person having paid the rates due by him may see and take a copy of the said accounts or any part thereof on paying to the Clerk or Treasurer one shilling for each time of inspection; and an abstract of such accounts shall be printed and published in the Government Gazette, or a newspaper circulated within the Province, within one month after the accounts are audited and signed as aforesaid; and any Clerk or Treasurer neglecting to make up, or refusing or not permitting inspection of such accounts as aforesaid, or failing to print and publish the abstract thereof as aforesaid, shall, on complaint to the Superintendent, be liable to a penalty, not exceeding Five pounds.

Any person may take copies of Accounts. Fee. Abstract to be published. Penalty for neglect.

44. All such officers as shall be appointed in virtue of this Ordinance shall, as often as required by the Superintendent or District Board of Trustees who have appointed them, render and give to the Superintendent or such Board, or to such person as the Superintendent or such Board shall for that purpose appoint, a true, exact, and perfect account in writing, under their respective hands, with the proper vouchers, of all monies which they shall respectively to the time of rendering such accounts have received, paid, and disbursed for, or on account, or by reason of their respective offices; and in case any money so received by any such officer shall remain in his hands, the same shall be paid to the Superintendent or the District Board whose officer he is, or to such person as the Superintendent or such Board shall authorise and empower to receive the same; and if any such officer shall refuse or wilfully neglect to render and give up such account, or to produce and deliver up such vouchers, or shall for the space of fourteen days after being thereunto required, so refuse or neglect to render and give up to the Superintendent or to such Board, as the case may be, or to such person as the Superintendent or such Board respectively shall direct or appoint, all books, papers, writings, tools, matters, and things in his hands, custody, or power, belonging or relating to his office or the matters thereof, then it shall be lawful for any two Justices of the Peace, upon complaint made by or on behalf of the Superintendent or such Board as the case may be, to hear and determine such complaint in a summary way, and to cause such money as shall appear to be due and unpaid, to be levied by distress and sale of the goods and effects of such officer, rendering to him the surplus (if any) of the money remaining due, after deducting the costs of the proceedings; and if sufficient goods and effects cannot be found, or if it shall appear to such Justices that such officer shall have wilfully refused to give such account, or to deliver up any books, papers, writings, tools, matters, and things

Officers to Account. Proceedings on officers misconducting themselves.

in his custody or power relating to the execution of his office, such Justices shall commit him to the common jail of the Province, there to remain until he shall make and give a true and perfect account, and verify the same in manner aforesaid, and shall deliver up the vouchers relating thereto, and shall have paid the money, if any, remaining in his hands, according to the direction of the Superintendent, or the District Board whose officer he is, or shall have compounded for such money, and paid such composition (which composition the Superintendent or such Board respectively are hereby empowered to make and receive), or until he shall deliver up such books, papers, writings, tools, matters, and things, or have given satisfaction to the Superintendent or such Board concerning the same; but no such officer who shall be committed on account of his not having sufficient goods and effects as aforesaid, shall be detained in prison by virtue of this Ordinance, for any longer time than six calendar months.

Exemptions from Road Assessment.

45. No assessment made in pursuance of this Ordinance shall be laid or levied on any Waste Lands of the Crown, or on any lands belonging to the Government, or on any land used solely as the site of a church or school, or of a manse or parsonage, or schoolmaster's house, or as a glebe for the use of any officiating clergyman or schoolmaster.

District rates to be levied for Branch Roads; and there may be special rates for particular parts of a District. Separate accounts of the receipts and expenditure of such Rates to be kept.

46. There may be levied upon lands situated within each of the districts aforesaid one yearly district rate, of such amount as, with money otherwise obtained, if any, shall defray the current expenses of maintaining and improving the roads within any such district: Provided always that instead of, or besides and over and above one district rate for the whole of a district, there may be from time to time, as occasion shall require, special rates for separate and distinct parts of any district aforesaid, for the purpose of making any bridge, arch, embankment, ditch or drain, or any cutting or filling up any hollow, or making or improving any road within any such separate part of any district aforesaid; and separate and distinct accounts shall be kept of all monies to be collected and received from each district or distinct part of a district, and of all payments and disbursements in respect thereof, and the monies to be collected and received from each district or distinct part of a district, in payment of any such district rate, or of any such special rate, shall be applied only for the several purposes for which such rates respectively have been levied; and each of such districts, or of such parts of a district, shall respectively bear the expenses incurred in laying on, collecting, and disbursing such respective rates; and in case any expenses so incurred shall apply to or be incurred in respect of two or more parts of a district, the same shall be apportioned and divided between or among such parts of the district in a fair and equitable manner.

Rates to be levied by District Boards. Rates not to be set aside for informality, and may be amended. Yearly maximum of Rates. Power to increase the same with consent of rate-payers.

47. Every such district rate and every such special rate shall be made and levied by the Board of Road Trustees of any district within and for the use of which the same respectively is to be levied upon lands situated within such district, or distinct part of such district, except such lands situated therein as are hereinbefore exempted from assessment; and no such rate shall be quashed or set aside for or on account of any error or irregularity therein, but any such error or

irregularity shall and may be amended by order of the District Board of Road Trustees levying the same; and every such amended rate shall be as valid and effectual as if no such error or irregularity had existed therein; and every such district rate and special rate respectively shall not exceed in any one year one shilling per acre, any part or portion of an acre being reckoned an entire acre, and rated as such: Provided always that it shall be lawful, with the consent in writing of two-thirds of the ratepayers resident within any such district, or distinct part of such district, to be so assessed, to increase such district rate or such special rate respectively to any amount beyond one shilling per acre; such consent to be ascertained in such manner as the District Board shall determine.

48. It shall be lawful for every Board of Road Trustees, by notice signified by their Clerk, and left at the house or place of abode of the owners or occupiers of lands within such district, to require every such owner and occupier, within twenty-one days after the service of such notice, to deliver to the Clerk of the said Trustees, or leave at his office or other place within the said district to be named in such notice, a true account and particular of all lands which shall belong to and be in the possession or occupation of every such owner or occupier of land, specifying the number of acres comprised therein; and every such owner or occupier who shall have been so served with notice as aforesaid, and shall neglect to make the return thereby required, shall forfeit and pay any sum not exceeding Five Pounds, and not less than Two Pounds, to be recovered in a summary way; and any owner or occupier who shall knowingly or wilfully make any return which shall be proved to be false in any material particular, shall be guilty of a misdemeanour, and on conviction be punished by fine or imprisonment, or by both.

Owners and occupiers of land to make a true return of their lands and of its acreage, when required by Notice so to do. Penalties for default and false returns.

49. In every case in which a District Board of Trustees shall resolve to levy a district rate in their district, or a special rate in any part of their district, such District Board shall ascertain and determine what amount of money will be required to meet and supply the several purposes in view, and all incidental expenses, the yearly rate by which the same may be raised, the persons from whom it falls to be levied, a description and the acreage of their several properties in respect of which they are assessed, and any other matters which may be calculated to facilitate and accomplish the object contemplated; and every person whose property shall be assessed to such rate shall have notice to be left at his place of abode or affixed to some conspicuous part of the property assessed, of the amount of the rate intended to be levied, and of the lands and acreage thereof in respect of which such rate is to be so levied; and every person who shall object to such rate on any account whatever, shall, within ten days from the service of such notice, deliver to the clerk of such District Board of Road Trustees, a statement in writing of the grounds of his objections, and thereupon he shall be heard in support of his objections at a meeting of the District Board of Road Trustees to be convened for that purpose, whereof public notice shall be given by advertisement in one or more newspapers at least ten days before the holding of such meeting; and at such meeting, or at any adjourn-

Procedure in laying on district and special rates.

ment thereof, the said Trustees shall order the assessment to be amended, or disallow the objections, or give such other decision as they shall consider just.

Rates payable as District Boards may direct. May be levied from owners or occupiers. Their relief the one against the other.

50. Every rate by this Ordinance authorised to be levied shall be payable in one or more payments, and at such times and places as the District Board of Road Trustees shall direct, and may be levied indiscriminately from the owners and other persons having right to the rents of the properties assessed, or from the tenants and occupants thereof; but shall be borne one-half by the owners and other persons having right to the rents, and the other half by the tenants and occupants; and either paying the whole shall have relief against the other accordingly, unless, by virtue of any subsisting contract either express or implied, the tenants or occupants shall be liable to pay the same.

Mode of recovery of rates.

51. If any person shall refuse or neglect to pay such rate as aforesaid for the space of thirty days after the same shall have become payable and been demanded from him personally or at his dwelling-house, or by public general notice in the Government Gazette or newspapers, 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, and which every Justice of the Peace acting in the Province of Otago is hereby authorised and empowered to grant, on proof being given before him upon oath that such rate had been demanded in manner and by any of the means aforesaid, to enter into any part of the lands so assessed, and to levy such rate, together with the expense of levying the same by distress and sale of the goods and chattels found therein or thereon; and in case of the same not being levied by reason of the property assessed being unoccupied, or any other cause, the arrears shall at any subsequent time be leviable in like manner by distress and sale of any goods and chattels which may be found in or upon the lands so assessed.

The Clerk or Collector may sue.

52. Besides the remedy aforesaid, it shall be lawful for the clerk or collector of any District Board of Road Trustees to sue any person liable to the payment of any rate made in pursuance of this Ordinance in any Court of competent jurisdiction; and for the purpose of any such action or suit, it shall be sufficient to state that such rate is due and payable to the person instituting such suit, either as such clerk or collector to any such District Board of Road Trustees.

Two Members of any Board may make contracts by authority of the Board. Trustees not to be personally liable.

53. Subject to the provisions of this Ordinance any District Board of Road Trustees may enter into, vary, or discharge any contracts with any persons for the execution of any works directed or authorised by or in pursuance of this Ordinance to be done by any of the said Boards, or for furnishing materials, or for any other things necessary for the purposes of this Ordinance; and every such contract being duly executed by any two members, acting by the direction or on behalf of any such Board, and by the other contracting parties, shall be effectual in law, and shall be binding on the said Boards and other parties thereto, their successors, executors, and administrators, as the case may be, and such actions and suits may be maintained

thereon, and damages and costs recovered by or against the said Boards, or the other parties failing in the execution thereof, their successors, executors, and administrators, as might have been maintained and recovered had the same contracts been made between private persons only: And no member of any District Board of Road Trustees shall be held or adjudged to be personally liable upon any pretext for the payment of any sum, or the performance of any obligation, for the payment or performance of which he shall not have bound himself personally as an individual, independent of his office as a Trustee.

54. This Ordinance shall be termed, and may be cited and referred to as "The Roads Ordinance, 1861." Short Title.

Passed the Provincial Council this 3rd day of July 1861.

ROBT. CHAPMAN,

ALEX. RENNIE,

Clerk of Council.

Speaker.

Assented to on behalf of the Governor, at Dunedin, this Sixth day of July One Thousand Eight Hundred and Sixty-one.

J. RICHARDSON,

Superintendent of the Province of Otago.

SCHEDULE.

ROAD DISTRICTS.

1. *Blueskin Bay District* comprises all that area bounded on the north by the Ocean, on the east and south by North Harbour and North-East Valley Districts, and on the west by the boundary of the Hundreds.
2. *North Harbour District* comprises all that area bounded on the north by the watershed of the range extending from Mihiwaka to Point Heyward; on the east and south by the Harbour and the Town of Port Chalmers; and on the west, by Pelichet Creek; thence by the watershed of the ranges extending over Signal Hill and Mount Cargill to Mihiwaka.
3. *North-East Valley District* comprises all that area bounded on the north by the watershed of the range extending from Station S, Swampy Hill, to Mount Cargill; on the east, by North Harbour District; on the south, by Dunedin Town; and on the west, by the Water of Leith to its source; thence to Station S, Swampy Hill.
4. *Portobello District* comprises all that area bounded on the north by the Harbour; on the east, by the Maori Reserve; on the south, by the Ocean; and on the west, by Anderson's Bay District.
5. *Anderson's Bay District* comprises all that area bounded on the north by the Harbour; on the east by the watershed of the range running from Grassy Point to Seal Point; on the south, by the Ocean; and on the west by the Dunedin Town Belt, and that road running direct from near Hillside to the Ocean Beach.
6. *Wakari District* comprises all that area bounded on the north by the boundary of the Hundreds; on the east, by the North-east Valley District and the Town of Dunedin; on the south, by Sections 9 and 28, Block IV., Upper Kaikorai, inclusive of them; and Kaikorai Stream, to its southern source; thence by the watershed of the ranges to station F, Flagstaff Hill.

7. *Kaikorai District* comprises all that area bounded on the north by Wakari District ; on the east, by the Town of Dunedin, and by that road, inclusive thereof, leading from Maclaggan-street to Look-out Point ; on the south, by the Trunk Road, Abbott's Creek, to its junction, thence by the watershed of the ranges to station G 2 ; and on the west, by the watershed of the ranges leading over Abbot's Hill to Wakari District.
8. *Caversham District* comprises all that area bounded on the north by Kaikorai District and the Town of Dunedin ; on the east, by the Anderson's Bay District ; on the south, by the Ocean ; and on the west, by the line of western boundaries of Sections 21 to 32, Ocean Beach District, and a direct continuation of that line from the Ocean to Block VI., Town District, and running along the western boundary of Section 39 of that Block to the Trunk Road.
9. *Green Island District* comprises all that area bounded on the north by Kaikorai District ; on the east, by Caversham District ; on the south, by the Ocean ; and on the west, by Kaikorai and Abbot's Creeks.
10. *Silver Stream District* comprises all that area bounded on the north by the boundary of the Hundreds ; on the east and south, by Wakari and Kaikorai Districts ; on the south and west, by a direct continuation of the line halving Blocks IV. and IX., Taieri Districts, from the Chain Hills to Culling's Creek ; thence by Culling's Creek and its western source to Station L, on Boulder Hill.
11. *North Taieri District* comprises all that area bounded on the north by Boulder Burn, and its middle branch to Station L, on Boulder Hill ; on the east, by Silver Stream District ; on the east and south, by a direct continuation of the line halving Blocks XXI., XXII., and XII., extending from the centre of Block IX. to the Taieri River ; and on the west by the Taieri River.
12. *East Taieri District* comprises all that area bounded on the north by North Taieri and Silver Stream Districts ; on the east and south, by the watershed of the Chain Hill Ranges and the Trunk Road ; and on the west, by Scrogg's Creek Village Reserve and the Taieri River.
13. *Saddle Hill District* comprises all that area bounded on the north by East Taieri District ; on the east, by Kaikorai and Green Island Districts ; on the south, by the Ocean and the Otakia Creek ; and on the west, by Block II., Otakia District.
14. *West Taieri District* comprises all that area bounded on the north and west by the boundary of the Hundreds ; on the east, by the Taieri River ; on the south, by the Waipori branch, lake, and river.
15. *Moeraki Bush District* comprises all that area bounded on the north-west by the Taieri River ; on the north-east by Saddle Hill District ; on the south-east by the Ocean ; and on the south-west by the Maori Reserve.
16. *Waiholo District* comprises all that area bounded on the north-east by the West Taieri District ; on the south-east by the watershed of the ranges running from the Taieri Ferry to Gorge Hill ; on the south-west by the watershed of the ranges running from Gorge Hill, Horse-shoe Bush Hill, to the boundary of the Hundreds ; and on the north-west by the boundary of the Hundreds.
17. *Ahatore District* comprises all that area bounded on the north and north-east by the Taieri River ; on the south-east, by the Ocean ; on the west, by East Tokomairiro District ; and on the north-west, by Waiholo District.
18. *Tokomairiro District* comprises all that area bounded on the north-west by the boundary of the Hundreds ; on the north-east by Waiholo District ; on the east, by the watershed of the ranges from Gorge Hill over stations I and S to the source of Shag Creek, thence by Shag Creek to the Ocean ; on the south by the Ocean ; and on the south-west by Rocky Valley Creek, and the watershed over Mount Misery, and Station H, to the watershed of the ranges leading towards Mount Stuart.
19. *Hill-End District* comprises all that area bounded on the north-east by Tokomairiro District ; on the south-east, by Kaitangata District ; on the south-west, by the River Clutha ; and on the north-west, by the boundary of the Hundreds.
20. *Kaitangata District* comprises all that area bounded on the north-east by Tokomairiro District ; on the south-east, by the watershed of the ranges leading from Mount Misery, over Stations I and J to Q, thence by an east and west line to the Matau River ; on the south-west, by the Matau and Clutha Rivers ; and on the north-west by the Trunk Road.
21. *Wangaloa District* comprises all that area bounded on the north by Tokomairiro District ; on the south-east, by the Ocean ; and on the west, by the Clutha River and Kaitangata District.
22. *Inch Clutha District* comprises all that area surrounded by the Matau and Koau branches of the Clutha.

23. *Kaihiku District* comprises all that area bounded on the north and east by the Pomahak and Clutha River; on the south, by the Trunk Road; and on the west, by the boundary of the Hundreds.
24. *Warepa District* comprises all that area bounded on the north by the Trunk Road; on the east, by Molyneux District; on the south, by the boundary of the Hundreds; and on the west, by the boundary of the Hundreds.
25. *Molyneux District* comprises all that area bounded on the north by the Trunk Road, the Clutha River and its Southern branch; on the east, by the Clutha River and the Ocean; on the south, by the boundary of the Hundreds; and on the west, by the Puerua River and a continuation of that straight line halving Blocks XXXI., XXXII., and XXXIV., stretching from the Puerua River to the Trunk Road.





DUNEDIN CHURCH LANDS ORDINANCE.

SESSION XII. No. 53.

IN THE TWENTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

(LOCAL AND PERSONAL. No. 1.)

ANALYSIS:

Preamble.

- | | |
|---|-----------------------------|
| 1. Management and Administration vested in Presbytery of Otago. | 3. Power to Mortgage. |
| 2. Power to Lease. | 4. Application of Proceeds. |
| | 5. Publication of Accounts. |
| | 6. Short Title. |

AN ORDINANCE to Transfer the Management and Administration of certain Lands in the Town of Dunedin, from the Superintendent of Otago to the Presbyterian Church of Otago, and to authorise the Leasing and Mortgaging of said Lands, and to direct the appropriation of the Funds arising therefrom.

WHEREAS, by Crown Grant, bearing date the 28th day of June, 1858, all that Allotment or parcel of Land, in the Province of Otago, in the Colony of New Zealand, containing by admeasurement two roods and thirty-two perches (2 R. 32 P.) more or less, being the Reserve numbered ten (10) on the Plan of the Town of Dunedin; bounded on the North-west by Princes-street, three hundred and fifty (350) links; on the North-east by the Jetty road, two hundred and sixty (260) links; on the South-east by the Harbour of Dunedin, four hundred (400) links; and on the South-west by a Government Reserve, one hundred and eighteen (118) links, was granted to the Superintendent of the Province of Otago and his successors, upon trust, as a site for a Manse, at Dunedin, in the said Province, for a Minister of the Presbyterian Church of Otago; and by Crown Grant, bearing date the 28th day of June, 1858, all that allotment or parcel of Land in the Province of Otago, in the Colony of New Zealand, containing by admeasurement two roods and twenty-five perches (2 R. 25 P.) more or less, being the Reserve numbered five (5) on the Plan of the Town of Dunedin, bounded on the North by Dowling-street, two hundred and forty (240) links; on the East by the Harbour of Dunedin, three hundred and sixty-five (365) links; on the South by High-street, one hundred and ten (110) links;

on the South South-west by section forty-eight (48) block nine (9) Dunedin, seventy-five (75) links ; and on the West by sections fifty-three (53,) fifty-four (54,) and fifty-five (55,) block nine (9,) Dunedin, three hundred and seventy (370) links, was granted to the Superintendent of the Province of Otago and his successors, upon trust, for a site for a Church and Schoolhouse in connection with the Presbyterian Church of Otago ; and by Crown Grant, bearing date the 28th day of June, 1858, all that Allotment or parcel of Land in the Province of Otago, in the Colony of New Zealand, containing by admeasurement four acres three roods and five perches (4 A. 3 R. 5 P.) more or less, being the Reserve numbered four (4) on the Plan of the Town of Dunedin, bounded on the North-west by Moray-place, seven hundred and four links and one tenth and four hundredths of a link (704 1 4) ; on the North-east by sections thirteen (13), fourteen (14), and twenty-two (22), block fifteen (15), Dunedin, three hundred and eighty (380) links ; on the North by section thirteen (13) block fifteen (15) Dunedin, two hundred and thirty-five links (235) ; on the South-east by the Harbour of Dunedin, one thousand and seventy-five links (1075) ; on the West by section eleven (11) block fifteen (15) Dunedin, two hundred and three (203) links ; and on the South-west by sections six (6), ten (10), and eleven (11,) block fifteen (15), Dunedin, three hundred and eighty links (380), was granted to the Superintendent of the said Province of Otago and his successors, upon trust, as a site for the first or principal church of the Presbyterian Church of Otago : AND WHEREAS it is expedient, by virtue of the provisions of the "Public Reserves Act, 1854," to transfer the management and administration of the aforesaid Lands from the Superintendent of the said Province to the Presbyterian Church of Otago, in manner hereinafter mentioned, and also to authorise the Leasing and Mortgaging of the aforesaid Lands, in manner hereinafter mentioned ; and also to provide for the due appropriation of the rents, issues, and proceeds arising from the aforesaid Lands, and from the Mortgage or Leasing thereof, in conformity with the spirit and intention of the trusts of the said Lands, in manner hereinafter provided.

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

Management and Administration vested in Presbytery of Otago.

1. From and after the passing of this Ordinance, the management and administration of the aforesaid several pieces or parcels of Land shall be vested in the Presbyterian Church of Otago.

Power to Lease

2. It shall be lawful for the Superintendent of the said Province, upon a request in writing addressed to him by any person duly authorised in that behalf by the highest Church Court for the time being, of the said Church, to demise and lease, by deed signed by him and sealed with the public seal of the Province, the aforesaid Lands, or such part thereof as the said Presbyterian Church of Otago shall request, for any term not exceeding 21 years from the

date of such lease, to such person or persons, at such rental, either annual or in one sum, and upon such terms, conditions, covenants, and agreements as the said Presbyterian Church of Otago shall specify.

3. It shall be lawful for the Superintendent of the said Province, upon a request in writing, as aforesaid, to Mortgage by deed, signed and sealed as aforesaid, the aforesaid Lands or such part thereof as the said Presbyterian Church of Otago shall request, for any sum not exceeding the amount of 7 years' annual rental at which the said Lands so mortgaged shall then be let, and that either by conveyance by way of mortgage, lease, or assignment of any term or terms of lease granted; provided always that in no such mortgage shall there be contained or implied on behalf of the mortgagee, his heirs, executors, administrators, or assigns, any power of sale of the freehold estate of or in the said Lands; but only, that on default in payment of the principal sum or interest secured by such mortgage, the mortgagee, his executors, administrators, or assigns, may enter into possession and draw the rents, issues, and profits of the Lands mortgaged until the monies secured to him or them shall be fully satisfied and paid. Power to Mortgage.

4. All the rents, issues, profits, and proceeds arising from the pieces or parcels of Land first and third hereinbefore mentioned and described, and from the mortgage or other disposition thereof, shall be paid to the Treasurer for the time being of the aforesaid Presbyterian Church of Otago; and the clear proceeds, after deduction of the costs of collection and other necessary expenses, shall and may from time to time be applied by the said Presbyterian Church of Otago to the following purposes, viz., first, towards the erection of a Church and Manse on the aforesaid piece or parcel of land third hereinbefore described, and thereafter towards the erection and repair of any Church or Manse in connection with the said Presbyterian Church of Otago; and the whole rents, issues, profits, and proceeds arising from the aforesaid piece or parcel of Land second hereinbefore described, shall be applied towards the erection and maintenance of a College or other Educational Institution in Dunedin, and until so applied shall be invested in real or Government securities for accumulation, in name of the Superintendent of the said Province in trust for the aforesaid purpose. Application of Proceeds.

5. The Treasurer of the aforesaid Presbyterian Church of Otago shall annually, on the 30th day of September, account to the Provincial Treasurer of the said Province of Otago for all sums received and paid by him during the preceding year, out of the proceeds of the aforesaid properties; and such account shall be published in the Provincial Government Gazette, along with the annual provincial account. Publication of Accounts.

Short Title.

6. This Ordinance shall be termed and may be cited and referred to as the "Dunedin Church Lands Ordinance 1861."

Passed the Provincial Council this 5th day of July, 1861.

ALEX. RENNIE,

Speaker.

ROBT. CHAPMAN,

Clerk of Council.

Dunedin, 6th July, 1861.—I hereby declare that I reserve this Bill for the signification of the Governor's pleasure thereon.

J. L. C. RICHARDSON,

Superintendent of the Province of Otago.

I hereby Assent to this Ordinance this Second day of August, in the year of our Lord One Thousand Eight Hundred and Sixty-one.

T. GORE BROWNE,

Governor.



THE
PROVINCIAL COUNCIL ENLARGEMENT ORDINANCE AMENDMENT ORDINANCE, 1861.

SESSION XII. No. 54.

IN THE TWENTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

ANALYSIS :

Title	ber for the Tokomairiro District.—Two
Preamble	Members to be Elected.
1. Repeal of so much of the "Provincial Council Enlargement Ordinance, 1857," as provides for the Election of one Mem-	2. After Assent of Governor, Superintendent to issue Writ for one new Member.
	3. Short Title.

AN ORDINANCE to Amend an Ordinance to Increase the Number of Members of the Provincial Council, and to alter certain of the Electoral Districts of the Province of Otago.

WHEREAS an Ordinance was passed in the twenty-first year of the reign of Her present Majesty, intituled, "An Ordinance to Increase the Number of Members of the Provincial Council, and to alter certain of the Electoral Districts of the Province of Otago." And WHEREAS it is, by Clause 5 of the said Ordinance, enacted that the Electoral District of Tokomairiro should return one Member to serve in the Provincial Council after the next dissolution thereof: AND WHEREAS (regard being had to the population and

number of Registered Electors in the said District) it is just and right that the said District should return two Members to serve in the said Provincial Council.

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. So much of the said ordinance as enacts that one Member shall be elected by the Tokomairiro District to serve in the said Provincial Council shall be, and the same is hereby, repealed. At every future Election for Members to serve in the said Provincial Council, the said district shall return two Members.

2. The Superintendent shall, as soon as conveniently may be after he shall have received notice that the Governor has assented to this Ordinance, cause a writ to be issued for the Election of one Member to be elected to serve in the present Provincial Council for the said District.

3. This ordinance shall be termed, and may be cited and referred to, as the "Provincial Council Enlargement Ordinance Amendment Ordinance, 1861."

Passed the Provincial Council this 5th day of July, 1861.

ROBERT CHAPMAN,
Clerk of Council.

ALEX. RENNIE,
Speaker.

Dunedin, 6th July, 1861.—I hereby declare that I reserve this Bill for the signification of the Governor's pleasure thereon.

J. L. C. RICHARDSON,
Superintendent of the Province of Otago.

[A Proclamation intimating that the Governor had assented to the above Ordinance, is published in the *Provincial Government Gazette*, No. 150.]



THE OTAGO LOAN ORDINANCE, 1861.

SESSION XII. No. 55.

IN THE TWENTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

ANALYSIS.

Title.	
Preamble.	of principal and interest in London or elsewhere.
1. Superintendent empowered to raise by Debentures, £34,500.	9. Definition of the term Provincial Treasurer.
2. Form of Debentures.	10. Three per cent. on the Amount raised and to be raised, by Debentures, to be Annually Invested for providing a Sinking Fund.
3. Debentures may be offered for sale by public tender, &c.	11. This Ordinance not in any way to prejudice, vary, or affect "The Loan Act, 1856," or "The Imperial Guarantee Act."
4. Debentures not to be sold under par.	12. Short Title.
5. When Debentures to be payable, and Interest cease.	Schedule.
6. Interest at Eight per cent. per Annum to be paid half-yearly.	
7. Debentures to pass by Delivery.	
8. Superintendent may arrange for payment	

AN ORDINANCE for raising a Loan of £34,500 for the purposes of Immigration into the Province of Otago, and for providing a Sinking Fund for the liquidation of the Public Debt of the said Province.

Passed the Provincial Council the 4th July, 1861.

ROBERT CHAPMAN,

Clerk of Council.

ALEXANDER RENNIE,

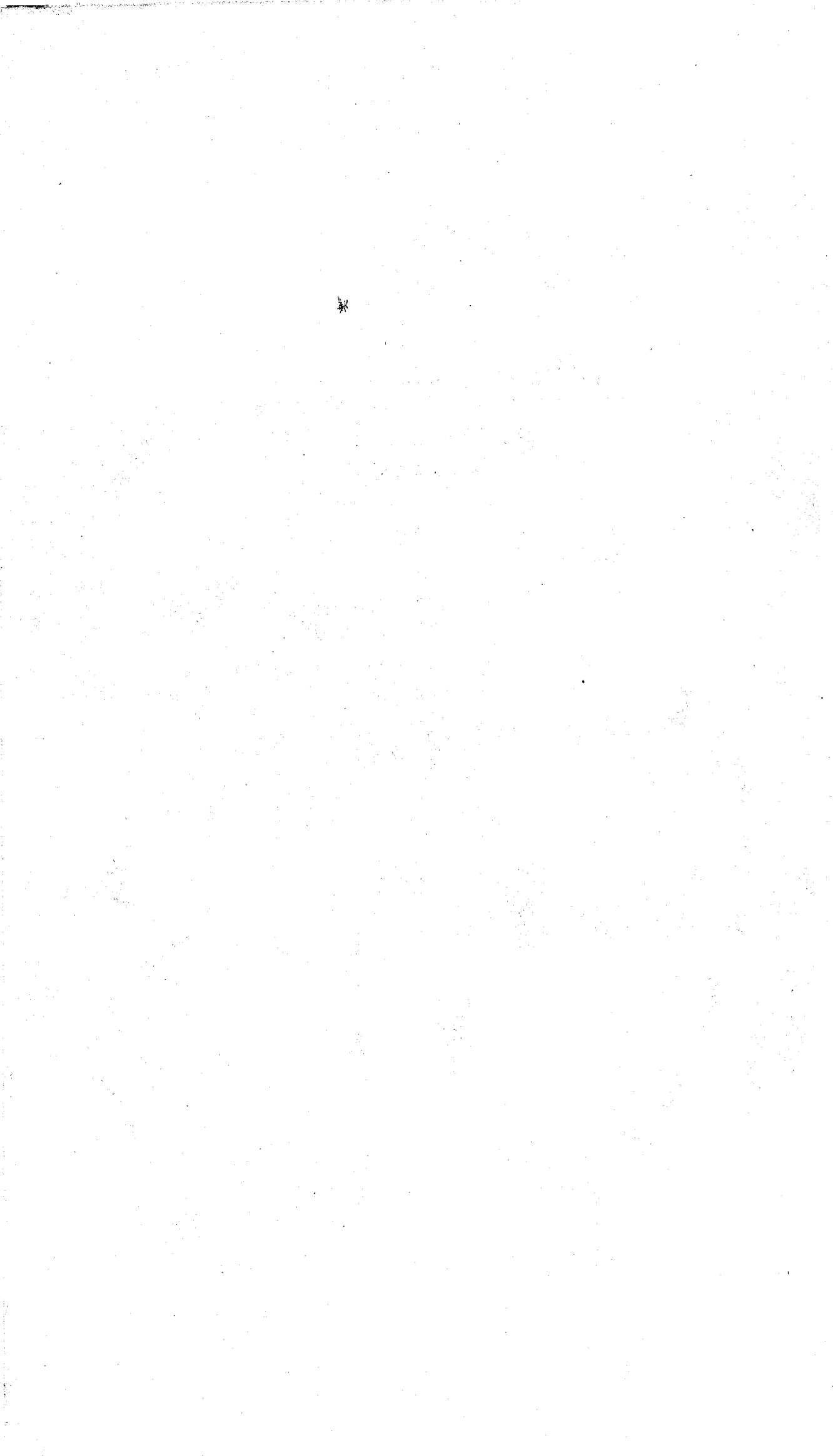
Speaker.

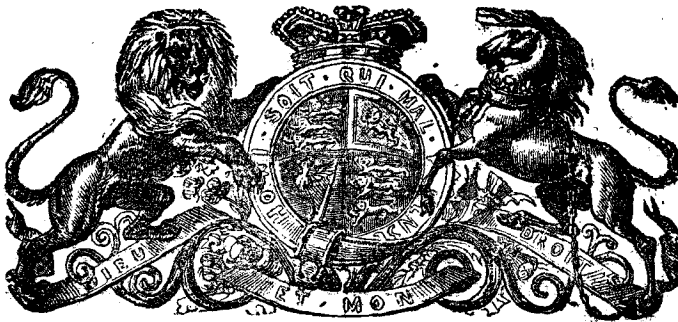
Dunedin, 6th July, 1861.—I hereby declare that I reserve this Bill for the signification of the Governor's pleasure thereon.

J. L. C. RICHARDSON,

Superintendent of the Province of Otago.

[This Ordinance was not assented to by the Governor.]





LICENSING ORDINANCE, 1861.

IN THE TWENTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XIII., No. 56.

ANALYSIS.

Title.

Preamble.

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| <ol style="list-style-type: none"> 1. Wine and Beer license to be granted. 2. Lamp to be kept burning 3. Penalty for selling spirituous liquors. 4. Gambling, &c., prohibited. 5. Wages not to be paid in licensed house. 6. Hours for licensed house to be open. 7. Money only to be taken in payment. 8. Bottle license to be granted. 9. Name, &c., to be affixed. 10. Liquors to be sold only in bottles corked and sealed, &c. 11. Penalty for making false entries. 12. Penalty for permitting liquors to be drunk on premises. 13. Wholesale license to be granted. 14. Name, &c., to be affixed. 15. License to be shown on demand. | <ol style="list-style-type: none"> 16. Constable may demand entrance. 17. Constables not to be licensed. 18. Executors may carry on business. 19. Term of licenses. 20. Transfer of licenses. 21. When the supply of liquors shall be deemed a sale. 22. When liquors may be seized. 23. Penalty for certain offences. 24. Offences to be dealt with in a summary way. 25. Appeal. 26. Interpretation clause. 27. Short title. <p>Schedule A—Form of wine and beer license.
 " B—Form of bottle license.
 " C—Form of wholesale license.
 " D—Form of transfer of license.</p> |
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AN ORDINANCE for better Regulating the Sale of Fermented and Spirituous Liquors.

WHEREAS the sale of fermented and spirituous liquors is regulated by an ordinance enacted in the fifth year of the reign of her present Majesty, by the Governor and Legislative Council of New Zealand, Session 2, No. 12, intituled "An ordinance for regulating the sale of fermented and spirituous liquors." And by an ordinance enacted in the eighth year of the reign of her present Majesty, by the Governor and Legislative Council of New Zealand, Session 3, No. 21,

intituled "An ordinance to amend an ordinance for regulating the sale of fermented and spirituous liquors." And by an ordinance enacted in the fifteenth year of the reign of her present Majesty, by the Governor and Legislative Council of New Zealand, Session 11, No. 16, intituled "An ordinance to amend an ordinance, Session 2, No. 12, for regulating the sale of fermented and spirituous liquors." AND WHEREAS it is expedient to make provisions for better regulating the sale of fermented and spirituous liquors in the Province of Otago :

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

1. It shall be lawful for the Superintendent to direct a license to be issued by the Provincial Treasurer of the said Province, or any other person duly authorised in that behalf, to be called a "wine and beer license" in the form in schedule A hereunto annexed, to any person in the actual occupation, either as owner or tenant, of any house used or intended to be used for the purpose of an hotel or refreshment house within the city of Dunedin, and any other town or place in the said Province, to sell fermented liquors, wine, ale and beer, in any quantity, on payment of a license fee of £30: provided that such license shall not authorise the sale of any fermented liquors, wine, ale, or beer in any other house except the house mentioned in such license.

2. Every person holding such license shall have a lamp, to be approved of by the commissioner of police, affixed over the front or principal door of his house, and shall keep the same burning from sunset to sunrise, and shall have his name, with the words "licensed to retail wine, ale and beer," painted in legible characters not less than three inches in length on some conspicuous part of his house.

3. If any person licensed as aforesaid shall sell any spirituous liquors, or shall permit the same to be sold by any other person, in or upon his house or premises, or shall have on his premises for the purpose of sale any spirituous liquors whatsoever, he shall forfeit for every such offence the sum of fifty pounds; and in case he shall be convicted a second time during the currency of his license, he shall for such second offence forfeit the sum of fifty pounds, and be imprisoned, with or without hard labour, for any period not exceeding four calendar months, and shall thenceforth be disabled from ever after holding a license under the said recited ordinances or this ordinance.

4. No person holding a license under the said first and second recited ordinances, or under this ordinance, shall permit or suffer gambling, playing at cards, dice, or any game of chance, in or upon his house or premises.

5. No person licensed under this ordinance shall permit any wages to be paid in or upon his house or premises, save only the wages of persons employed as servants therein.

6. No person licensed under this ordinance shall sell any fermented liquors, wine, ale, or beer, or suffer the same to be drunk in or upon his house or premises, except between the hours of six in the morning and ten at night, on any working day, and except between the hours of one in the afternoon and seven in the evening of any Sunday; and at all other hours such house and premises shall be closed.

7. No person holding such license shall take anything whatever in pledge for any liquor sold or supplied, nor shall any such person take in payment for the same anything whatever except metallic or paper money.

8. The Provincial Treasurer, or any other person duly authorised in that behalf, with the consent of the Superintendent, shall, on payment of a license fee of £20, grant a license, to be called a "Bottle License," to any person for the sale of spirituous liquors, wine, ale, or beer, in bottles corked and sealed, capsuled or wired, and of a size not less than those of which six are usually reckoned to the gallon, in the form in Schedule B hereunto annexed, in the house or store therein mentioned.

9. Every person holding such last-mentioned license shall have his name, with the words, "Licensed to retail liquors by the bottle," painted in legible characters, not less than three inches in length, on some conspicuous part of his house or store.

10. No person holding such last-mentioned license shall sell any quantity less than two gallons of any spirituous liquor, wine, ale, or beer, or permit the same to be sold by any other person in or upon his house or premises, except in bottles corked and sealed, capsuled or wired, and of a size not less than those of which six are usually reckoned to the gallon.

11. Any person who shall sell spirituous or fermented liquor in any quantity, and shall enter the sale of the same in any book, account or invoice under any other name, or describe such spirituous or fermented liquors in such book, account or invoice as any article or goods other than spirituous or fermented liquors as the case may be, shall forfeit for every such offence the sum of £50; and in case he shall be convicted a second time, he may for such second offence in addition to such forfeiture be imprisoned with or without hard labour, for any period not exceeding three calendar months.

12. If any person holding such last-mentioned license shall permit or suffer any spirituous or fermented liquors sold by him or any other person in his house or store to be consumed or drunk therein, he shall forfeit for every such offence the sum of £50; and in case he shall be convicted a second time during the currency of his license, he shall, for such second offence, in addition to such forfeiture, be imprisoned, with or without hard labour, for any period not exceeding three calendar months, and shall thenceforth be disqualified from ever after holding a license under this ordinance.

13. The Provincial Treasurer, or any other person duly authorised in that behalf, with the consent of the Superintendent, shall, on payment of a license fee of £10, grant to any importer, merchant, or storekeeper, a license, to be called a "Wholesale License," in the form in Schedule C hereunto annexed, for the sale of fermented and spirituous liquors in any quantity, not being less than two gallons of any one liquor, in the warehouse or store to be specified in such license: Provided that the quantity delivered and taken away at any one time shall not be less than two gallons.

14. Every person holding such last mentioned license, shall have his name with the words "Licensed to sell liquors by wholesale," painted in legible characters not less than three inches in length, on some conspicuous part of his warehouse, store, or other premises, in which such fermented and spirituous liquors shall be kept for sale.

15. Every person holding a license under this ordinance, shall, on demand at his licensed house or premises, produce his license to any Justice of the Peace or any constable duly authorised, by writing under the hand of any Justice of the Peace.

16. Any constable may demand entrance into any licensed house, store, or warehouse, at any hour, upon information that this ordinance is contravened, and any unnecessary delay in giving admission to such constable shall be deemed to be an offence against this ordinance.

17. No license under this ordinance shall be granted to any constable or bailiff, or to the occupier of any house of which any constable shall be the owner, or in which he shall be in any manner interested.

18. In case of the death of any person holding a license under this ordinance, his executors or administrators may carry on the business of such person, and act under the authority of his license until the expiration thereof, but subject to the same regulations as the person to whom the license was originally granted.

19. All licences to be granted in pursuance of this ordinance shall be licenses for one year, commencing on the first day of October, and ending on the 30th day of September, then next following, and shall be renewable annually by the said Provincial Treasurer, or other person duly authorised on that behalf, with the consent of the Superintendent, on payment of the before-mentioned license fees of £30, £20, and £10 respectively: Provided, nevertheless, that either of the said licenses may be granted at any period of the year to any person not previously licensed, to continue in force from the date of granting the same till the 30th day of September, thence next ensuing, upon payment of the license fees made payable by this ordinance upon such licenses respectively.

20. If any person holding a license under this ordinance shall, during the currency thereof, sell or assign his house or store in respect of which such license was granted, the Superintendent may, if he shall

so think fit, direct any such license to be transferred to any other person, and the Provincial Treasurer, or other person duly authorised in that behalf, shall, on payment of a fee to him of £2, endorse a memorandum of transfer on the back of such license, in the form in schedule D hereunto annexed, and the person to whom such license shall be transferred shall hold the same, subject to the same regulations as the person to whom the license was originally granted.

21. If any person not being duly licensed under the first recited ordinance or this ordinance shall sell or permit to be sold in or upon his house or premises or elsewhere, any bread, meat, or other thing whatsoever, and shall supply or permit any other person to supply to the person buying such bread, meat, or other things whatsoever, any fermented or spirituous liquor, the person so supplying or permitting any other person to supply such spirituous or fermented liquor shall be deemed and adjudged to have sold or to have permitted such other person to sell such spirituous or fermented liquor within the meaning, and contrary to the provisions of the said recited ordinances, and of this ordinance.

22. It shall be lawful for any Justice of the Peace, police officer, or constable to seize and take away, or cause to be seized and taken away, and to convey or cause to be conveyed, to the nearest police station, all such fermented or spirituous liquor as he or they shall have reasonable cause to suspect to be carried about for, or exposed to sale in any street, road, or footpath, or in any booth, tent, store or shed, or in any other place whatever, by any person not licensed or authorised to sell the same in such place, and the vessels containing the same; and it shall be lawful for any one or more Justice, or Justices of the Peace, in a summary way, on his or their own view, or on confession of the party, or on proof of such offence by the oath of one or more credible witness or witnesses, to convict any person so offending, of carrying about for, or exposing to sale such liquors without a license, and on conviction such person shall forfeit and pay any sum not exceeding fifty pounds; and it shall be lawful for the convicting Justice or Justices to adjudge such liquors, vessels, and utensils containing the same to be forfeited, and to order and direct the same to be sold, and the proceeds thereof after deducting the expenses of sale shall be applied as penalties for offences recovered on summary conviction are now by law applied, or it shall be lawful for such convicting Justice or Justices in his or their discretion, to direct that such liquors, vessels, and utensils so adjudged to be forfeited, shall be destroyed: Provided always, that in all cases when fermented or spirituous liquors shall be carried from one place to another, the burden of proving that such fermented or spirituous liquors were not so carried for sale or exposed to sale shall be cast upon the party or parties so carrying them.

23. If any person holding a license under this ordinance shall offend against any of the provisions of this ordinance except those contained in clauses 3, 11, 20 and 21, he shall, on conviction for every such offence, forfeit and pay a sum of not less than £2 nor more than £20.

24. All proceedings for offences against the provisions of this ordinance shall be had and taken in a summary way ; and no such proceeding shall be quashed or set aside for want of form, or removed by certiorari or otherwise in the Supreme Court, and every conviction or commitment for any offence under this ordinance in which such offence shall be set forth in the words of this ordinance shall be valid and sufficient.

25. Any person who shall feel himself aggrieved by the judgment of any justice or justices adjudicating, or before whom he was convicted, may appeal from any such judgment or conviction, in manner prescribed by an act of the General Assembly of New Zealand, passed in the twenty-fourth year of the reign of her present Majesty, intituled "An Act to improve the administration of the law as far as respects summary proceedings before Justices of the Peace."

26. On the construction of this ordinance, wherever in describing or referring to any person or thing, any word importing the singular number or masculine gender is used, the same shall be understood to include and shall be applied to several persons and things, as well as one person and thing, and females as well as males.

27. This ordinance may be cited and referred to as "The Licensing Ordinance, 1861."

Passed the Provincial Council this thirty-first day of October, One thousand eight hundred and sixty-one.

ALEX. RENNIE,
Speaker.

ROBERT CHAPMAN,
Clerk of Council.

Assented to on behalf of the Governor, at Dunedin, this second day of November, One thousand eight hundred and sixty-one.

J. RICHARDSON,
Superintendent of the Province of Otago.

SCHEDULES BEFORE REFERRED TO.

SCHEDULE A.

FORM OF WINE AND BEER LICENSE.

Otago, New Zealand, }
to wit: }

WHEREAS A. B. of
hath paid into my office the sum of £30 sterling, as the duty of this license, pursuant to the provisions of an Ordinance of the Superintendent and Provincial Council of the Province of Otago, Session 13, No. 56, intituled "An Ordinance for better regulating the sale of fermented and spirituous liquors." Now I, the
in virtue of
the powers vested in me by the above recited Ordinance, do hereby, with the consent of the Superintendent of the said Province, License the said A. B. to sell Fermented Liquors, Wine, Ale, or Beer, in any quantity, in the hotel (or house) known by the sign of
situate
in the Province of Otago aforesaid, and in the appurtenances thereto belonging, but not elsewhere: And this license shall commence on the first day of October next (or from the date hereof), and shall continue in force until the thirtieth day of September then next ensuing, both days inclusive.

Given under my hand, at Dunedin, this
day of
One thousand eight hundred and

SCHEDULE—B.

FORM OF A BOTTLE LICENSE.

Otago, New Zealand, }
to wit: }

WHEREAS A. B. of
hath paid into my office the sum of £20 sterling, as the duty of this License, pursuant to the Provisions of an Ordinance of the Superintendent and Provincial Council of the Province of Otago, Session 13, No. 56, intituled "An Ordinance for better regulating the sale of fermented and spirituous liquors." Now I
in virtue of the powers vested in me by the above recited Ordinance, do hereby, with the consent of the Superintendent of the said Province, license the said A. B. to sell Spirituous and Fermented Liquors, Wine, Ale, or Beer, in bottles corked and sealed, capsuled or wired, of a size not less than those of which six are usually reckoned to the gallon, in his house (or store) situate
in the Province of Otago aforesaid, and in the appurtenances thereunto belonging, but not elsewhere: And this license shall commence on the first day of October next (or from the date hereof), and shall continue in force until the thirtieth day of September then next ensuing, both days inclusive.

Given under my hand, at Dunedin, this
day of
One thousand eight hundred and

SCHEDULE—C.

FORM OF A WHOLESALE LICENSE.

Otago, New Zealand, }
to wit :

WHEREAS A. B. of
hath paid into my office the sum of £10 sterling, as the duty of this license, pursuant to the provisions of an Ordinance of the Superintendent and Provincial Council of the Province of Otago, Session 13, No. 56, intituled "An Ordinance for better regulating the sale of Fermented and Spirituous Liquors. Now I in virtue of the powers vested in me by the above recited Ordinance, do hereby, with the consent of the Superintendent of the said Province, license the said A. B. to sell Fermented and Spirituous Liquors in any quantity, not being less than two gallons of any one liquor; Provided that the quantity delivered and taken away at any one time shall not be less than two gallons, in his warehouse (store or other premises), situate in the Province of Otago aforesaid, and in the appurtenances thereunto belonging, but not elsewhere: And this license shall commence on the first day of October next, (or from the date hereof) and shall continue in force until the thirtieth day of September then next ensuing, both days inclusive.

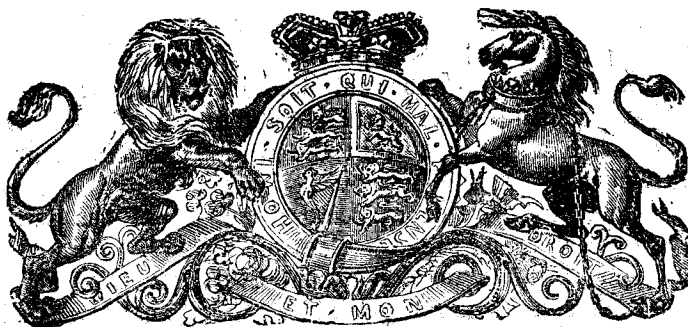
Given under my hand, at Dunedin, this
day of
One thousand eight hundred and

SCHEDULE—D.

FORM OF TRANSFER.

Be it remembered that, upon the application of the within named A. B., I do hereby, with the consent of the Superintendent of the Province of Otago, transfer the rights and privileges of the within license to C. D. for the residue of the term for which the same has now to run.

Given under my hand, at Dunedin, this
day of
One thousand eight hundred and



THE PROVINCIAL COUNCIL ORDINANCE,

1861.

IN THE TWENTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XIII., No. 57.

ANALYSIS.

Title.

Preamble.

1. Tuapeka District to elect two Members.
2. Town of Oamaru to elect one Member.
3. Maniototo to elect one Member.

4. Members for Northern, Central, and Tokomairiro Districts to retain their seats.
5. On completion of Electoral Roll for 1862 elections may take place.
6. Short title.
Schedule.

AN ORDINANCE to establish three new Electoral Districts in the Province of Otago, and to define the boundaries of the districts affected thereby.

WHEREAS by an Act of the General Assembly of New Zealand, intituled "The Miners' Franchise Act, 1860," it is enacted that every man qualified as therein mentioned, and being the holder of a Miner's License, in any Gold Field constituted or to be constituted under the Gold Fields' Act, 1858-60, or any other Act for the time being in force for the management of Gold Fields, shall, if duly registered, be entitled to vote at the election of Members of the House of Representatives, of the Superintendent of the Province, and of the Members of the Provincial Council, for the electoral district or division and the Province, respectively, in which such gold field is situated. **AND** WHEREAS a Gold Field has been proclaimed in the Province of Otago, under the provisions of the above recited Act, called the Tuapeka

Gold Field, situate for the most part within the Tokomairiro Electoral District, and as to a small part thereof within the Central Electoral District. AND WHEREAS a great number of men qualified to be registered as electors under the provisions of the said recited Act, are resident within the limits of the said Gold Field, and it is therefore expedient that the said Gold Field should be constituted an Electoral District separate and apart from the said Tokomairiro and Central Electoral Districts. AND WHEREAS it is expedient that the Town of Oamaru situate in the Northern electoral district of the said Province should be formed into a separate electoral district. AND WHEREAS it is also expedient that a portion of the Northern, Central, and Tokomairiro districts should be formed into a separate electoral district.

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

- Tuapeka District to elect 2 members. 1. The Tuapeka Gold Field shall be an Electoral District of the said Province, to be called the "Tuapeka Electoral District," and at every election after this Ordinance shall come into operation, the said district shall return two members to serve in the Provincial Council of the said Province, and the boundaries of the said District shall be those set forth in the Schedule hereto.
- Town of Oamaru to elect 1 member. 2. The Town of Oamaru, situate in the Northern Electoral District, as laid down in the Government Survey Map of the said Town, shall be an Electoral District of the said Province, and at every future election of Representatives to serve in the said Provincial Council the said district shall return one member.
- Maniototo to elect 1 member. 3. A portion of the Northern, Central, and Tokomairiro Electoral Districts shall be an Electoral District, to be called the Maniototo Electoral District, and shall, at every future Election of Representatives to serve in the said Provincial Council, return one Member; and the boundaries of the said District shall be those set forth in the said Schedule.
- Members for Northern, Central, and Tokomairiro Districts to retain their seats. 4. The future boundaries of the Northern, Central, and Tokomairiro Electoral Districts, shall be those respectively set forth in the said Schedule, and the present representatives of the said Districts respectively shall retain their seats in the said Provincial Council, and at every future election of members to serve in the said Council, the same number of members shall be returned by the said Districts respectively as the said Districts are now entitled to return.
- On completion of Electoral Roll for 1862, elections may take place. 5. At any time after the Electoral Roll for the said Districts for the year 1862 shall have been completed pursuant to the provisions of "The Registration of Electors' Act, 1853," it shall be lawful for the Superintendent of the Province of Otago to issue writs for the Election of Members, to serve as Representatives in the said Provincial Council for each of the Electoral Districts hereby constituted.

6. This Ordinance may be cited and referred to as "The Provincial Short Title. Council Ordinance, 1861."

Passed the Provincial Council this eighth day of November, One thousand eight hundred and sixty-one.

ALEX. RENNIE,
Speaker.

ROBERT CHAPMAN,
Clerk of Council.

Dunedin, 12th November, 1861.—I hereby declare that I reserve this Bill for the signification of the Governor's pleasure thereon.

J. RICHARDSON,
Superintendent of the Province of Otago.

SCHEDULE.

Tuapeka District.—Shall comprise all that area estimated to contain 187,000 acres, bounded on the North by the Watershed of the Waipori, with Lee and Traquhar streams extending from Lammerlaw to Maungatua; on the East by the boundary of the North Tokomairiro and West Taieri Hundreds; on the South by the south boundary of Run 54; on the West by the Tuapeka River to its junction, thence by an east and west line (true bearing) to the Watershed of the Tuapeka and Clutha, thence by that Watershed to Lammerlaw.

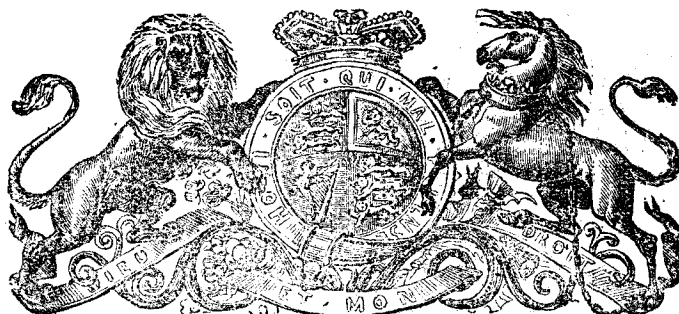
Maniototo District.—Comprises all that area being portions of Northern, Central, and Tokomairiro Districts, bounded on the North by Canterbury Province; on the East by the Otomatukau and its Western Branch, thence to Mount Ida, thence by Kyeburn and its Western Branch to the Taieri, thence by the Watershed of the Rock and Pillar Mountains to Lammerlaw, thence on the South to the Ranges to Mount Benger, thence by a direct line to the North point of Southland Province, thence by a direct line to the mouth of Charles Sound; on the West by the Ocean on the West Coast.

Northern District.—Comprises all that area bounded on the North by Canterbury Province; on the East by the Ocean and Western District; on the South-West by a straight line running in a North-north-westerly direction from the Trigonometrical station on Flag Staff Hill to the boundary of Maniototo District; and on the West by Maniototo District.

Central District.—Comprises all that area bounded on the North-east by Northern District; on the East by Western and Eastern Districts; on the South-east by the ocean; on the South-west by the Taieri and Waipori Rivers, Waipori Lake, Meggathburn, and the Tuapeka District; on the North-west by the Maniototo District.

Tokomairiro District.—Comprises all that area bounded on the North by Maniototo, Tuapeka, and Central Districts; on the South-east by the ocean; on the South-west by Clutha District and the Province of Southland.





THE HARBOUR ENDOWMENT ORDINANCE, 1861.

IN THE TWENTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XIII., No. 53.

ANALYSIS.

Title.

Preamble.

1. Power to lease land at an annual rental for ninety-nine years.
2. Power to sell the lease of lands for ninety-nine years.
3. Power to borrow money on mortgage.
4. Copies of leases and mortgages to be open for inspection.

5. Covenants and power implied by Conveyancing Ordinance to be implied.
6. Appropriation of money.
7. Limit as to amount.
8. Mode of leasing and mortgaging.
9. Superintendent may lease part of said lands to William Hunter Reynolds.
10. Superintendent may purchase lands.
11. Short Title.

AN ORDINANCE to enable the Superintendent of the Province of Otago to raise money by lease or mortgage of certain lands granted to him under an act of the General Assembly of New Zealand, intituled "*The Public Reserves Act, 1854.*"

WHEREAS, by an Act of the General Assembly of New Zealand, intituled, "*The Public Reserves Act, 1854,*" it was amongst other things provided that it should be lawful for the Governor of the said Colony, with the advice of his Executive Council, to grant any land reclaimed from the sea, and any land below high water mark, in any harbour, arm, or creek of the sea, or in any navigable river, or on the sea coast within the said Colony, either to the Superintendent of the Province and his successors, in or to which such land might be situate or adjacent, or in such other manner to such other persons and upon such terms as should be thought fit,

and for such purposes as should be specified in any such grant, subject to the provisos hereinafter contained. And it was further provided that for the purposes of the said Act, such Superintendent and his successors should be deemed and taken to be a body corporate. And it was further provided that no such lands to be granted as aforesaid to the Superintendent of any Province and his successors, should be alienated by way of sale or mortgage, or by lease for any longer term than three years, except by the authority of some Act or Ordinance of the Provincial Council of such Province, to be passed in that behalf, nor except by deed signed by the Superintendent and sealed with the public seal of the Province. And whereas by deed of grant made in pursuance of the said recited power bearing date the eighth day of October, one thousand eight hundred and sixty one, the land mentioned in the schedule to this Ordinance annexed, was granted to the Superintendent of the Province of Otago and his successors—In trust for the improvement of the harbour of Otago, and the construction and maintenance of such Docks, Piers, and other Works therein as might be deemed advisable by the said Superintendent for facilitating the trade and commerce of the city and port of Dunedin. And whereas it is expedient to enable the Superintendent of the Province of Otago to borrow money upon the said land in the manner and for the purposes hereinafter mentioned :

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

Power to lease land at an annual rental for ninety-nine years.

1. It shall be lawful for the Superintendent of the Province of Otago, from time to time to offer for lease by public auction to the highest bidder, at an annual rental for any term not exceeding ninety-nine years, the land mentioned and described in the schedule to this Ordinance annexed, in such allotments as he shall think fit, and to execute all necessary deeds for demising and leasing every portion of the said land so let as aforesaid to the purchaser thereof, his executors, administrators, and assigns, for the term for which the same shall be so let.

Power to sell the lease of lands for ninety-nine years.

2. It shall be lawful for the Superintendent from time to time to offer for sale by public auction the lease for any term not exceeding ninety-nine years at a nominal rental, of any portions of the said lands mentioned and described in the said schedule, and upon payment of the premium or purchase money from time to time to execute all necessary deeds for demising and leasing every portion of the said lands so disposed of to the purchaser thereof, his executors, administrators, and assigns, for the term for which the same shall have been so let.

Power to borrow money on mortgage.

3. It shall be lawful for the Superintendent from time to time to borrow and take up at interest not exceeding the rate of eight pounds per centum per annum, on the security of the whole or of a portion of the land so granted as aforesaid, such sum or sums of

money as he shall from time to time think proper, and to mortgage by way of conveyance in fee or by way of demise for any term of years, such lands or any part or parts thereof respectively, as a security to any person or persons who shall advance such sum or sums of money.

4. Copies of all mortgages and leases made under this Ordinance shall be entered in books to be kept for that purpose by the said Superintendent, which books may at all reasonable times be perused and inspected, on payment of a fee of 2s. 6d. Copies of leases and mortgages to be open for inspection.

5. All covenants and powers implied in a conveyance of land by way of mortgage by virtue of an Ordinance of the Governor and Legislative Council of the Colony of New Zealand, Session 2, No. X, intituled "An Ordinance to facilitate the Transfer of Real Property and to simplify the law relating thereto," shall be implied in any Mortgage made under this Ordinance, and any notice or demand of payment required by the said Ordinance to be served on the Mortgages may be served on or left at the office of the said Superintendent. Covenants and power implied by Conveyancing Ordinance to be implied.

6. All monies received by the Superintendent by reason of the exercise by him of any of the powers contained in this Ordinance shall be applied in the first instance (after defraying all necessary expenses of raising the same) for or towards the improvement of the Harbour of Otago, and the construction and maintenance of any works therein for facilitating the trade and commerce of the city of Dunedin, and the Port of Otago, and the balance if any to the reclaiming of the said lands or some part thereof from the sea, and subject thereto to the other purposes set forth in the said grant thereof. Appropriation of money.

7. It shall not be lawful for the said Superintendent to raise under or by virtue of this Ordinance by way of Mortgage any greater sum than one hundred thousand pounds. Limit as to amount.

8. The power of leasing and mortgaging given by this Ordinance shall be exercised by offering the land to be leased or mortgaged by public auction or tender and not otherwise. Provided always that it shall not be necessary for any lessee or mortgagee to enquire whether any part of the said land has been so offered, or to see to the application of any premium, rent, or mortgage money raised by virtue of this Ordinance. Mode of leasing and mortgaging.

9. Whereas a bonded store has been erected on part of the said land by William Hunter Reynolds, Esquire, under a promise of a lease thereof made to him by the Provincial Government. Be it therefore Enacted, that it shall be lawful for the Superintendent to grant to the said William Hunter Reynolds a lease of all that parcel of the said land situate near the Dunedin Jetty, commencing from the south side of the bonded store already erected by him, and extending northwards seventy-nine feet, with an uniform depth Superintendent may lease part of said lands to William Hunter Reynolds.

of ninety-nine feet, for the term of fourteen years, from the first day of March, one thousand eight hundred and fifty-nine, at the clear yearly rent of seventy-five pounds, such rent to commence from the first day of June, one thousand eight hundred and sixty-one.

Superintendent
may purchase
lands.

10. It shall be lawful for the Superintendent to acquire by purchase any lands contiguous to the said Harbour, the possession of which may be deemed by him to be requisite for carrying out the objects of the said grant, and for that purpose to contract for the purchase of any such lands with any person or persons, trustee or trustees, owners thereof, who shall be willing to sell the same, and to pay the purchase money for such lands out of monies authorised to be raised under the provisions of this Ordinance.

Short Title.

11. The short title of this Ordinance shall be the "Harbour Endowment Ordinance, 1861."

Passed the Provincial Council this eighth day of November, One thousand eight hundred and sixty-one,

ALEX. RENNIE,
Speaker.

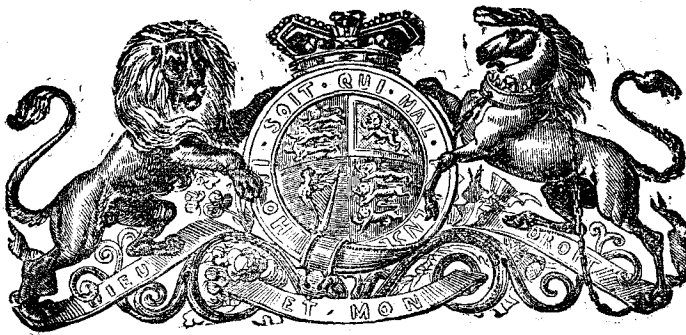
ROBERT CHAPMAN,
Clerk of Council.

Assented to on behalf of the Governor, at Dunedin, this twelfth day of November, One thousand eight hundred and sixty-one.

J. RICHARDSON,
Superintendent of the Province of Otago.

SCHEDULE.

ALL that parcel of land in the Province of Otago, in the Colony of New Zealand, situate in the Harbour of Otago, below high-water mark, and opposite and adjacent to the Town of Dunedin, containing by admeasurement four hundred and twenty-one acres three roods and thirteen perches, more or less, bounded towards the north-west by Princes-street, by high-water mark in Otago Harbour, by High-street, by Castle-street, and again by high-water mark, twenty-four thousand and eighty links towards the east, by high-water mark in Otago Harbour aforesaid four thousand two hundred links, and by lines one thousand five hundred and fifty links, and one thousand three hundred and eighty links towards the south-east by a curved line, eight thousand nine hundred and fifty links, again towards the east by a line one thousand seven hundred links, and towards the south by a line three thousand and fifty links.



WATER POLICE ORDINANCE, 1861.

IN THE TWENTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XIII., No. 59.

ANALYSIS.

Title.

Preamble.

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. Superintendent to establish a Water Police for the Harbour and Port of Otago. 2. The hulk "Thomas and Henry" to be a Water Police Station. 3. The said Hulk may be proclaimed a Prison. 4. Ships may be boarded and searched. 5. Penalty for wilfully obstructing or resisting persons in search of seamen, &c. 6. Ships or houses may be searched for runaway seamen. Penalties on seamen found secreted therein, and on persons harbouring them. | <ol style="list-style-type: none"> 7. Seamen guilty of desertion and insubordination may be brought before a Justice of Peace and imprisoned for three calendar months. 8. Seamen sentenced to hard labour may be employed in loading and unloading ships. 9. Power to order convicted seamen or mariners to be put on board at, after, or during term of sentence. 10. This Ordinance may be put in force in any Port of Entry in the Province. 11. Interpretation clause. 12. Short title. |
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AN ORDINANCE *for Establishing a Water Police for the Port and Harbour of Otago, and for Punishing Desertion and other Misconduct of Seamen within the said Port and Harbour.*

WHEREAS it is expedient to provide more effectual means for preventing Desertion by Seamen belonging to Merchant Vessels lying in the Harbour and Port of Otago, and for punishing offences committed by such Seamen and other persons ;

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

Superintendent to establish a Water Police for the Harbour and Port of Otago.

1. It shall be lawful for the Superintendent, with the advice and consent of his Executive Council, to appoint any number of Constables and officers of the Constabulary Force of this Province to act as a Water Police for the Harbour and Port of Otago.

The hulk "Thomas & Henry" to be a Water Police Station.

2. The Hulk called the "Thomas and Henry," now moored in the said Harbour, shall be a Station for the said Water Police, and a place for the confinement of persons whilst in the custody of the said Water Police.

The said hulk may be proclaimed a Prison.

3. It shall be lawful for the Superintendent to declare the said Hulk and any other Hulk, to be a Prison for the imprisonment of Seamen convicted of offences against this Ordinance, and for the imprisonment of other offenders for whom there may not at any time be room in the Gaol at Dunedin: Provided that the said Prison Hulk or Hulks shall be subject to the visitation of the Visiting Justices of the said Province and to all prison rules and regulations in force in the said Province.

Ships may be boarded & searched.

4. It shall be lawful for any officer of Water Police, Water Policeman, or Constable, with such assistance as they respectively may require, to enter on board and search any ship lying or being within the said Port, when and so often as he or they shall have reasonable ground for believing such search to be necessary, in the execution of the duties imposed on them by this or any other Ordinance in force in this Province.

Penalty for wilfully obstructing or resisting persons in search of seamen, &c.

5. If the master of any ship, or any other person, shall resist or wilfully obstruct any officer of Water Police, Water Policeman, Constable, or any of their respective assistants, whilst searching for or endeavouring to secure any seaman, mariner, or other person on board, or reasonably suspected to be on board such ship, or in any house or place on shore, or shall rescue, or attempt to rescue or assist any such seaman, mariner, or other person, such person so offending shall be guilty of a misdemeanour, and upon conviction thereof shall suffer such punishment by fine and imprisonment, with or without hard labour, or by fine or imprisonment, with or without hard labour, so that such fine shall not exceed the sum of One Hundred Pounds, and such imprisonment shall not extend beyond the period of six calendar months.

Ships or houses may be searched for runaway seamen. Penalties on seamen found secreted therein, and on persons harbouring them.

6. It shall be lawful for any Justice of the Peace, upon complaint made to him upon oath that any runaway seaman is harboured, secreted, or concealed, or suspected to be harboured, secreted, or concealed, on board any ship, or in any house or place whatsoever, to issue a Warrant, directing any Water Policeman or Constable to search such ship, house, or place, and such seaman, if there found harboured, secreted, or concealed, together with the master or other person having or being in charge of the ship, or the occupier of the house or place wherein any such seaman shall be so found, to lodge in the said Hulk or other place of confinement, there to be detained until brought before any Justice of the Peace, who is hereby authorised and required to inquire into and determine the matter of such complaint, and on conviction every such seaman so found harboured, secreted, or con-

cealed as aforesaid, shall, on conviction, be sentenced to be imprisoned and kept to hard labour for any period not exceeding three calendar months: And if such master or other person having or being in charge of the ship, or such occupier of the house or place wherein any such seaman was so found harboured, secreted, or concealed, shall not show to the satisfaction of such Justice that he had not nor could have any knowledge or reasonable grounds for suspicion that such seaman had run away or absconded from his lawful service, or was so harboured, secreted, or concealed, such master or other person in charge, or such occupier as aforesaid, shall, on conviction before such Justice, in a summary way forfeit and pay for every such offence a penalty of not less than ten pounds, nor more than one hundred pounds, and in case of non-payment thereof, shall be committed to any Gaol for any time not exceeding six calendar months.

7. Upon complaint on oath made by the master or other person having or being in charge of any ship within the said port, against any seaman, mariner, or other person employed in, about, or upon such ship, for desertion, insubordination, or refusal to work, or inciting or attempting to incite any other person engaged on board such ship to the commission of any of the said offences, it shall be lawful for any Justice of the Peace to order such person to be arrested and brought before himself or any other Justice of the Peace, and it shall be lawful for the master or mate of any such ship, or for any Water Policeman or Constable to apprehend any seaman, mariner, or other person found committing, or who shall have committed any of such offences, and to cause him to be conveyed before any Justice of the Peace, to be dealt with as hereinafter mentioned, and any Justice of the Peace shall and may enquire into the matter of such complaint and offence, and upon due proof thereof, either by such evidence as such Justice shall deem sufficient, or on confession of the person complained of, it shall be lawful for such Justice to commit such persons to any Gaol or other place of imprisonment in the said Province, with or without hard labour, as to such Justice shall seem meet, for any term not exceeding three calendar months: And if any seaman or mariner belonging to any such ship shall leave the same without the consent of the master or officer in command, he shall be deemed to be guilty of desertion, and shall be liable to be punished accordingly.

Seamen guilty of desertion and insubordination may be brought before a Justice of Peace and imprisoned for three calendar months.

8. It shall be lawful for the Officer commanding the said Water Police to cause any seaman confined on board any prison hulk under sentence of imprisonment with hard labour, to be conveyed from day to day on board any ship in the course of loading or unloading in the said harbour, and, with the consent of the master thereof, to set such seaman to work in loading or unloading such ship, or in any other work, and to receive from such master the current rate of wages for the work done by such seaman, and such Officer shall account to the Superintendent for the monies so received, and pay the same to the Provincial Treasurer for the use of the Province. Provided that it shall be lawful for the Superintendent to allow to every such seaman, on his discharge from prison, any portion of the money which he shall have so earned, in case he shall have conducted himself in an orderly manner.

Seamen sentenced to hard labour may be employed in loading & unloading ships.

Power to order convicted seamen or mariners to be put on board at, after, or during term of sentence. 9. It shall be lawful for the Superintendent, or for any Justice of the Peace, to order and direct any seaman or mariner, at or after the expiration or earlier determination of his sentence of imprisonment, or at any time during the continuance thereof, to be put forcibly, or otherwise, on board the ship to which he may belong. Provided that an application for such order and direction shall have been previously made, in writing, by or on behalf of the owner or master of the ship to the Superintendent, or such Justice.

This Ordinance may be put in force in any Port of Entry in the Province. 10. The Superintendent, by notice published in the Provincial Government *Gazette*, shall and may from time to time direct, that this Ordinance shall apply to and be put in force in any Port or River in this Province which has already been declared, or shall hereafter be declared, by his Excellency the Governor to be a Port of Entry.

Interpretation Clause. 11. The word "Ship" in this ordinance shall be construed to mean any sea-going sailing vessel or steam vessel employed in the conveyance of merchandize, or passengers, or of both.

Short Title. 12. This Ordinance shall be entitled and may be cited as the "Water Police Ordinance, 1861."

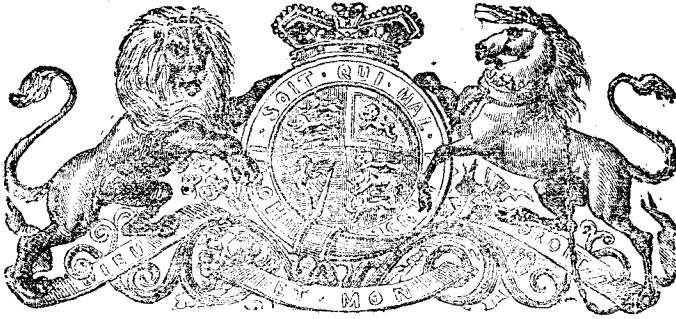
Passed the Provincial Council this thirty-first day of October, One thousand eight hundred and sixty-one.

ALEX. RENNIE,
Speaker.

ROBERT CHAPMAN,
Clerk of Council.

Assented to on behalf of the Governor, at Dunedin, this second day of November, One thousand eight hundred and sixty-one.

J. RICHARDSON,
Superintendent of the Province of Otago.



CRIMINALS' ORDINANCE, 1861.

IN THE TWENTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.
SESSION XIII., No. 69.

ANALYSIS.

Title.

- | | |
|--|---|
| 1. Suspected persons may be arrested. | 7. Power to grant search warrants. |
| 2. Punishment on suspected persons being convicted. | 8. Power to search. |
| 3. Forfeiture of property. | 9. Summary jurisdiction. |
| 4. Additional punishment for convicted persons remaining after expiration of sentence. | 10. Words of Act sufficient statement of offence. |
| 5. Penalty for harbouring. | 11. Oral proof. |
| 6. Master liable if persons improperly brought to Otago. | 12. Recovery of penalties. |
| | 13. Indemnifying Justices. |
| | 14. Appeal. |
| | 15. Duration of Ordinance. |
| | 16. Short Title. |

AN ORDINANCE *to prevent the influx of Criminals into the Province of Otago.*

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:—

1. It shall be lawful for any Justice of the Peace, or any constable at any time after the passing of this Ordinance, having reasonable cause to suspect that any person has at any time been found guilty of any capital or transportable felony by a court of competent jurisdiction in the United Kingdom of Great Britain and Ireland, or any British Possession other than New Zealand, and has at any time subsequent to the first day of August, 1861, come into this Province, forthwith and without any warrant for such purpose, to cause such suspected person to be apprehended and taken before any two Justices of the Peace, to be dealt with as hereinafter men-
- Suspected persons may be arrested.

tioned : Provided that it shall be lawful for any Justice of the Peace to take bail for the appearance of such suspected person before such Justices, in such sum, and with or without such sureties as such Justice may deem expedient : Provided also, that nothing in this Ordinance contained shall apply, or be deemed to apply, to any person whose sentence or sentences, if more than one, shall have expired for a greater period than three years previous to his arrival in the said Province.

Punishment on suspected persons being convicted.

2. It shall be lawful for any two Justices of the Peace, before whom any such suspected person shall have been brought, on proof that such person has come into the Province of Otago contrary to the provisions of this Ordinance, to convict him thereof, and at their discretion either to take bail that such person shall leave the said Province within ten days after his conviction, or to cause such person to be conveyed into custody to the country or possession from whence he came ; or to sentence such person, if a male, to be kept to hard labour, with or without irons, on the roads or other public works of the said Province, for any period not exceeding six calendar months ; or if a female, to be imprisoned, with or without hard labour, in any gaol for any period not exceeding four calendar months.

Forfeiture of property.

3. All property found upon or in the possession of any such suspected person as aforesaid, shall, upon his apprehension, be seized and detained ; and in the event of his being convicted and sentenced as aforesaid, shall at the discretion of the convicting Justices, be forfeited and sold.

Additional punishment for convicted persons remaining after expiration of sentence.

4. Any person sentenced as aforesaid to hard labour or imprisonment, who shall remain in the Province of Otago for three months after the termination of such sentence, shall be liable to be again similarly apprehended and sentenced, and so on from time to time, as often as he shall so remain.

Penalty for harbouring.

5. Any person who shall harbour or conceal any other person whom he shall know or believe to have come into or remained in the said Province, contrary to the provisions of this Ordinance, shall be subject to a fine not exceeding one hundred pounds, or be imprisoned in any gaol, house of correction, or other prison, in the said Province, for any period not exceeding six calendar months.

Master liable if persons improperly brought to Otago.

6. Any master mariner or other person commanding, navigating, or sailing any vessel for the trip or voyage, when such vessel shall bring to any port or place in the said Province any person having been found guilty as aforesaid, shall upon conviction thereof before any two Justices of the Peace, for every such offence be liable to a fine not exceeding one hundred pounds, or imprisonment for any time not exceeding six calendar months, or to both, at the discretion of the said Justices.

Power to grant search warrants.

7. It shall be lawful for any Justice of the Peace, having information on oath, that any person who has arrived in the said Province contrary to the provisions of this Ordinance is harboured in any house or other place within the said Province, to grant a general search warrant to any con-

stable for such person ; and it shall be lawful for any such constable, in virtue of such general search warrant, to break, enter, and search, by day or by night, any dwelling-house, tenement, or other place, wherein such person may be suspected to be concealed, and to apprehend any person whom such constable shall have reasonable cause for suspecting to have arrived or remained in the said Province contrary to the provisions hereof, and also to apprehend all persons found in or about such dwelling-house, tenement, or other place, whom such constable shall have reasonable grounds for suspecting and believing to have knowingly harboured and concealed such suspected person ; and all persons found and apprehended as aforesaid, shall be forthwith taken before any Justice of the Peace to be dealt with as herein provided.

8. It shall be lawful for any Justice of the Peace or Constable to enter on board any vessel, and having reasonable cause to suspect that any person having been found guilty as aforesaid is on board such vessel, to search any and every part thereof, and apprehend any person found therein contrary to the provisions of this Ordinance. Power to search.

9. It shall be lawful for any two or more Justices to hear and determine in a summary way all cases arising under this Ordinance, and at their discretion to fix and determine all the fines, penalties, punishments, and forfeitures hereby imposed, and no complaint, conviction, order for confiscation, punishment, or forfeiture, or other proceeding before or by any Justices under this Ordinance, shall be quashed or set aside, or deemed void or insufficient for want of form only, or be removed or removable by certiorari, or any writ or process whatsoever into the Supreme Court. Summary jurisdiction.

10. Every summons, information, conviction, and warrant of commitment under the provisions of this Ordinance, shall be deemed valid, in which the offence charged or alleged in the same respectively, shall be set forth in the words of this Ordinance. Words of Act sufficient statement of offence.

11. Oral proof that any person was in any country known to have been, or commonly deemed or reported to have been found guilty of any felony in the United Kingdom, or any British possession other than New Zealand, or to have been serving any sentence of transportation or imprisonment for such offence, or the production of any paper purporting to be a Government Gazette published in any of the Australian Colonies, and containing the name of any person charged with offending against any of the provisions of this Ordinance, described in such paper as a convicted prisoner of the Crown or transported felon, shall for the purposes of this Ordinance be taken as good *prima facie* evidence that such person was found guilty of felony as aforesaid, and proof that any person so found guilty was apprehended in the Province of Otago, at any time after the passing of this Ordinance, not having a fixed and known place of residence, shall be deemed good *prima facie* evidence that such person arrived in Otago subsequent to the time mentioned in the first clause of this Ordinance, unless the contrary be proved. Oral proof.

Recovery of penalties.

12. Whenever any pecuniary penalty shall have been imposed under the provisions of this Ordinance, and the person convicted shall not forthwith pay the same into the hands of the convicting Justices, it shall be lawful for such Justices to direct that such person be imprisoned with or without hard labour as they shall see fit for a period not exceeding two calendar months if the penalty be not above twenty pounds, and for a period not exceeding four calendar months if the penalty be above twenty pounds and not above fifty pounds, and for a period not exceeding six calendar months if the penalty be above fifty pounds, and such person shall be detained and kept to hard labour unless such respective penalties shall be sooner paid.

Indemnifying Justices.

13. Any person who shall feel himself aggrieved by the judgment of any Justice or Justices adjudicating, or before whom he was convicted, may appeal from any such judgment or conviction in manner prescribed by an Act of the General Assembly of New Zealand, passed in the twenty-fourth year of the reign of Her present Majesty, intituled "An Act to Improve the Administration of the Law, so far as respects summary proceedings before Justices of the Peace."

Appeal.

14. On the construction of this Ordinance, wherever in describing or referring to any person, matter, or thing, or any word importing the singular number or masculine gender, is used, the same shall be applied to several persons as well as one person, and females as well as males, and several matters and things as well as one matter and thing, upon or with respect to which any offence may be committed.

Duration of Ordinance.

15. This Ordinance shall be in force for the period of one year from the passing thereof, and until the end of the then next sitting of the Provincial Council.

Short Title.

16. This ordinance may be cited and referred to as "The Criminals' Ordinance, 1861."

Passed the Provincial Council this thirty-first day of October One thousand eight hundred and sixty-one.

ALEX. RENNIE,

Speaker.

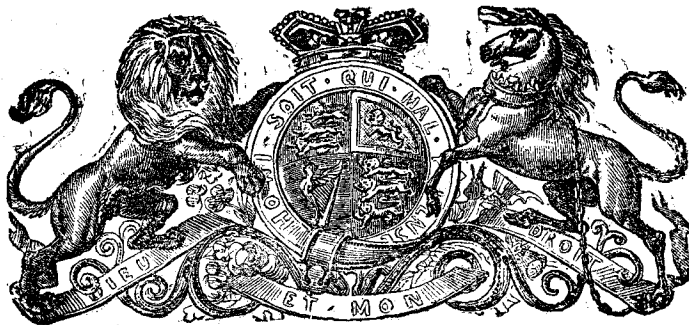
ROBERT CHAPMAN,

Clerk of Council.

Assented to on behalf of the Governor, at Dunedin, this second day of November, One thousand eight hundred and sixty-one.

J. RICHARDSON,

Superintendent of the Province of Otago.



THE OTAGO LOAN ORDINANCE, 1861.

IN THE TWENTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XIII., No. 61.

ANALYSIS.

Title.

Preamble.

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. Superintendent empowered to raise by Debentures £50,000. 2. Form of Debentures. 3. Debentures may be offered for sale by Public Tender, &c. 4. Debentures not to be sold under <i>par</i>. 5. When Debentures to be payable and Interest cease. 6. Interest at Eight per cent. per Annum to be paid Half-yearly. 7. Debentures to pass by delivery. | <ol style="list-style-type: none"> 8. Superintendent may arrange for Payment of Principal and Interest in London or elsewhere. 9. Definition of the term Provincial Treasurer. 10. Three per cent. on the amount raised and to be raised, by Debentures, to be Annually invested for providing a Sinking Fund. 11. This Ordinance not in any way to prejudice vary, or affect "The Loan Act, 1856," or "The Imperial Guarantee Act." 12. Short Title.
Schedule. |
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AN ORDINANCE for raising a Loan of £50,000 for the Public Service of the Province of Otago, and for providing a Sinking Fund for the liquidation of the Public Debt of the said Province.

WHEREAS it is expedient to raise a loan of £50,000 for public works, and other objects of utility relating to the progress and prosperity of the Province, or to the maintenance of the peace, order, and good government of the Province; and whereas by an ordinance passed by the Superintendent and Provincial Council of the said Province, in the twentieth year of the reign of her present Majesty, intitled "An ordinance to authorise the raising of money by the sale of debentures for certain public purposes within the said Province," it was enacted that the Superintendent should and might from time to time issue debentures for such sum as might seem to him expedient, not exceeding in the whole the sum of £35,000, for the public purposes therein mentioned; and it was also enacted that the principal sum secured by any such debenture should be payable on a day to be named therein, not later than the 31st day of December, 1869; and whereas debentures to the amount in the said ordinance mentioned have been already issued, payable at various periods between the time of passing the said ordinance and the said 31st day of December, 1869; and whereas a portion of the debentures issued under the provisions of the said ordinance, for the aggregate principal sum of £9500, have already

fallen due and been fully paid and satisfied; and there now remains outstanding and unsatisfied, on the security of the debentures so issued, the aggregate principal sum of £25,500, and no more; and whereas it is expedient to provide a sinking fund for the extinction of the debt created by the said recited ordinance, and to be created by this ordinance:

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

Superintendent
empowered to raise
by Debentures.
£50,000

1. The Superintendent of the said Province, by and with the advice and consent of his Executive Council, shall and may from time to time issue debentures for such sums as may be deemed expedient, not exceeding in the whole the sum of £50,000 for public works, and other objects of utility relating to the progress and prosperity of the Province, or to the maintenance of the peace, order, and good government of the Province.

Form of Deben-
tures.

2. Every such debenture shall be in the form or to the effect set forth in the Schedule to this ordinance, and shall bear the respective signatures of the said Superintendent and of the Provincial Treasurer, and shall be numbered consecutively, and shall have interest coupons attached, and shall be entered by the accountant in the register kept for that purpose in the office of the said Provincial Treasurer; and the holder or bearer for the time being of every such debenture shall be entitled to all rights and remedies under and in respect of the same in the like manner as though he were named therein.

Debentures may
be offered for sale
by Public Tender,
&c.

3. The said debentures shall be issued and sold in New Zealand or elsewhere in such manner as the Superintendent, with the advice and consent of the Executive Council, may deem to be most beneficial; and the said Superintendent may offer or cause to be offered for sale the said debentures, either by public tender or by competition, provided that the purchaser of any such debenture shall, previously to the delivery thereof, pay the full amount of the purchase-money.

Debentures not to
be sold under *par*.

4. It shall not be lawful for the Superintendent to sell any such debenture for any sum of money which shall be less in amount than the sum for which such debenture shall be issuable.

When Debentures
to be payable and
interest cease.

5. The principal sum, secured by every such debenture, shall be made payable and be repaid at the expiration of any term not exceeding ten years from the day on which the same shall be issued, and no such debenture shall be payable later than the thirty-first day of December, 1875, and the interest thereof shall cease to be payable on the day fixed for the payment of such principal sum.

Interest at Eight
per cent. per an-
num to be paid
half-yearly.

6. The said debenture shall bear interest after the rate of eight pounds per centum per annum, payable half-yearly, and the holder of every such debenture shall receive the full amount of money secured thereby, and also the specified rate of interest, at the time or times, at the place and in the manner respectively mentioned in or endorsed on such debenture, and according to the purport thereof; and the amount of every such debenture, together with the interest, shall be charged

upon and made payable out of all revenues of the said Province, subject to be appropriated by the Superintendent and Provincial Council thereof.

7. Every such debenture and coupon shall be made payable to the bearer thereof, and shall pass by delivery only, and without any assignment or endorsement. Debentures to pass by delivery.

8. It shall be lawful for the Superintendent, with the advice and consent of his Executive Council, to make all such arrangements for the payment of any debentures and interest thereon at any banking establishment in London or elsewhere as may be deemed advisable to secure the due and faithful payment of any such debentures or the interest thereon. Superintendent may arrange for Payment of Principal and interest in London or elsewhere.

9. In the construction of this ordinance the term "Provincial Treasurer" shall mean the Treasurer of the said Province, or the person lawfully acting in that capacity. Definition of the term Provincial Treasurer.

10. The Superintendent shall, in each and every year, so long as any money shall be due and owing on account of any debentures issued under the authority of the said recited ordinance, or under this ordinance, pay yearly out of the revenue of the Province or out of the fund constituted by "the Immigration Fund Ordinance, 1858," to two Trustees, to be from time to time appointed by his Excellency the Governor, a sum equal to three pounds per centum on the amount remaining due on debentures issued on the security of the said recited ordinance, and to be from time to time issued on the security of this ordinance, for the purpose of forming a sinking fund to pay off the said debentures, and every sum so paid shall be invested on the security of debentures issued by the General Government, or otherwise, as his Excellency the Governor and the Superintendent shall direct, and shall be increased by accumulation in the way of compound interest, or otherwise. Three per cent. on the amount raised and to be raised, by Debentures, to be annually invested for providing a Sinking Fund.

11. Nothing in this ordinance contained shall prejudice, vary, or affect any security granted under, or by virtue of "the New Zealand Loan Act, 1856," and an Act of the Imperial Parliament passed in the 20th and 21st years of the reign of her present Majesty, intituled "An Act to Guarantee a Loan for the service of New Zealand," or either of them. This ordinance not in any way to prejudice, vary, or affect "The Loan Act, 1856," or "The Imperial Guarantee Act."

12. This ordinance shall be termed, and may be cited and referred to, as the "Otago Loan Ordinance, 1861." Short Title.

Passed the Provincial Council this thirty-first day of October, One thousand eight hundred and sixty-one.

ALEX. RENNIE,
Speaker.

ROBERT CHAPMAN,
Clerk of Council.

Dunedin, 2nd November, 1861.—I hereby declare that I reserve this Bill for the signification of the Governor's pleasure thereon.

J. RICHARDSON,
Superintendent of the Province of Otago.

SCHEDULE.

COLONY OF NEW ZEALAND.

PROVINCE OF OTAGO.

No.	Pounds Sterling.	No. £
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PROVINCIAL GOVERNMENT DEBENTURE, Transferable by Delivery, for the sum of Pounds Sterling; which, with interest thereon from the date of issue till the date when the Bearer is entitled to receive said Principal Sum, and after the rate of Eight Pounds per centum per annum, payable Half-yearly, is secured by the "Loan Ordinance, 1861," upon the revenue of the Province of Otago, subject to the appropriation of the Provincial Legislature.

On the day of , One Thousand Eight Hundred and , the Bearer of this Debenture will be entitled to receive the Principal Sum of Sterling, and in the meantime will be entitled to receive Interest thereon after the rate and during the period above mentioned, payable Half-yearly, on the day of , and on the day of in every year of such term, such Principal Sum and interest being respectively payable on presenting this Debenture at the Treasury in Dunedin, or at the Bank in London, as may be arranged,

Dated and Sealed at the Provincial Government House, Dunedin, this day of November, 18 .

Superintendent of the Province of Otago.

Treasurer of the Province of Otago.

Entered at the Provincial Treasury in the Registry of Debentures this day of November, 18 .

Accountant of the Province of Otago.

Issued by }
at }
this } day of 18 }

COLONY OF NEW ZEALAND.

PROVINCE OF OTAGO.

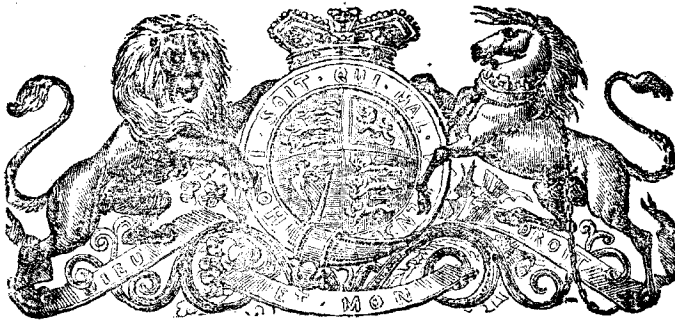
No.	Interest Warrant for	Debenture for £	No.
	payable day of	day of	18
		Sterling, 18 .	

Superintendent.

Provincial Treasurer,

Payable on endorsement at the Treasury, Dunedin, or at the Bank, London.

Issued by at .
this day of 18 .



VAGRANT ORDINANCE, 1861.

IN THE TWENTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XIII., No. 62.

ANALYSIS.

Title.

Preamble.

1. Idle and Disorderly persons.

2. Rogues and Vagabonds.

3. Obscene, threatening, or abusive language, &c., &c., in public.

4. Penalty for selling or exposing for sale unwholesome food.

5. Apprehension of Offenders.

6. Warrants to apprehend Offenders.

7. Seizure of property and searching.

8. Neglect of Officers, or obstructing them.

9. Lodging-houses, &c., may be searched.

10. One Justice may act.

11. Want of form.

12. The night to be as in Burglary.

13. Nothing in this Ordinance to repeal Constabulary Force Ordinance, Session 1, No. 9, New Munster.

14. Appeal to the Supreme Court.

15. Interpretation clause.

16. Short Title.

AN ORDINANCE for the better Prevention and Punishment of Vagrancy and other Offences.

WHEREAS it is expedient to make more effectual provision for the prevention of vagrancy and other offences :

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

I. Any person who shall commit any of the next following offences, shall be deemed an idle and disorderly person, within the meaning of this Ordinance, and shall be liable to the punishment next hereinafter mentioned.

1st. Any person having no visible lawful means or insufficient lawful means of support, who being thereto required by any Justice of the Peace, or who having been duly summoned for such purpose, or brought

before any Justice in pursuance of the provisions of this Ordinance, shall not give a good account of his means of support to the satisfaction of such Justice.

2nd. Any habitual drunkard having been thrice convicted of drunkenness within the preceding twelve months, and any common prostitute, who in any street or public highway, or being in any place of public resort, shall behave in a riotous or indecent manner.

3rd. The occupier of any house which shall be frequented by reputed thieves or persons who have no visible lawful means of support, and any person found in any such house in company with such reputed thieves or persons, who shall not give a good account of his lawful means of support, and also of his being in such house upon some lawful occasion.

4th. Any person wandering abroad or placing himself in any public place, street, highway, court, or passage, to beg or gather alms, or causing or procuring, or encouraging any child so to do.

5th. Any person found by night armed with any gun, pistol, sword, bludgeon, or other offensive weapon or instrument, who being thereto required, shall not give a good account of his means of support, and assign a valid and satisfactory reason for his being so armed.

6th. Any person having on or about his person, without lawful excuse (the proof of which excuse shall be on such person), any deleterious drug or any article of disguise, shall be liable to imprisonment in any gaol or house of correction, or other prison in the said Province, for any time not exceeding three calendar months, with or without hard labour.

Rogues and Vagabonds.

2. Any person who shall commit any of the next following offences shall be deemed a rogue and a vagabond, within the meaning of this Ordinance, and be liable to the punishment next hereinafter specified.

1st. Any person committing any of the offences hereinbefore mentioned, having been previously convicted as an idle and disorderly person.

2nd. Any person soliciting, gathering, or collecting alms, subscriptions, or contributions, under any false pretence.

3rd. Any person imposing or endeavouring to impose upon any charitable institution, or private individual, by any false or fraudulent representation, either verbally or in writing, with a view to obtain money or any other benefit or advantage.

4th. Any person wilfully exposing to view in any street, road, thoroughfare, highway, or public place, or who shall expose, or cause to be exposed, to view in the window or other part of any shop or other building, situate in any street, road, thoroughfare, highway, or public place, any obscene book, print, picture, drawing, or representation.

5th. Any person wilfully and obscenely exposing his person in any

street, road, or public highway, or in the view thereof, or in any place of public resort.

6th. Any person playing or betting at any unlawful game.

7th. Any person playing or betting in any street, road, highway, or other open and public place, at or with any table or instrument of gaming, at any game or pretended game of chance.

8th. Any person having in his custody or possession without lawful excuse (the proof of which excuse shall be on such person) any picklock, key, crow-jack, bit, or other implement of house-breaking.

9th. Any person being armed with any gun, pistol, sword, bludgeon, or other offensive weapon or instrument, with a felonious intent.

10th. Any person found by night having his face blackened, or wearing felt or other slippers, or being dressed or otherwise disguised with a felonious intent.

11th. Any person found by night without lawful excuse (the proof of which excuse shall be on such person) in or upon any dwelling-house, warehouse, coachhouse, stable, or outhouse, or in any inclosed yard, garden, or area, or in or on board any ship or other vessel when lying or being in any port, harbour, or place within the said Province.

12th. Any suspected person or reputed thief frequenting any river, canal, navigable stream, dock, or basin, or any quay, wharf, or warehouse near or adjoining thereto, or any street, highway, or avenue, leading thereto, or any place of public resort or any avenue leading thereto, or any street, highway, or place adjacent, with intent to commit felony.

13th. Any person apprehended as an idle and disorderly person, and violently resisting any constable or other police officer so apprehending him, and being subsequently convicted of the offence for which he shall have been so apprehended, shall be liable to imprisonment in any gaol, house of correction, or other prison in the said Province, with hard labour, for any time not exceeding six calendar months, and every such pick-lock, key, crow-jack, bit, and other implement, and every such gun, pistol, sword, bludgeon, and other offensive weapon and instrument as aforesaid, shall, by the conviction of the offender, become forfeited to Her Majesty.

3. Any person who shall sing any obscene song or ballad, or write or draw any indecent or obscene word, figure, or representation, or use any profane, indecent, or obscene language in any public street, thoroughfare or place, or within the view or hearing of any person passing therein; and any person who shall use any threatening, abusive, or insulting words or behaviour in any public street, thoroughfare, or place, with intent to provoke a breach of

Obscene, threatening, or abusive language, &c., &c., in public.

the peace, or whereby a breach of the peace may be occasioned, shall forfeit and pay, on conviction, any sum not exceeding ten pounds, and in default of immediate payment, shall be committed to the common gaol, house of correction, or other prison, for any period not exceeding three calendar months.

Penalty for selling or exposing for sale unwholesome food.

4. Every person who shall sell, or expose for sale, or have in his possession with intent to sell, any unwholesome meat, fish, game, poultry, or fruit, or who shall have in his possession for the purpose of slaughtering any diseased animal unfit for human food, shall for every such offence forfeit and pay, on conviction, any sum not exceeding twenty pounds, and not less than five pounds, and it shall be lawful for any peace officer or constable to seize and take away, or cause to be seized and taken away, and to convey, or cause to be conveyed to the nearest police station, all such unwholesome meat, fish, game, poultry, fruit, and diseased animal as aforesaid; and it shall be lawful for the convicting Justice or Justices to adjudge such unwholesome meat, fish, game, poultry, fruit, and diseased animal to be forfeited, and to order and direct the same to be destroyed.

Apprehension of Offenders.

5. It shall be lawful for any person whomsoever, with or without warrant, to apprehend any person who shall be found offending against this Ordinance, and forthwith to take and convey him before some Justice of the Peace, to be dealt with in such manner as herein directed, or to deliver him to any constable or other peace officer of the place where he shall have been apprehended, to be so taken and conveyed as aforesaid: and any constable or other peace officer who shall refuse or wilfully neglect to take such offender into custody, or to take and convey him before some Justice of the Peace, or who shall not use his best endeavors to apprehend and to convey before some Justice of the Peace any person that he shall find offending against this Ordinance, shall be deemed guilty of a neglect of duty, and shall, on conviction, be punished in such manner as herein directed.

Warrants to apprehend Offenders.

6. It shall be lawful for any Justice of the Peace, upon oath being made before him, that any person hath committed or is suspected to have committed any offence against this Ordinance, to issue his warrant to apprehend and bring before him or some other Justice of the Peace the person so charged, to be dealt with as directed by this Ordinance.

Seizure of property and searching.

7. It shall be lawful for any constable, peace officer, or other person, apprehending any person charged with being an idle and disorderly person, or a rogue and vagabond, to seize any horse or other cattle, or any vehicle or goods in the possession or use of such person, and to take and convey the same, as well as such person, before a Justice of the Peace: and for every Justice of the Peace by whom any person shall be adjudged to be an idle and disorderly person, or a rogue and vagabond, to order that such offender shall be searched, and that his trunks, boxes, bundles, parcels, or packages, and any cart or other vehicle which may have been found in his possession or use, shall be inspected and searched in the presence

of the said Justice; and it shall be lawful for the said Justice to order that any money which may then be found with or upon such offender, shall be paid and applied for and towards the expense of apprehending and conveying to the gaol, house of correction, or other prison, and maintaining such offender during the time for which he shall have been committed, and towards the expense of the keep of any horse or other cattle so seized, during the time such horse or cattle shall be detained; and if upon such search money sufficient for the purposes aforesaid be not found, it shall be lawful for such Justice to order that such horse, cattle, and so much as is necessary of such other effects then found, shall be sold, and that the produce of such sale shall be paid and applied as aforesaid; and also that the overplus of such money or effects, after deducting the charges for such sale, shall be returned to the said offender.

8. In case any constable or other peace-officer shall neglect his duty in anything required of him by this Ordinance, or in case any person shall disturb or hinder any constable, peace-officer, or other person in the execution of this Ordinance, or shall be aiding, abetting, or assisting in so doing any such offender, shall for every such offence forfeit and pay any sum not exceeding twenty pounds, and in default of payment forthwith, shall be liable to imprisonment in any gaol, house of correction, or other prison, for any time not exceeding six calendar months, or until such fine be paid.

Neglect of Officers,
or obstructing
them.

9. It shall be lawful for any Justice of the Peace, upon information on oath that any person hereinbefore described to be an idle and disorderly person, or a rogue and vagabond, is suspected to be in any house, tent or place, kept or purporting to be kept for the reception, lodging, or entertainment of travellers or others to enter the same at any time by day or night, or to issue his warrant authorising any constable or other person, in like manner to enter the same, and to apprehend and bring before him, or any other Justice of the Peace, every such idle and disorderly person, rogue and vagabond, as shall be found therein, to be dealt with in the manner herein directed.

Lodging-houses,
&c., may be
searched.

10. It shall be lawful for any one Justice of the Peace to order and adjudge any person convicted of offending against any of the provisions of this Ordinance, either on the view of such or any other Justice, or the confession of such offender, or the oath of any credible witness or witnesses, to forfeit the penalties or undergo the imprisonments hereby authorized to be imposed or awarded.

One Justice may
act.

11. All proceedings under this Ordinance shall be had and taken in a summary way, and no such proceeding shall be quashed for want of form, or removed by certiorari or otherwise into the Supreme Court, and every conviction or commitment for any offence under this Ordinance in which such offence shall be set forth in the words of this Ordinance, shall be valid and sufficient.

Want of form.

12. The time at which the night shall be deemed to commence and conclude in any offence against the provisions of this Ordinance shall be the same as in case of burglary.

The night to be as
in Burglary.

Nothing in this Ordinance to repeal Constabulary Force Ordinance, Session 1, No. 9, New Munster.

13. Nothing in this Ordinance contained shall be deemed to repeal wholly or in part the Ordinance of the Legislative Council of New Zealand, Session 1, No. 9, New Munster, intituled an ordinance to increase the efficiency of the Constabulary Force: but no person shall be liable to be punished for the same offence under the said ordinance and this ordinance.

Appeal to the Supreme Court.

14. Any person who shall feel himself aggrieved by the judgment of any Justice or Justices adjudicating, or before whom he was convicted, may appeal from any such judgment or conviction, in manner prescribed by an Act of the General Assembly of New Zealand, passed in the twenty-fourth year of the reign of Her present Majesty, intituled "An Act to improve the Administration of the Law so far as respects summary proceedings before Justices of the Peace."

Interpretation clause.

15. On the construction of this ordinance, wherever, in describing or referring to any person, matter, or thing, any word importing the singular number or masculine gender is used, the same shall be applied to several persons as well as one person, and females as well as males, and several matters and things as well as one matter and thing, and the word animal shall be taken to mean any bull, ox, cow, heifer, steer, calf, sheep, lamb, hog, pig, sow, and goat, upon or with respect to which any offence may be committed.

Short Title.

16. This Ordinance shall be termed and may be cited and referred to as the "Vagrant Ordinance, 1861."

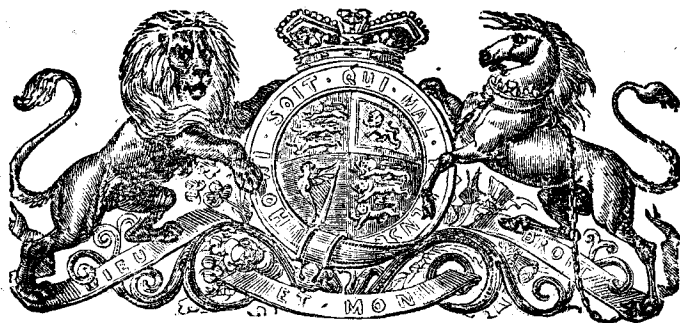
Passed the Provincial Council, this thirty-first day of October, One thousand eight hundred and sixty-one,

ALEX. RENNIE,
Speaker.

ROBERT CHAPMAN,
Clerk of Council.

Assented to on behalf of the Governor, at Dunedin, this second day of November, One thousand eight hundred and sixty-one.

J. RICHARDSON,
Superintendent of the Province of Otago.



DUNEDIN ROADS AND STREETS ORDINANCE, 1861.

IN THE TWENTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XIII., No. 63.

ANALYSIS.

Title.

Preamble.

1. The Town Board to level certain streets to the full width thereof.
2. Mode of executing Works, and by whom the costs are to be defrayed.
3. The same course to be followed in regulating other Streets.

4. Footpaths to be made at the expense of the Proprietors.
5. Penalty for injuring Footpaths, &c.
6. Interpretation Clause.
7. This Ordinance may be put in force in other Towns.
8. Short Title.

AN ORDINANCE to Amend "*the Dunedin Roads and Streets Ordinance, 1855.*"

WHEREAS, an Ordinance was passed by the Superintendent and Provincial Council of the Province of Otago, in the Nineteenth Year of the reign of Her Majesty Queen Victoria, Session 2, No. 23, intituled, "An Ordinance to Regulate the Management and Control of Streets and other things in and about Dunedin:" And whereas it is by the said recited Ordinance enacted, that it shall be lawful for the Town Board of Dunedin 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 whereas the said Town Board have, in the exercise of the power given to them by the said recited Ordinance, of making and

regulating all the Roads and Streets of Dunedin, cut down and raised up the centre portions of some of the said Roads and Streets: And whereas, in order to form footways, it is necessary that the sides of the said roads and streets to the full width thereof should be cut down and filled up, as the case may be, to the same level to which the centre part of such roads and streets have been so cut down or raised up: And whereas it is expedient that the Footpaths at the sides of the roads and streets of the said Town should be made and kept in repair by the said Town Board, at the expense of the proprietors of the adjoining lands;

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

The Town Board to level certain streets to the full width thereof.

1. In all cases in which the said Town Board, in making and regulating any of the said roads and streets, have cut down and filled up the centre part thereof, they shall forthwith cut down and fill up the side or sides of all such roads and streets to the same level as the centre part of such roads and streets to the full width thereof, and shall defray the expense of such cutting down and filling up by and out of the rates leviable under the said recited Ordinance.

Mode of executing Works, and by whom the costs are to be defrayed.

2. It shall be lawful for the said Town Board to cause every such cutting down and filling up to be sloped from the margin of every such road and street, to such a distance into the adjoining land as shall be deemed sufficient by the said Board to ensure the stability of the said work and the safety of the public; and in case any house or other building shall be standing close to the margin of any such road or street requiring to be cut down or filled up as aforesaid, or so near thereto as to prevent the sloping back of such cutting down or filling up, the proprietor, tenant, or occupant of every such house or other building shall, when the road is to be cut down, shore up and substantially under pin with stone, brick, or timber, such house or other building, and shall, when such road or street is to be filled up erect at the margin thereof, a sustaining wall or barrier of wood, brick, or stone, to the satisfaction of the said Board; provided, with respect to the two last mentioned cases, the Board shall at least one month before they commence such work cause a notice in writing to be left at, or fixed upon any such house or other building requiring the proprietor, tenant, or other occupant thereof, to shore up and under pin such house or other building, or to erect such sustaining wall or barrier as the case may require: And in case the proprietor, tenant, or occupant of any such house or other building, shall refuse or neglect to shore up or under pin the same, or to erect such sustaining wall or barrier, as the case may be, it shall be lawful for the said Board to cause the said work to be done, and the costs which shall be incurred by the said Board in and about the same, shall be a charge upon the land in respect of which the same shall have been incurred, and shall be recoverable by the said Board in manner prescribed by the said recited ordinance for the recovery of rates, and the payment thereof shall be secured in manner prescribed by the said recited ordinance; and whenever through the neglect of the proprietor, tenant, or occupant to execute the said works any

such house or building shall sustain any damage in the course of the execution of all or any of the said works by and under the direction of the said Town Board, the said Town Board shall not be liable to the proprietor, tenant, or occupant for any such damage.

3. In making and regulating all other roads and streets, it shall be lawful for the said Town Board to cut down and raise the surface thereof in such manner as they shall judge necessary to the full width of every such road and street, and in so doing to follow the course herein-before prescribed, with respect to the roads and streets herein-before referred to.

The same course to be followed in regulating other Streets.

4. In all cases in which the said Town Board have already made and regulated, or shall hereafter make and regulate any of the said roads and streets, they shall forthwith make and form footpaths on the sides thereof of the width of ten feet, and shall pave or gravel the surface of such footpaths, and shall divide the same from the carriage way of such roads and streets by curb-stones, and shall fix at the corners and turnings of the said roads and streets in a line with the said curb-stones, substantial posts of wood, stone, or iron ; And the costs of making, forming, paving, and gravelling all such footpaths and curb-stones, and keeping the same in repair by the said Town Board, shall from time to time be paid by the proprietor, tenant or occupant of the land adjoining such footpaths, and shall be a charge upon the said land, and shall and may be secured and recovered by the said Town Board in the same manner as rates may be secured and recovered under the provisions of the said recited ordinance.

Footpaths to be made at the expense of the proprietors.

5. If any person shall injure any of the said footpaths, curb-stones, or posts, or break up the same or any part thereof, without the consent of the said Town Board, notified under the hand of their Clerk, he shall for every such offence forfeit and pay any sum not exceeding £5 nor less than £2, over and above the costs of repairing and reinstating the same, to be recovered in a summary way before any Justice of the Peace : And all such costs and penalties shall be paid over by the convicting Justice to the said Town Board for the purposes of the said recited ordinance.

Penalty for injuring Footpaths, &c.

6. On the construction of this ordinance the word proprietor shall mean and include any person or persons for the time being in receipt of the rents of any land, house, or other buildings, unless at the time when any act is by this ordinance required to be done by or at the expense of the proprietor thereof, such land, house, or other building shall be let on lease for any term of which there shall then be more than three years to run, in which case the lessee shall for the purposes of this ordinance be deemed to be the proprietor of such land, house, or other building.

Interpretation clause.

7. This ordinance may be put in force in any other town in the Province of Otago by Proclamation of the Superintendent, published in the Provincial Government *Gazette*.

This Ordinance may be put in force in other towns.

Short Title. 8. This ordinance shall and may be cited and referred to as the
"Dunedin Roads and Streets Ordinance, 1861."

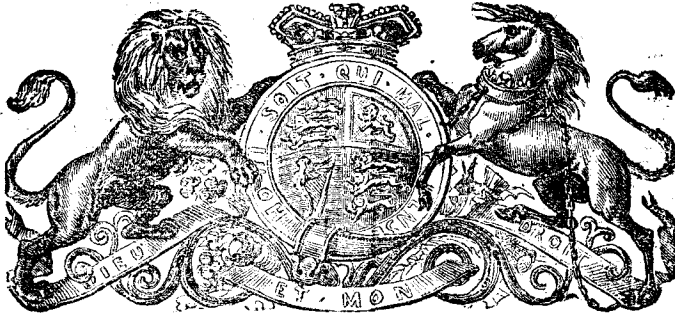
Passed the Provincial Council this thirty-first day of October,
One thousand eight hundred and sixty-one.

ALEX. RENNIE,
Speaker.

ROBERT CHAPMAN,
Clerk of Council.

Assented to on behalf of the Governor, at Dunedin, this second
day of November, One thousand eight hundred and sixty-one.

J. RICHARDSON,
Superintendent of the Province of Otago.



APPROPRIATION ORDINANCE, 1861-2.

IN THE TWENTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XIII., No. 64.

ANALYSIS.

<p>Title.</p> <p>1. Certain sums to be applied to the service of the six months commencing on 1st October, 1861, and ending 31st March, 1862.</p> <p>2. Treasurer to pay money on Superintendent's</p>	<p>Warrant, and to be allowed credit for all money so paid.</p> <p>3. The Treasurer to be allowed credit for sums paid, but not authorised by Appropriation Ordinance, 1860-1.</p> <p>4. Short Title.</p>
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AN ORDINANCE to appropriate the Revenue of the Province of Otago, for the period of six months from and after the 30th day of September, 1861.

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

1. Out of the Revenues of the Province there may be issued and applied for defraying the charge of the Government of the Province of Otago, for the six months commencing on the 1st day of October, 1861, and ending on the 31st day of March, 1862, the sum of one hundred and seventy five thousand five hundred and eight pounds, eleven shillings and ten pence sterling, in any sums not exceeding the several sums for the several purposes hereinafter particularly specified—that is to say—

Certain sums to be applied to the service of the six months commencing on 1st October, 1861, and ending 31st March, 1862.

ESTABLISHMENTS.

SUPERINTENDENT'S DEPARTMENT—

SALARIES.				£	s.	d.	£	s.	d.
Superintendent	...	...	...	400	0	0			
Provincial Secretary	...	...	...	75	0	0			
Clerk	...	...	...	152	10	0			
Do.	...	...	...	115	0	0			
Do.	...	...	...	80	0	0			
Office Keeper	...	...	...	77	10	0			
							£900	0	0

PROVINCIAL COUNCIL DEPARTMENT—

SALARIES.				£	s.	d.	£	s.	d.
Speaker	...	...	...	50	0	0			
Chairman of Committees	...	...	...	25	0	0			
Clerk	...	...	...	37	10	0			
Clerical Assistance	...	...	...	75	0	0			
Office Keeper	...	...	...	75	0	0			
							262	10	0
CONTINGENCIES.				£	s.	d.	£	s.	d.
Copying and Printing Proceedings	...	...	...	200	0	0			
Council Library	...	...	...	150	0	0			
Furniture for Council Library	...	...	...	100	0	0			
Expences of Country Members	...	...	...	300	0	0			
							750	0	0

EXECUTIVE COUNCIL DEPARTMENT—

SALARIES.				£	s.	d.	£	s.	d.
Non-Official Members	...	...	...	150	0	0			
							150	0	0

PROVINCIAL SOLICITOR'S DEPARTMENT—

SALARIES.				£	s.	d.	£	s.	d.
Provincial Solicitor	...	...	...	150	0	0			
Clerical Assistance	...	...	...	50	0	0			
							200	0	0

PROVINCIAL AUDITOR'S DEPARTMENT—

SALARIES.				£	s.	d.	£	s.	d.
Auditor	...	...	...	175	0	0			
Deputy-Auditor	...	...	...	50	0	0			
							225	0	0

TREASURER'S DEPARTMENT—

SALARIES.				£	s.	d.	£	s.	d.
Treasurer	...	...	...	125	0	0			
Sub-Treasurer and Accountant	...	...	...	175	0	0			
							300	0	0

LAND DEPARTMENT—

SALARIES.				£	s.	d.	£	s.	d.
Chief Commissioner	...	...	...	225	0	0			
Clerk to Chief Commissioner	...	...	...	152	10	0			
Clerk to Treasurer and Receiver	...	...	...	140	0	0			
Assistant Clerks, 2 at £190, and 1 at £130 per annum	...	...	...	255	0	0			
Crown Grant Clerk	...	...	...	90	0	0			
							862	10	0
CONTINGENCIES.				£	s.	d.	£	s.	d.
Rangers of Bush Reserves	...	...	...	50	0	0			
Refunds on Land	...	...	...	125	0	0			
Stationery, Printing, and Advertising	...	...	...	400	0	0			
Contingencies	...	...	...	75	0	0			
Unofficial Members of Waste Land Board	...	...	...	25	0	0			
							675	0	0

SURVEY DEPARTMENT—

SALARIES.				£	s.	d.	£	s.	d.
Chief Surveyor	...	...	...	250	0	0			
3 District Surveyors at £300 per annum	...	...	...	450	0	0			
2 Assistant do. at £280 per annum	...	...	...	280	0	0			
5 Sub-Assistant do., at £230 per annum	...	...	...	575	0	0			
Apprentice	...	...	...	7	10	0			
Chief Draughtsman, at £280 per annum	...	...	...	140	0	0			
Assistant do. at £205	...	...	...	102	10	0			
Lithographic Draughtsman, at £155 per annum	...	...	...	77	10	0			
Apprentice " at £7 10s. "	...	...	...	7	10	0			
Lithographic Printer at £180	...	...	...	90	0	0			
10 Survey Parties, at £300 per annum	...	...	...	3000	0	0			
							4980	0	0
Carry forward							£9305	0	0
CONTINGENCIES.				£	s.	d.	£	s.	d.
Travelling Expences	...	...	...	440	0	0			
Stationery	...	...	...	60	0	0			
Instruments	...	...	...	150	0	0			
Contingencies	...	...	...	40	0	0			
							690	0	0
Carry forward							£9995	0	0

Brought forward	...	...	£9995 0 0
ROADS AND BRIDGES DEPARTMENT—			
SALARIES.			
Engineer	...	...	25 0 0
Assistant Surveyor	...	...	150 0 0
Northern Inspector	...	...	125 0 0
Southern Inspector	...	...	125 0 0
Clerk and Draughtsman	...	...	102 10 0
2 Engineering Parties	...	...	500 0 0
			1027 10 0
CONTINGENCIES.			
Horse Hire for Assistant Surveyors and Inspectors	...	...	75 0 0
Travelling and Field Expenses of Officers	...	...	200 0 0
Stationery	...	...	20 0 0
Instruments	...	...	50 0 0
Contingencies	...	...	20 0 0
			365 0 0
PUBLIC WORKS DEPARTMENT—			
SALARIES.			
Superintendent of Public Buildings	...	...	150 0 0
Assistant and Inspector	...	...	115 0 0
Temporary Assistance	...	...	100 0 0
Travelling Expenses	...	...	50 0 0
Instruments, Stationery, and Contingencies	...	...	25 0 0
			440 0 0
POLICE DEPARTMENT—			
SALARIES.			
Commissioner	...	...	200 0 0
2 Sub-Inspectors at £250	...	...	250 0 0
2 Mounted Sergeants, 1 at 12s. 6d. and 1 at 11s. 6d. per diem	...	...	219 5 0
9 Foot Sergeants, 2 at 12s. 6d. and 7 at 11s. per diem	...	...	930 15 0
15 Mounted Constables, at 10s. 6d. per diem	...	...	1437 3 9
30 Foot Constables at 10s. per diem	...	...	2737 10 0
Escort Driver, at 12s. 6d.	...	...	114 1 3
2 Escort Grooms, at 10s.	...	...	182 10 0
6 Detectives, 1 at 15s., 2 at 13s., and 3 at 11s. per diem	...	...	675 5 0
Water Police Sergeant, at 14s. per diem	...	...	127 15 0
5 Constables, 1 at 12s., 4 at 11s.	...	...	511 0 0
CONTINGENCIES.			
Allowances to Officers and Constables	...	...	306 0 0
Stationery	...	...	120 0 0
Forage	...	...	600 0 0
Travelling Expenses	...	...	30 0 0
Transport of Prisoners	...	...	40 0 0
Purchase of Horses	...	...	200 0 0
Shoeing and Farriery	...	...	130 0 0
Prisoners' Rations	...	...	80 0 0
Stores, Furniture, and Bedding	...	...	250 0 0
Fuel, Light, and Water	...	...	200 0 0
Compensation to Officers for Clothing destroyed and Medical Expenses	...	...	60 0 0
Repairs to Saddlery	...	...	100 0 0
Female Searchers	...	...	37 0 0
Rewards	...	...	50 0 0
Incidental Expenses	...	...	200 0 0
Special Detective Service	...	...	100 0 0
General Contingencies	...	...	400 0 0
			10,338 5 0
HARBOUR DEPARTMENT—			
SALARIES.			
Harbour Master	...	...	140 0 0
Pilot	...	...	140 0 0
4 Assistant Pilots, at £200 per annum each	...	...	400 0 0
Lighthouse Keeper	...	...	60 0 0
2 Signal-men at £200 per annum	...	...	200 0 0
Jetty Keeper	...	...	100 0 0
Assistant Jetty Keeper	...	...	50 0 0
Boats' Crews for Pilot, Harbour, and Cutter	...	...	940 0 0
CONTINGENCIES.			
Cutter for Pilot Service	...	...	700 0 0
Boat	...	...	45 0 0
Launch	...	...	100 0 0
Oars	...	...	50 0 0
Flagstaves (3)	...	...	150 0 0
Marryatt's and Bar Signals	...	...	50 0 0
Moorings at Oamaru	...	...	50 0 0
“ per “Thomas and Henry,”	...	...	100 0 0
Buoys and Beacons	...	...	100 0 0
Oil	...	...	50 0 0
Contingencies	...	...	700 0 0
			4125 0 0
Carry forward	...	...	£16,90 15 0

Brought forward	..	..	..	..	..	£45,884	8	0
BRANCH ROADS—								
West Taieri to Tuapeka	...	...	...	...	500	0	0	
Tokomairiro to Gold Field	...	...	...	...	1000	0	0	
Dunedin to Portobello	...	...	...	...	1000	0	0	
Dunedin to West Taieri	...	...	...	...	500	0	0	
North East Valley to Timber District	...	...	...	...	500	0	0	
								3500 0 0
PORT CHALMERS TO NORTHERN TRUNK—								
North East Valley to Port Chalmers	...	...	...	...	500	0	0	— 500 0 0
SUPPLEMENTED ROADS—								
Main Road through Hawkesbury	...	...	...	...	144	1	11	
Shag Valley to Maniototo	...	...	...	...	18	1	11	
Hawkesbury	...	...	...	...	250	0	0	
Oamaru	...	...	...	...	100	0	0	
								512 3 10
BRIDGES AND FERRIES—								
West Taieri	...	...	...	...	3500	0	0	
Lower Taieri	...	...	...	...	8000	0	0	
Lovell's Creek	...	...	...	...	300	0	0	
Clutha Punt and Gangways	...	...	...	...	100	0	0	
Waitahuna Wire Suspension	...	...	...	...	500	0	0	
Silver Stream	...	...	...	...	200	0	0	
Waikouaiti	...	...	...	...	600	0	0	
Shag Valley	...	...	...	...	500	0	0	
Otepopo	...	...	...	...	600	0	0	
Kakanui	...	...	...	...	600	0	0	
Waipori	...	...	...	...	600	0	0	
Stoney Creek	...	...	...	...	250	0	0	
								15,750 0 0
SUPPLEMENTAL BRIDGES—								
Tokomairiro to Coal Fields	...	...	...	...	350	0	0	
Salmond's Creek	...	...	...	...	150	0	0	
								500 0 0
PUBLIC BUILDINGS—								
Gaol Extension	...	...	...	...	5000	0	0	
„ Furniture	...	...	...	...	200	0	0	
Hospital addition (portion)	...	...	...	...	5000	0	0	
„ Accommodation at Diggings	...	...	...	...	500	0	0	
Lunatic Asylum (portion)	...	...	...	...	4000	0	0	
Improving Court House Grounds	...	...	...	...	300	0	0	
Moeraki Jetty	...	...	...	...	450	0	0	
Waiholo Jetty	...	...	...	...	500	0	0	
Coalstage and Shed, Dunedin	...	...	...	...	400	0	0	
Repairing and Painting Buildings	...	...	...	...	550	0	0	
Quarantine Buildings	...	...	...	...	106	0	0	
Pilots' Houses at Heads	...	...	...	...	400	0	0	
„ Taieri	...	...	...	...	300	0	0	
„ Clutha	...	...	...	...	300	0	0	
Gold Field Buildings	...	...	...	...	2000	0	0	
District Police Stations	...	...	...	...	4000	0	0	
Central Police Station, Dunedin	...	...	...	...	350	0	0	
Fitting up Hulk for Prisoners	...	...	...	...	120	0	0	
Additional Barracks	...	...	...	...	750	0	0	
Addition to Government Buildings	...	...	...	...	1500	0	0	
Works not provided for	...	...	...	...	1000	0	0	
Jetty and Crane at Port Chalmers	...	...	...	...	500	0	0	
Dunedin Jetty	...	...	...	...	2000	0	0	
Waiholo Jetty, improvement of	...	...	...	...	100	0	0	
Court House at Oamaru	...	...	...	...	600	0	0	
„ Port Chalmers	...	...	...	...	500	0	0	
Military Barracks	...	...	...	...	3000	0	0	
Meteorological Observation House	...	...	...	...	250	0	0	
								34,676 0 0
IMMIGRATION	..	..	..	..				5000 0 0
STEAM—								
Inter-Colonial	...	..	..	..	1000	0	0	
Coastal	...	..	..	..	750	0	0	
Inland	...	..	..	..	500	0	0	
								2250 0
LOANS—								
Debentures, Payment of Interest	..	..	..	..	2000	0	0	— 2000 0 0
MISCELLANEOUS—								
Loan to Harbour Endowment	..	..	..	..	10,000	0	0	
Improving Navigation of Waiholo Lake	..	..	..	..	1000	0	0	
Geologist	..	..	..	..	1000	0	0	
Recreation Ground	..	..	..	..	500	0	0	
Bonus to Mr. Read for discovery of Gold Fields	..	..	..	..	500	0	0	
								12,500 0 0
Carry forward	..	..	..	..	12,500	0	0	154,528 11 10

Brought forward	12,500 0 0	154,528 11 10
Prospecting Parties	300 0 0	
Inspector of Slaughter Houses	100 0 0	
Standard Weights and Measures	100 0 0	
Inspector of Weights and Measures	12 10 0	
Local Posts	600 0 0	
Expenses of Returning Officer	150 0 0	
Loan to Port Chalmers Town Board	1000 0 0	
Fuel	150 0 0	
Relief to Destitute Persons	300 0 0	
Printing	500 0 0	
Advertising	300 0 0	
Stationery	1000 0 0	
Temporary Employment of Immigrants	1000 0 0	
Taiari Ferry	500 0 0	
Meteorological Register	15 0 0	
Gratuity to Gaoler	300 0 0	
Poundkeeper	25 0 0	
Mechanics' Institution	400 0 0	
Athenæum	45 0 0	
Upper Taiari Ferryman	182 10 0	
General Contingencies	1000 0 0	
	<hr/>	20,980 0 0
TOTAL		<hr/> <u>£175,508 11 10</u>

Treasurer to pay money on Superintendent's Warrants, and to be allowed credit for all money so paid.

2. The Provincial Treasurer shall issue and pay from time to time any sum or sums of money for the purposes hereinbefore mentioned not exceeding in the whole the sums respectively above specified, to such persons and in such proportions as the Superintendent shall, by Warrants signed by him from time to time direct, and such Treasurer shall in his accounts be allowed credit for all sums paid by him in pursuance of such Warrants, and the receipt of the person to whom such sums shall have been paid shall be to him a full and valid discharge for the sum or sums for which such receipt shall have been given, and the amount thereof shall be passed to his credit in account accordingly.

The Treasurer to be allowed credit for sums paid, but not authorized by Appropriation Ordinance, 1860-1.

3. And whereas the actual expenditure for the Provincial Government, and Public Works, and undertakings has exceeded the sums authorised by the Appropriation Ordinance for the six months commencing on the 1st day of April, 1861, and ending on the 30th September, 1861, by the sum of five thousand eight hundred and seven pounds, nine shillings and two pence, according to the items enumerated in the Schedule hereto annexed; And whereas the said Expenditure was reasonable and necessary, therefore the Superintendent is indemnified for the issue of his Warrants for the said amount of five thousand eight hundred and seven pounds, nine shillings and two pence for which amount the Provincial Treasurer shall be allowed, and is hereby authorised to take credit in his accounts.

Short Title.

4. This Ordinance may be cited and referred to as the Appropriation Ordinance, 1861-2.

Passed the Provincial Council this twelfth day of November, One thousand eight hundred and sixty-one.

ROBT. CHAPMAN,
Clerk of Council.

ALEX. RENNIE,
Speaker.

Assented to on behalf of the Governor, at Dunedin, this twelfth day of November, One thousand eight hundred and sixty-one.

J. RICHARDSON,
Superintendent of the Province of Otago.

SCHEDULE.

UNAUTHORIZED EXPENDITURE DURING THE FINANCIAL YEAR 1860-61.

SURVEY DEPARTMENT—

Survey Parties, including Field allowances and travelling expenses	...	...	...	296 5 2	
Lithographic Printers	...	...	...	20 3 1	
Instruments, Contingencies, &c.	...	...	...	162 18 8	
Passages of Surveyors from Britain	...	...	...	116 0 0	
				595 6 11	

HARBOUR DEPARTMENT—

Pilot's Crew	...	...	...	19 11 8	
Contingencies	...	...	...	144 1 9	
				163 13 5	

POLICE DEPARTMENT—

Special Service and Contingencies	...	...	...	117 19 11	
Gold Fields—					
Buildings	...	...	...	430 16 1	
Police, including Horses	...	...	...	1583 1 1	
Allowance to Government Officers	...	...	...	212 7 9	
Saddlery	...	...	...	267 13 2	
Contingencies	...	...	...	297 12 7	
				2909 10 7	

EDUCATION DEPARTMENT—

Books per Crawford and Auld	...	...	...	341 12 8	
Port Chalmers District Buildings	...	...	...	14 0 0	
" " Contingencies	...	...	...	7 10 6	
North-East Harbour District Buildings	...	...	...	11 9 6	
Return of School Fees	...	...	...	17 10 10	
				392 3 6	

ROADS DEPARTMENT—

Shag Valley to Maniototo	...	...	...	47 6 11	
Invercargill to Otaria	133 14 4	
				181 1 3	

LOWER TAIERI FERRY—

Compensation (Punt)	50 0 0	
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PUBLIC WORKS, BUILDINGS, &c.—

Landing Place at Oamaru	58 6 11	
Interest on overdrawn Bank Accounts and Commission	349 17 6	

MISCELLANEOUS—

Upper Taieri Ferryman (arrears)	...	...	...	15 0 0	
Pleura-Pneumonia	...	...	...	35 13 0	
Supreme and other Courts	...	...	...	29 1 8	
Books for Hospital	...	...	...	15 0 0	
Defalcations by James Macandrew, Esq.	...	...	...	1012 14 5	
				1107 9 1	

£5,807 9 2

APPENDIX TO APPROPRIATION ORDINANCE, 1861-2.

DETAILS OF THE VOTE FOR EDUCATION.

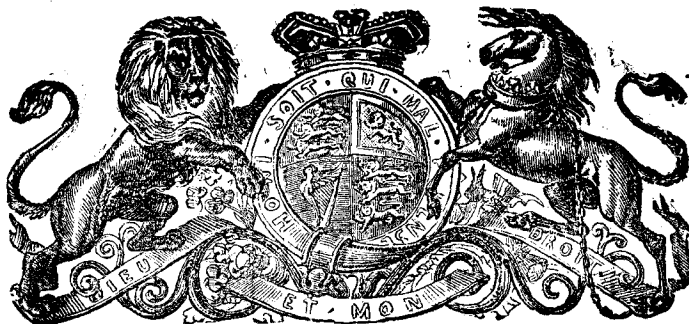
TEACHERS' SALARIES.

Dunedin—Rector	£187 10 0	£ s. d.
Female Teacher	93 0 0	
Male Assistant	75 0 0	
	<hr/>	355 10 0
Dunedin—North		25 0 0
Port Chalmers		50 0 0
Portobello (side)		15 0 0
North-East Harbour		50 0 0
North-East Valley		50 0 0
Wakari		50 0 0
Anderson's Bay		50 0 0
Green Island		50 0 0
East Taieri		50 0 0
Saddle Hill, School—Mistress		18 15 0
North Taieri		12 10 0
West Taieri		50 0 0
Waihola		50 0 0
Moeraki Bush (side)		40 10 0
Tokomairiro		75 0 0
Clutha—Inch Clutha	50 0 0	
South Clutha	75 0 0	
Warepa	45 10 0	
	<hr/>	170 0 0
Waikouaiti		50 0 0
Goodwood		50 0 0
Caversham		25 0 0
Oamaru		12 10 0
Saddlehill		12 10 0
		<hr/>
		£1312 15 0

BUILDINGS.

SUMS VOTED IN ADDITION TO THE SUMS VOTED IN THE APPROPRIATION ORDINANCE,
No. 2.

1861.	£ s. d.	£ s. d.
Dunedin High School	80 0 0	
„ North	750 0 0	
„ Caversham (side)	27 10 0	
	<hr/>	857 10 0
Port Chalmers		41 10 6
North East Harbour		25 0 0
Portobello (side)		35 0 0
North East Valley		5 0 0
Wakari		104 4 0
Green Island		608 13 0
East Taieri		535 0 0
Saddle Hill		350 0 0
West Taieri		60 0 0
Tokomairiro		75 0 0
Inch Clutha		150 0 0
South Clutha		160 0 0
Warepa		154 0 0
Moeraki Bush		70 0 0
Waikouaiti		35 0 0
Goodwood		20 0 0
Oamaru		550 0 0
		<hr/>
		£3885 17 6



PREVENTION OF CRUELTY TO ANIMALS ORDINANCE, 1861.

IN THE TWENTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XIV., No. 65.

ANALYSIS.

Title.

Preamble.

1. Penalty.

2. As to places kept for Bull Baiting, Dog
Fighting, &c.

3. As to damage done by persons guilty of
cruelty to animals.

4. Fines to be recovered in a summary way.

5. Offenders not paying penalty may be com-
mitted.

6. Vehicles, &c., may be detained.

7. Meaning of certain words.

AN ORDINANCE *for the Prevention of Cruelty to Animals.*

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:—

1. If any person shall from and after the passing of this Ordinance, Penalty.
cruelly beat, ill-treat, over-drive, abuse, or torture, or cause or procure
to be beaten, ill-treated, over-driven, abused, or tortured, any animal,
every such offender shall for every such offence forfeit and pay a
penalty not exceeding £5.

2. Every person who shall keep or use or act in the management of
any place for the purpose of fighting or baiting any bull, dog, cock, or
other kind of animal, whether of domestic or wild nature, or shall per-
As to places kept
for bull baiting,
dog fighting, &c.

mit or suffer any place to be so used, shall be liable to a penalty not exceeding £5, for every day he shall so keep or use or act in the management of any such place, or permit or suffer any place to be used as aforesaid. Provided always that every person who shall receive money for the admission of any other person to any place kept or used for any of the purposes aforesaid shall be deemed to be keeper thereof, and every person who shall in any manner encourage, aid, or assist at the fighting or baiting of any bull, dog, cock, or other animal as aforesaid, shall forfeit and pay a penalty not exceeding £5 for every such offence.

As to damage done by persons guilty of Cruelty to Animals.

3. If any person shall by cruelly beating, ill-treating, over-driving, abusing, or torturing any animal, do any damage or injury to any animal, or shall thereby cause any damage or injury to be done to any person or to any property; every such offender shall on conviction of every such offence pay to the owner of such animal (if the offender shall not be the owner thereof,) or to the person who shall sustain damage or injury as aforesaid, such sum of money by way of compensation not exceeding the sum of £10, as shall be ascertained and determined by the Justice of the Peace by whom such person shall have been convicted. Provided always that the payment of such compensation or any imprisonment for the non-payment thereof, shall not prevent or in any manner affect the punishment to which such person or the owner of such animal may be liable for, or in respect of the beating, ill-treating, or abusing of the said animal. Provided also that nothing herein contained shall prevent any proceeding by action against such offender or the employer of such offender, where the amount of damage or injury is not sought to be recovered under this Ordinance.

Fines to be recovered in a summary way.

4. All fines, penalties, and damages imposed or awarded under the authority of this Ordinance, shall be recoverable in a summary way before any Justice of the Peace for the Colony of New Zealand.

Offenders not paying penalty may be committed.

5. In every case of a conviction under this Ordinance, where the sum imposed as a penalty or the amount awarded for compensation or damage together with costs (if any), by any Justice of the Peace for or in respect of any offence against the provisions of this Ordinance, shall not be paid immediately upon the conviction or within such time as the convicting Justice shall in the exercise of his discretion appoint and direct in that behalf, it shall be lawful for such Justice, and he is hereby required to commit the offender to any gaol or other prison in the said Province, there to be imprisoned with or without hard labour for any term not exceeding two calendar months. Provided always that if such conviction shall take place before two Justices, or before one Resident Magistrate, it shall be lawful for such Justices or such Resident Magistrate, if they or he shall think fit, instead of imposing a pecuniary penalty, forthwith to commit any such offender to any gaol or other prison, with or without hard labour, for any time not exceeding three calendar months.

Vehicles, &c., may be detained.

6. Whenever any person having charge of any vehicle or any animal, shall be taken into custody by any constable for any offence against the

provisions of this Ordinance, it shall be lawful for such constable to take charge of such vehicle or animal, and deposit the same in some place of safe custody as a security for payment of any penalty to which the person having had charge thereof, or the owner thereof, may become liable, and for payment of any expenses which may have been, or which may be necessarily incurred for taking charge of and keeping the same. And it shall be lawful for any Justice of the Peace before whom the case shall have been heard, to order such vehicle or such animal to be sold for the purpose of satisfying such penalty and reasonable expenses; and in default of payment thereof, in like manner as if the same had been subject to be distrained, and had been distrained for the payment of such penalty and expenses.

7. For the purposes of this Ordinance, the following words are intended to have the meaning hereby assigned to them respectively, so far as such meaning is not excluded by the context, or by the nature of the subject-matter—(that is to say)

Meaning of certain words.

The word animal shall be taken to mean any horse, mare, gelding, bull, ox, cow, heifer, steer, calf, mule, ass, sheep, lamb, hog, pig, sow, goat, dog, cat, or other domestic animal.

And subject to the context, and to the nature of the subject matter, words denoting the singular number are to be understood to apply also to a plurality of persons, animals, or things; and words denoting the masculine gender are to be understood also to apply to persons and animals of the feminine gender; and the word overdrive shall also signify override.

Passed the Provincial Council this eleventh day of December, One thousand eight hundred and sixty-one.

ALEX. RENNIE,

Speaker.

ROBT. CHAPMAN,

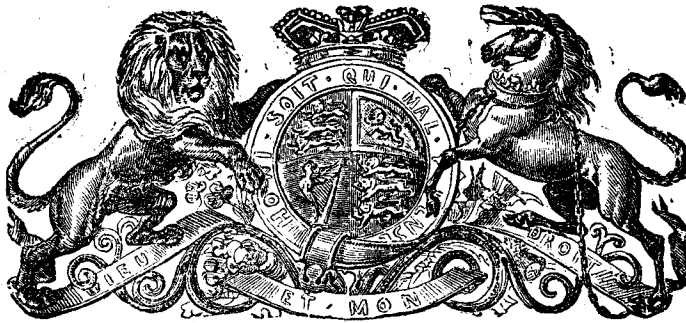
Clerk of Council.

Assented to on behalf of the Governor, at Dunedin, this eleventh day of December, One thousand eight hundred and sixty-one.

J. RICHARDSON,

Superintendent of the Province of Otago.





THE PORT CHALMERS MUNICIPAL ESTATE ORDINANCE, 1861.

IN THE TWENTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XIV.. No. 66.

ANALYSIS.

<p>TITLE. Preamble.</p> <p>1. Certain properties to be granted to the Superintendent of Otago, pursuant to the Public Reserves Act, 1854, and to be held for purposes of public utility to the Town of Port Chalmers.</p>	<p>2. The Management thereof by the Town Board of Port Chalmers to be regulated by Ordinance.</p> <p>3. Powers to sell, lease, and dispose of the lands.</p> <p>4. Rents how to be applied.</p> <p>5. Short Title.</p>
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AN ORDINANCE constituting certain Sections of Land in the Town of Port Chalmers, an estate for purposes of public utility within the said Town.

WHEREAS by "the Public Reserves Act, 1854," it is enacted "That it shall be lawful for the Governor of New Zealand, with the advice of his Executive Council at any time, and from time to time after the passing of this Act, in the name and on the behalf of her Majesty, to grant to the Superintendent of each Province of New Zealand and his successors, all such estate and interest as her Majesty then had or might have in all or any of the lands within such Province forming part of the Demesne lands of the Crown, which should have been at any time theretofore, and then were, or might thereafter, be reserved or set apart for purposes of public utility within the said Province: And whereas by clause 16 of the Land Regulations of the Province of Otago, it is provided that it should be lawful for the Superintendent, with the advice and consent of the Provincial Council, to reserve from sale and set aside for public uses any land within the Province of Otago, and that such reserves should be dealt with by Ordinance of the Superintendent and Provincial Council: And Whereas the several sections or allotments of land described in the schedule hereto as marked and numbered on the record Map of the Town of Port Chalmers, have been reserved for Municipal purposes: And Whereas it is expedient that the said

sections or allotments of land should be constituted an estate for purposes of public utility to the said Town.

Preamble.

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

Certain properties to be granted to the Superintendents of Otago, pursuant to the Public Reserves Act, 1854, and to be held for purposes of public utility to the Town of Port Chalmers.

1. It shall be lawful for the said Superintendent, and he is hereby authorised and required to apply for and accept from the Governor of New Zealand, a grant to him, and his successors, Superintendents of the said Province, all such estate and interest as Her Majesty now hath in all and every of the lands specified and described in the schedule hereunto annexed, forming part of the Demesne lands of the Crown in Trust for purposes of public utility to the Town of Port Chalmers, and its inhabitants.

The management thereof by the Town Board of Port Chalmers to be regulated by Ordinance.

2. It shall be lawful for the said Superintendent and Provincial Council, by ordinance duly passed in that behalf, from time to time to alter, vary, particularize, and prescribe all such purposes, and subject thereto the management and administration of the said lands shall be carried on and conducted by the Town Board of Port Chalmers.

Powers to sell, lease, and dispose of the lands.

3. The said lands, or any part thereof, shall not be alienated by way of sale, exchange, or mortgage, or by lease for any longer period than twenty-one years, except by the authority of some Ordinance of the Superintendent and Provincial Council in that behalf, duly passed: Provided, that in case of the sale of any of the said lands, the money or proceeds arising from such sale shall forthwith be applied in the purchase of other lands, to be vested in the Superintendent of the Province of Otago, and his successors in office, upon trust for the same purposes as the lands sold were so invested.

Rents, how to be applied.

4. All the rents, issues, profits, and proceeds arising from the said lands, and from the disposal and occupation thereof shall be, from time to time, paid and accounted for to the Treasurer of the said Town Board, and shall be appropriated to the purposes aforesaid, or in such other manner as may be directed by any ordinance that may be hereafter enacted concerning the same.

Short Title.

5. The short title of this Ordinance shall be, "The Port Chalmers Municipal Estate Ordinance, 1861."

Passed the Provincial Council this eleventh day of December, One thousand eight hundred and sixty-one.

ALEX. RENNIE,
Speaker.

ROBT. CHAPMAN,
Clerk of Council.

Assented to on behalf of the Governor, at Dunedin, this eleventh day of December, One thousand eight hundred and sixty-one.

J. RICHARDSON,
Superintendent of the Province of Otago.

23. All that allotment or parcel of land containing one-quarter of an acre, more or less, being section numbered 333 on the Record Map of the Town of Port Chalmers.

24. All that allotment or parcel of land containing one-quarter of an acre, more or less, being section numbered 343 on the Record Map of the Town of Port Chalmers.

25. All that allotment or parcel of land containing one-quarter of an acre, more or less, being section numbered 353 on the Record Map of the Town of Port Chalmers.

26. All that allotment or parcel of land containing one-quarter of an acre, more or less, being section numbered 363 on the Record Map of the Town of Port Chalmers.

27. All that allotment or parcel of land containing one-quarter of an acre, more or less, being section numbered 373 on the Record Map of the Town of Port Chalmers.

28. All that allotment or parcel of land containing one-quarter of an acre, more or less, being section numbered 387 on the Record Map of the Town of Port Chalmers.



T A B U L A R S C H E D U L E

OF THE

O R D I N A N C E S

OF THE

P R O V I N C I A L C O U N C I L O F O T A G O ,

N E W Z E A L A N D ,

F R O M 1 8 5 4 T O 1 8 6 1 .

D U N E D I N :

P R I N T E D F O R T H E P R O V I N C I A L G O V E R N M E N T B Y D A N I E L C A M P B E L L .

1 8 6 2 .



SCHEDULE OF ORDINANCES

OF THE

PROVINCIAL COUNCIL OF OTAGO,

FROM 1854 TO 1861 INCLUSIVE.

Year.	SESSION AND NUMBER.	SHORT TITLE.	TITLE.	REMARKS, WITH DATE OF CONFIRMATION.
1854	I—No. 1 A.	Executive Council.	An Ordinance to constitute an Executive Government for the Province of Otago. (10th January, 1854.)	15th September, 1854. Constitutes Executive Council; Gazette and Seal. Amended by No. 1, Session 3. Repealed, except sections 2 and 3, by No. 47, Session 12.
"	No. 2 A.	Appropriation	An Ordinance to appropriate the Revenue for the year ending 30th September, 1854. £1995. (2nd February, 1854.)	Obsolete.
"	No. 3 A.	Government Gazette	An Ordinance to regulate the publication and purpose of the Government Gazette for the Province of Otago. (10th March, 1854.)	15th September, 1854.
"	No. 4 A.	Provincial Revenue	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. (10th March, 1854.)	15th September, 1854.
"	No. 5 A.	Dunedin Public Lands	An Ordinance for protecting, leasing, and improving the Lands in and about Dunedin, reserved for public purposes and promoting those purposes. (10th March, 1854.)	15th September, 1854. Repealed by No. 32, Session 7.
"	No. 6 A.	Empowering.	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. (18th March, 1854.)	15th September, 1854.
"	No. 7 A.	Appropriation (Supplementary.)	An Ordinance to augment and appropriate 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. (25th April, 1854.)	15th September, 1854.
"	No. 8 A.	Ferry.	An Ordinance to establish and regulate Ferries. (25th April, 1854.)	15th September, 1854. Amended by No. 3, Session 3.
"	No. 9 A.	Jetty and Wharf	An Ordinance to authorise the erection and maintenance, and to regulate the use of Public Jetties and Wharves. (21st March, 1854.)	15th September, 1854. Extending powers of Commissioners under No. 5, Session 1. Repealed by No. 32, Session 7.
"	No. 10 A.	Public Roads.	An Ordinance for forming, altering, and maintaining Public Roads in the Province of Otago. (25th April, 1854.)	15th September, 1854. Repealed by No. 5, Session 3.

ACTS OF THE PROVINCIAL COUNCIL.

YEAR.	SESSION AND NUMBER.	SHORT TITLE.	TITLE.	REMARKS, WITH DATE OF CONFIRMATION.
1854	I—No. 11 A.	Scab and Catarrh	An Ordinance to prevent the spread of the Diseases called Scab and Catarrh in Sheep or Lambs. (25th April, 1854.)	15th September, 1854. Repealed by No. 12, Session 4.
"	II—No. 12 A.	Provincial Council	An Ordinance to increase the number of Members of the Provincial Council, and also the number of the Electoral Districts and Polling Places, and to provide for making up a new Electoral Roll. (Reserved.)	Assented to 17th March, 1855. Repealed by No. 9, Session 3.
"	No. 13 A.	Board of Audit	An Ordinance to provide for Auditing the Accounts of the Province of Otago. (4th December, 1854.)	17th March, 1855. Amended by No. 42, Session 9.
"	No. 14 A.	Appropriation	An Ordinance to appropriate the Revenue for the half year ending 31st March, 1855. (£2760 13s.) 18th December, 1854.	Obsolete.
"	No. 15 A.	Immigration & British Agent.	An Ordinance for promoting Immigration to the Province of Otago, and for appointing Agents in the United Kingdom for that and other purposes. (28th December, 1854.)	17th March, 1855.
1855	No. 16 A.	Immigration Appropriation and Debentures.	An Ordinance to appropriate a sum for Immigration, and to empower the Superintendent to issue Debentures for the money required. (19th January, 1855.)	17th March, 1855. £4500 appropriated.
"	No. 17 A.	Excess of Expenditure (1853-54).	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 1, No. 2. and the "Appropriation Ordinance (Supplementary)" Session 1, No. 7, of the Provincial Council of Otago. (£215 14s. 1½d.) (22nd February, 1855.)	14th June, 1855.
"	No. 18 A.	Dog Nuisance.	An Ordinance to abate the Dog Nuisance, (27th March, 1855.)	14th June, 1855. Repeals No. 11, 1849, of New Munster.
"	No. 19 A.	Appropriation.	An Ordinance to appropriate the Revenue for the half-year ending 30th September, 1855. (£1698.) 17th April, 1855.)	Obsolete.
"	No. 20 A.	Auctioneers' License	An Ordinance to repeal all former Ordinances and Laws relating to the Licensing of Auctioneers, and to make other provisions in lieu thereof. (1st May, 1855.)	Ordinances No. 13, Session 2, and No. 10, Session 3, of Legislative Council, repealed.
"	No. 21 A.	Fencing	An Ordinance to repeal the Fencing Ordinance, and to make other provisions in lieu thereof. (9th May, 1855.)	8th February, 1856. Repeals No. 8, Session 8, of Legislative Council. Amended by No. 2, Session 3.
"	No. 22 A.	Supplementary Appropriation	An Ordinance to appropriate certain sums for public purposes, not provided for by Appropriation Ordinance for the year 1855. (£935.) (26th May, 1855.)	Obsolete.
"	No. 23 A.	Dunedin Town Board	An Ordinance to constitute a Public Board for the Town of Dunedin. (18th July, 1855.)	8th February, 1856. Power to borrow money and grant securities.

YEAR.	SESSION AND NUMBER.	SHORT TITLE.	TITLE.	REMARKS, WITH DATE OF CONFIRMATION.
1855	No. 24 A.	Dunedin Roads and Streets	An Ordinance to regulate the management and control of streets, and other things in and about Dunedin. (18th July, 1855.)	8th February, 1856. Repeals No. 7, Session 1, of Legislative Council of New Munster.
"	No. 25 A.	Supplementary Appropriation.	An Ordinance to appropriate certain sums for Surveys and Labor. (£500) 17th September, 1855.)	8th February, 1856. [the Session.
1856	III— IV—No. 1	Executive Council and Official Appointments	An Ordinance to amend "An Ordinance to constitute an Executive Government for the Province of Otago." (18th March, 1856.)	No Bill introduced during 27th May, 1856. Amending No 1, Session 1. Amended by No. 42, Session 9. Repealed by No. 47, Session 12.
"	No. 2	Fencing	An Ordinance to amend the Law relative to Fences. (18th March, 1856.)	27th May, 1856. Amends No. 10, Session 2.
"	No. 3	Ferries	An Ordinance to amend "An Ordinance to establish and regulate Ferries." (18th March, 1856.)	27th May, 1856. Amends No. 8, Session 1. Amended by No. 18, Session 4.
"	No. 4	Education	An Ordinance to provide the means of Education within the Province of Otago. (18th March, 1856.)	27th May, 1856.
"	No. 5	Roads	An Ordinance to amend the Law relating to Public Roads within the Province of Otago, and to regulate the management thereof. (18th March, 1856.)	27th May, 1856. Repeals No. 10, Session 1, and Ordinance of Legislative Council, No. 10, Session 1. Amended by No. 14, Session 4, by No. 23, Session 5, and by No. 36, Session 8.
"	No. 6	Debentures	An Ordinance to authorise the raising of money by the sale of Debentures for certain public purposes within the Province of Otago. (18th March, 1856.)	Power to raise £4000 by Debentures. Repealed by No. 10, Session 4.
"	No. 7	Breach of Privilege	An Ordinance for the punishment of persons not Members of the Provincial Council disturbing the proceedings thereof. (14th March, 1856.)	Disallowed, 5th June, 1856.
"	No. 8	Appropriation	An Ordinance to appropriate the Revenue for the year ending 30th September, 1856, and to authorise the Provincial Treasurer to take credit for certain sums paid in course of, but not included in the Appropriation Ordinance for the year ending 30th September, 1855. (£12,863 16s 6d, and £558 4s 9d) (18th March, 1856.)	Obsolete
"	No. 9	Provincial Council	An Ordinance to repeal the Ordinance Session 2, No. 1, and more effectually to regulate the Elections of Superintendent and Members of the Provincial Council. (Reserved.)	Assented to, 27th May, 1856. Repeals No. 1, Session 2. Amended by No. 17, Session 4.
"	V—No. 10	Loan	An Ordinance to authorise the raising of money by the sale of Debentures for certain public purposes within the Province of Otago. (11th December, 1856.)	8th April, 1857. Repeals No. 6, Session 3, and authorises the loan of £35,000.

YEAR.	SESSION AND NUMBER.	SHORT TITLE.	TITLE.	REMARKS, WITH DATE OF CONFIRMATION.
1856	V—No. 11	Appropriation	An Ordinance to appropriate the Revenue for the year ending 30th September, 1857, and to authorise the Provincial Treasurer to take credit for certain sums paid in course of, but not included in the Appropriation Ordinance for the year ending 30th September, 1856. (£46,779 16s. 6d. and £312 3s.) (11th December, 1856.)	Disallowed, 8th April, 1857
"	No. 12	Sheep	An Ordinance to prevent the spread amongst sheep of the Scab or other infectious Disease. (11th December, 1856.)	8th April, 1857. Repeals No. 11, Session 1. Amended by No. 21, Session 5, and by No. 49, Session 12.
"	No. 13	Land Sale and Leases	An Ordinance to authorise the sale of 600,000 acres of land at 10s per acre and to protect Leases of Runs. (Reserved.)	Assented to 27th January, 1857.
"	No. 14	Roads Ordinance Amendment	An Ordinance to constitute or reserve a right of Road through Waste Lands of the Crown, sold or to be sold, and to regulate the compensation for the same. (Reserved.)	Assented to 27th January, 1857. Amends No. 5 Session 3.
"	No. 15	Cemeteries	An Ordinance to authorise the shutting of the present Cemetery at Dunedin and the formation of Cemeteries elsewhere. (11th December, 1856.)	8th April, 1857.
"	No. 16	Towns Cattle Trespass	An Ordinance to amend the "Cattle Trespass Ordinance" passed by the Legislative Council of New Zealand, Session 7, No. 17. (11th December, 1856.)	8th April, 1857. Repeals Section 4 of No. 17, Session 7, of Legislative Council
"	No. 17	Provincial Council Ordinance Amendment	An Ordinance to amend the Provincial Council Ordinance, 1856. (11th December, 1856.)	8th April, 1857. Amends No. 9, Session 3.
"	No. 18	Ferries Ordinance Amendment	An Ordinance to amend the Ferries Ordinance, 1856. (11th December, 1856.)	8th April, 1857. Amends No. 3, Session 3,
"	No.	Local Municipal Estates	An Ordinance to reserve for purposes of public utility within the Town of Dunedin, the Local Municipal Estates reserved by the New Zealand Company's terms of purchase. (Reserved.)	Disallowed, 27th January, 1857.
1857	VI—No. 19	Appropriation.	An Ordinance to appropriate the Revenue for the year ending 30th September, 1857, and to authorise the Provincial Treasurer to take credit for certain sums paid in course of, but not included in the Appropriation Ordinance for the year ending 30th September, 1856. (£46,779 16s. 6d. and £312 3s.) (16th November, 1857.)	Obsolete. In place of No. 11, Session 4.
"	No. 20	Appropriation.	An Ordinance to appropriate the Revenue for the year ending 30th September, 1858, and to authorise the Provincial Treasurer to take credit for certain sums paid in course of, but not included in the Appropriation Ordinance for the year ending 30th September, 1857. (£48,670 and £1016.) (16th November, 1857.)	Obsolete.

ACTS OF THE PROVINCIAL COUNCIL.

YEAR.	SESSION AND NUMBER.	SHORT TITLE.	TITLE.	REMARKS WITH DATE OF CONFIRMATION.
1857	VI—No. 21	Sheep Ordinance Amendment	An Ordinance to amend the Sheep Ordinance, 1856, in so far as relates to the marking of Sheep and in certain other particulars. (16th November, 1857.)	11th February, 1858. Amends No. 12, Session 4.
"	No. 22	Provincial Council Enlargement	An Ordinance to increase the number of members of the Provincial Council and to alter certain of the Electoral Districts of the Province of Otago. (Reserved.)	Assented to 11th February, 1858. Amends No. 5. Session 3. Amended by Amending Ordinance Session 9.
"	No. 23	Local Municipal Estate	An Ordinance constituting as an Estate for purposes of public utility to the Town of Dunedin the Local Municipal Estate, reserved by the New Zealand Company's terms of purchase. (Reserved.)	Assented to 11th February, 1858.
"	No. 24	Local Waste Lands Office	An Ordinance to establish Local or Branch Offices of the Waste Land Board within the Province of Otago. (Reserved.)	Assent withheld, 11th February, 1858.
"	No. 25	Town Land Sales	An Ordinance to authorise the sale of Town Land in particular cases without putting up the same to Auction. (Reserved.)	Assented to, 11th February, 1858.
"	No. 26	Church of England Cemetery	An Ordinance to authorise the Governor to convey a certain allotment or parcel of land in Dunedin for a Cemetery for the use of Members of the Branch of the United Church of England and Ireland in the Colony of New Zealand. (Reserved.)	Assented to, 11th February, 1858.
1858	VII—No. 27	Cattle Trespass	An Ordinance to prevent the trespass of Cattle within the Towns of Dunedin and Port Chalmers. (16th November, 1858.)	6th January, 1859.
"	No. 28	Appropriation No. 1.	An Ordinance to appropriate certain sums out of the Ordinary Revenue of the Province of Otago, to defray an excess of expenditure beyond the grants for the year ending 30th September, 1858. (£5047 5s. 7d.) (16th November, 1858.)	Obsolete.
"	No. 29	Immigration Fund	An Ordinance to provide a Fund for Immigration. (16th November, 1858.)	6th January, 1859. Out of £35,000 Loan, £20,000 for Immigration.
"	No. 30	Pastoral Districts	An Ordinance to enable the Superintendent to constitute Pastoral Districts, and to authorise the assessment of Runs and Levying of Rates therein. (16th November, 1858.)	Disallowed, 6th January, 1859.
"	No. 31	Leases of Jetty Reserves	An Ordinance to authorise the Superintendent of the Province of Otago to grant Leases for a longer term than is allowed by law of certain of the lands held by him on Trust for the public service of the Province. (16th November, 1858.)	6th January, 1859.
"	No. 32	Jetties and Wharves	An Ordinance to authorise the erection and maintenance, and to regulate the use of Public Jetties and Wharves. (16th November, 1858.)	6th January, 1859. Repeals Nos. 5 and 9 of Session 1.

ACTS OF THE PROVINCIAL COUNCIL.

YEAR.	SESSION AND NUMBER.	SHORT TITLE.	TITLE.	REMARKS WITH DATE OF CONFIRMATION.
1858	VII—No. 33	Appropriation No. 2.	An Ordinance to appropriate the Revenue for the year ending 30th September, 1859. (£94,299 12s 2d.) (16th November, 1858.)	Obsolete.
"	No.	Loan	An Ordinance to authorise the raising of money by the sale of Debentures for certain public purposes within the Province of Otago. (16th November, 1858.)	Disallowed, 20th December, 1858. Supplementing No. 10, Session 4, by raising £25,000 additional.
1859	VIII--No. 34	Appropriation	An Ordinance to appropriate the Revenue of the Province of Otago for the period of six months, from and after the 30th day of September, 1859, (£98,198 2s. 6d.) (10th November, 1859.)	Obsolete.
"	No. 35	Pastoral Districts	An Ordinance to enable the Superintendent to constitute Pastoral Districts, and to authorise the assessment of Runs and levying of Rates therein. (10th November, 1859.)	Amending No. 30, Session 7.
"	No. 36	Road Claims	An Ordinance to authorise the Judicial Trial of questions arising out of the making or altering of Roads. (10th November, 1859.)	31st January, 1860. Amends No. 5, Session 3.
"	No. 37	Provincial Council Enlargement	An Ordinance to alter and increase the number of Electoral Districts and of members of the Provincial Council of Otago. (Reserved.)	Disallowed, 31st January, 1860.
"	No. 38	Maori Lodging	An Ordinance to authorise a Lease to His Excellency the Governor of a site for a Lodging in Dunedin for the accommodation of Aboriginal Natives. (Reserved.)	Disallowed, 31st January, 1860.
"	No. 39	Port Chalmers and Invercargill Town Boards	An Ordinance to constitute Public Boards for the Towns of Port Chalmers and Invercargill. (Reserved.)	Assented to, 31st January, 1860.
"	No. 40	Town Roads and Streets	An Ordinance to regulate the management of Streets and other matters within certain Towns of the Province of Otago. (Reserved.)	Assented to, 31st January, 1860.
1860	IX—No. 41	Appropriation	An Ordinance to appropriate the Revenue of the Province of Otago for the period of six months, from and after the 31st day of March, 1860. (£70,550 6s. 9d.) (27th April, 1860.)	Obsolete.
"	No. 42	Board of Audit and Executive Council	An Ordinance to authorise the Auditors and the Members of the Executive Council to act notwithstanding the Dissolution of the Provincial Council. (27th April, 1860.)	6th September, 1860. Amending No. 2, Session 2, and No. 1, Session 3.
"	No. 43	Otago Loan	An Ordinance for raising a Loan of £50,000 for the purposes of Immigration into the Province of Otago. (Reserved.)	Assent withheld, 7th September, 1860.
"	X—	...	...	No Bill introduced.
1860 & 1861	XI—No. 44	Appropriation	An Ordinance to appropriate the Revenue of the Province of Otago for the period of six months, from and after the 30th day of September, 1860. (£126,243 1s 9d.) (4th January, 1861.)	18th February, 1861.