

ORDINANCES

OF THE

PROVINCE OF OTAGO, N.Z.

IN THE THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.



SESSION XXX, 1872.

PRINTED UNDER THE AUTHORITY OF THE PROVINCIAL GOVERNMENT OF OTAGO, BY MILLS,
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SESSION XXX., 1872.

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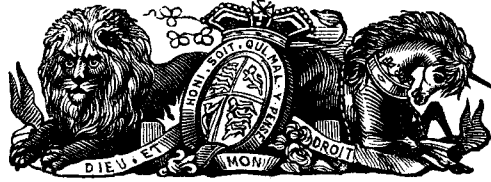
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OTAGO ROADS ORDINANCE AMENDMENT ORDINANCE 1872.

IN THE THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
 QUEEN VICTORIA.

SESSION XXX. No. 364.

ANALYSIS:

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 1. Short Title.
 2. Repeal of sections in previous Ordinance.
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 4. Qualification of member of board. To stand in lieu of Section 13 of Roads Ordinance 1871.</p> | <p>5. Qualification for one vote.
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 7. Roll for first election in districts where there was assessment roll.
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AN ORDINANCE to amend the "Otago Roads Ordinance 1871." Title.
[31ST MAY, 1872.]

WHEREAS an Act was passed in the last Session of the General Preamble.
 Assembly intituled "The Highway Boards Empowering Act 1871" and whereas it is expedient that any provisions contained in the "Otago Roads Ordinance 1871" not in conformity with the provisions of the said Act should be altered or repealed and that the said Ordinance should be amended in certain particulars :

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. This Ordinance may be cited and referred to as the "Otago Roads Short Title.
 Ordinance Amendment Ordinance 1872."

2. Sections numbered thirteen twenty-five thirty-nine forty-two and Repeal of sections in
 one hundred and ninety-nine of the "Otago Roads Ordinance 1871" are previous Ordinance.
 hereby repealed.

3. All lands tenements and hereditaments not being Crown Lands or Property rateable.
 land over which the native title has not been extinguished shall be rateable property within the meaning of the said Ordinance save as is next hereinafter excepted that is to say except land used for public purposes and land in the occupation of hospitals benevolent institutions and buildings used exclusively for public charitable purposes churches chapels and other buildings used exclusively for public worship dwellings of ministers of any religious denomination and buildings used as schools or as residences of schoolmasters or schoolmistresses provided they be inhabited only by the master or mistress of such schools or his or her family and burial grounds and unoccupied land

vested in the Superintendent of the Province or any corporation commissioners or other persons or body under "The Public Reserves Act 1854" or "The Public Reserves Act Amendment Act 1862" or any other Act of the General Assembly or Ordinance of the Province of Otago passed in pursuance of the said two last-mentioned Acts or either of them: Provided that nothing herein contained shall exempt from being rated hereafter any land made liable to be rated under "The Highway Boards Empowering Act 1871" in the event of the said Act being extended to the road districts within the said Province of Otago or any of them.

Qualification of member of board. To stand in lieu of Section 13 of Roads Ordinance 1871.

4. In order that any person may be qualified to be a member of the Board of any district he must have been entitled either under the "Otago Roads Ordinance 1865" or under the "Otago Roads Ordinance 1871" upon the twentieth day of March which shall for the time being have been last past to have been enrolled and must during the whole time for which he is elected continue to be entitled to be enrolled in respect of property of rateable value whether of one or more tenements amounting to Ten Pounds a year at the least on the assessment or voters' roll for the time being in force for such district: Provided that for the first election under the "Otago Roads Ordinance 1871" in any district in which no assessment roll or voters' list shall be in force any person may be qualified to be a member of the board of any district if he be the owner of property within the district which would entitle him to be enrolled on some electoral roll for the district under the provisions of "The Registration of Electors Act 1866" or any Act amending the same.

Qualification for one vote.

5. Instead of the rateable value specified in the twenty-first section of the "Otago Roads Ordinance 1871" entitling the owner or occupier to have one vote the following shall be the rateable value for one vote that is to say a rateable value of not less than ten pounds and less than fifty pounds and any provision to the contrary in the said section contained is hereby repealed.

Interpretation of words.

6. The word "person" and all words importing the masculine gender only contained in the said "Otago Roads Ordinance 1871" shall include females unless the contrary is expressly provided.

Roll for first election in districts where there was assessment roll.

7. For the first election of members of the District Board in every district in which an Assessment Roll shall have been in force under the provisions of the "Otago Roads Ordinance 1865" those persons whose names are entered on such Assessment Roll as rated or liable to be rated and who upon the day of such election shall still hold the same property for which they were rated or liable to be rated and no other person shall on such day as the Superintendent shall appoint not being less than forty days after the same shall have become such district and in manner mentioned in the "Otago Roads Ordinance 1871" elect from the persons capable of being such members the whole number of members assigned to such district.

Proceedings to be summary.

8. All proceedings for offences against the provisions of the "Otago Roads Ordinance 1871" or of any bye-law hereafter legally made by any District Board and all penalties thereby imposed shall be recoverable in a summary way.

Ordinance to be part of previous Ordinance.

9. This Ordinance shall be taken read and interpreted as part of and incorporated with the "Otago Roads Ordinance 1871."

DUNEDIN, NEW ZEALAND:



IMPOUNDING ORDINANCE 1872.

IN THE THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXX., No. 365.

ANALYSIS :

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| <p>Title.
Preamble.
1. Short Title.
2. Ordinances repealed.
3. Superintendent to establish Pounds.
4. And to appoint poundkeepers.
5. Poundkeeper to give security.
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7. Poundkeepers' fees and charges.
8. To be demanded received and accounted for by poundkeeper.
9. Rates of ordinary damage.
10. Cattle trespassing may be impounded on his own ground by the owner or occupier of land trespassed on.
11. Or at once taken to the public pound.
12. Notice of impounding to be left at nearest Police Station.
13. Penalty for otherwise impounding.
14. Poundkeeper to keep a copy of this Ordinance and board of pound fees and charges displayed.
15. And also a pound book.
16. And to permit inspection thereof.
17. Poundkeeper responsible for safe custody of cattle impounded.
18. Keeper of pound to post thereon description of cattle impounded.
19. Notice to be given to owner of cattle impounded.
20. If the cattle be branded and the brand registered and the owner otherwise unknown a notice to be sent to the person so registering.
21. Cattle not released to be sold by auction.
22. When the issuing of the order of sale is deferred poundkeeper to give notice of new.
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25. Proceeds of sale how to be applied.
26. Instead of impounding cattle the party aggrieved may sue for damages.
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28. Penalties for rescue or commission of pound breaches.
29. Poundkeeper may use any adjoining place when necessary for feeding watering or keeping cattle.
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31. Stray cattle not to be taken away without notice to occupier of land they are on.
32. Entire animals wandering at large.
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34. Cattle trespassing to be impounded and not to be released except on payment of expenses and penalty.
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40. Present pounds and poundkeepers excepted.
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42. When feed is chargeable.
43. Poundkeeper to have brand book.
44. Time of impounding restricted.
45. Powers of Superintendent to be vested in President of City Council.
46. Publicans not to be poundkeepers.
47. District road boards and wardens may appoint officers.
48. When fees are chargeable.
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AN ORDINANCE to amend and consolidate the law relating to the Impounding Title.
of Cattle in the Province of Otago. [31ST MAY, 1872.]

WHEREAS it is expedient to amend and consolidate the law relating to Preamble.
the Impounding of Cattle 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. The short title of this Ordinance shall be the "Impounding Short Title.
Ordinance 1872."

2. The several Ordinances of the Superintendent and Provincial Council Ordinances repealed
of the late Province of Southland specified in the first schedule hereto and

the several Ordinances of the Superintendent and Provincial Council of the Province of Otago specified in the second schedule hereto shall be and the same are hereby repealed.

Superintendent to establish pounds.

3. It shall be lawful for the Superintendent to appoint convenient places within the said Province for establishing erecting and maintaining Public Pounds and from time to time whenever it may seem expedient to abolish any Pounds already established or to be established under this Ordinance and establish other Pounds.

And to appoint poundkeepers.

4. It shall be lawful for the Superintendent from time to time to appoint some fit and proper person to be keeper of any such pound and to remove any such poundkeeper and appoint a fit and proper person in his place: Provided that until such appointments respectively all pounds and poundkeepers established and appointed at the passing of this Ordinance shall be deemed to be pounds and poundkeepers established and appointed under this Ordinance and subject to the provisions hereof.

Poundkeeper to give security.

5. Every poundkeeper shall give security for the due performance of the duties of his office by bond to the amount of fifty pounds by himself and two sureties being substantial householders of the Province.

Pounds to be kept secure clean and supplied with water.

6. Every such pound shall be properly fenced and adapted as far as may be for keeping cattle infected with any contagious disease separate from those in health and if any poundkeeper shall knowingly keep or permit to be kept any cattle infected with any contagious disease in the same enclosure with cattle not so infected or shall fail to keep the said pound clean or in good order or the cattle which shall be impounded therein supplied with sufficient wholesome food and water every such poundkeeper shall for every such neglect forfeit and pay any sum not exceeding twenty pounds

Poundkeepers' fees and charges.

7. The fees to be taken and charged by any poundkeeper as and for pound fees and the price to be charged and paid for the sustenance of cattle impounded shall be those specified in the third schedule hereunto annexed: And it shall be lawful for the Superintendent from time to time by notification in the Provincial Government *Gazette* to fix all such other reasonable fees as shall be taken and charged by any poundkeeper for any matter or thing required to be done by him or others under or by virtue of this Ordinance and not herein specially provided for: Provided always that it shall also be lawful for the Superintendent by notification as aforesaid to increase reduce or otherwise vary all or any of the said fees and charges as occasion may require.

To be demanded received and accounted for by poundkeeper.

8. It shall be lawful for the keeper of any public pound to demand and receive for the impounding of any cattle of the several descriptions which shall be impounded therein and for feeding and maintaining the same whilst impounded and for giving notice thereof to the owner and for all other matters and things which are by this Ordinance required to be done all such fees and charges as are hereby authorised or as shall at any time be authorised to be taken and charged as herein provided and such fees and charges shall be duly and faithfully accounted for and paid over by such poundkeeper once in every quarter of a year on or before the first day of January April July and October respectively to the Provincial Treasurer to be applied to the public uses of the Province and the poundkeeper shall submit his accounts to the officer in charge of the nearest police station to be audited by him and shall make an affidavit or declaration before the nearest magistrate to the correctness of his account quarterly: Provided always that it shall be lawful for the Superintendent unless the Provincial Legislature shall otherwise appoint from time to time to appoint and declare that such fees and charges or any proportion thereof shall go and be applied by any such poundkeeper in full payment or to account of salary and remuneration.

9. The rates specified in the fourth schedule hereto annexed may be legally claimed and obtained by the owner or occupier of any lands for the trespass of any cattle thereon without proof of special damage. Rates of ordinary damage.

10. It shall be lawful for the owner or occupier of any land enclosed by a substantial fence upon which land any cattle the owner whereof shall be known to him shall be found trespassing to impound and detain the same in any convenient place upon his lands if he shall think fit so to do provided that he shall within twenty-four hours of such impounding give or cause to be given to the owner of the said cattle the like notice as is hereinafter required to be given to the keeper of any public pound by any person sending cattle thereto: Provided also that he shall keep and maintain the said cattle whilst so impounded and shall not keep them so impounded longer than three whole days of twenty-four hours each but shall at the expiration of such three days if not sooner released upon payment of his lawful charges drive or send the said cattle to the public pound nearest or most convenient to the said land and cause them to be lodged therein: And provided further that any person impounding cattle on his own land as aforesaid shall not be entitled to demand or receive any compensation for damage done by the said cattle save and except for such damage as was done before the first mentioned impounding or any fee or charge for impounding except at such rate as shall by law be chargeable by the keeper of the nearest public pound for feeding and maintaining the same: Provided also that nothing herein contained shall be deemed to bar or defeat any claim demand action or complaint for the recovery at common law of damages for trespass or trespasses made done or committed upon lands or hereditaments not fenced or otherwise enclosed within the meaning of this Ordinance or any other Ordinance for the time being in operation regulating the Impounding of Cattle. Cattle trespassing may be impounded on his own ground by the owner or occupier of land trespassed on.

11. It shall also be lawful for such owner or occupier upon whose land so enclosed any cattle shall be found trespassing to drive or send the said cattle to the public pound nearest or most convenient to the said land and he shall in a written memorandum specify to the keeper of the pound the number and kinds of the cattle impounded and the name of the owner if he be known or supposed owner or otherwise state that the owner is wholly unknown to him the place where the said cattle were trespassing and the amount of the damage claimed for the trespass. Or at once taken to the public pound.

12. Every person driving or sending cattle to the public pound under the authority of either of the two immediately preceding sections of this Ordinance shall in writing give notice at the police station nearest to the said pound of the number and description of such cattle and such notice may be sent by post in a letter registered in terms of the regulations of the post office in force at the time. Notice of impounding to be left at nearest police station.

13. If any owner or occupier of land or other authorised person wilfully and maliciously shall impound any cattle in any pound or place not authorised by this Ordinance or in any manner contrary to the provisions hereof every person so offending shall forfeit and pay a fine not less than five pounds and not exceeding twenty pounds for every such offence. Penalty for otherwise impounding.

14. The keeper of every public pound shall have and preserve at or near to the said pound a copy of this Ordinance and also erect and maintain in some conspicuous part of the pound under his charge a white board having painted thereon in legible black letters a table of all such fees and charges as he may be authorised to demand and receive and if he shall fail or neglect to maintain the same or shall permit any false statement to appear thereon he shall be liable to a fine of five shillings for every day during which he shall fail or neglect to maintain the same or shall permit any false statements to appear thereon. Poundkeeper to keep a copy of this Ordinance and board of pound fees and charges displayed.

And also a pound book.

15. Every such poundkeeper shall also keep a pound-book ruled marked and divided into columns as near as may be in the form in the sixth Schedule to this Ordinance annexed and shall enter in the said book in a legible hand the particulars of all cattle lodged in the pound specifying the day and hour as near as may be when and the cause for which and by whom the same were respectively impounded the time and mode of giving notice of the said impounding as by this Ordinance required and also when and in what manner the same were released and by whose order and to whom delivered and the particulars of all sales and of the proceeds thereof and the said entries shall be made at the time the said acts were respectively done or as soon after as possible but not after any dispute concerning such entry shall have arisen and if any poundkeeper shall wilfully delay making any entry or shall knowingly make any false entry in the said pound-book or shall wrongfully erase or destroy any entry previously made therein he shall forfeit and pay for every such offence a sum not exceeding twenty pounds: The pound-book shall be audited and certified to by the officer in charge of the nearest police station at the time the poundkeeper's quarterly account is audited as before provided.

And to permit inspection thereof.

16. The copy of this Ordinance and the table of fees charges and rates required to be kept by every keeper of a public pound as aforesaid and his said pound-book shall at all reasonable times be produced by him and be open for the inspection of any person desiring to see the same without fee and the said poundkeeper if required shall grant extracts signed by himself from the said pound-book upon payment of one shilling for every such extract not exceeding one hundred words and sixpence for every subsequent number of words not exceeding one hundred and if any poundkeeper shall neglect or refuse to allow such inspection or to grant such extracts upon his lawful fee for the same being first paid or offered he shall forfeit and pay for every such default a sum not exceeding five pounds.

Poundkeeper responsible for safe custody of cattle impounded.

17. The keeper of every public pound shall receive and detain in his custody any cattle lodged in such pound and shall be responsible to the owner thereof for every loss or damage sustained by the wilful act or the neglect of such poundkeeper or his servants and the said poundkeeper shall and may detain all cattle so impounded until the sum for which the same were impounded together with the lawful fees and charges shall be paid or tendered or until he shall receive notice of the decision or order of a Court of competent jurisdiction or the written order of the person impounding such cattle to deliver the same on payment being made of the lawful fees and charges exclusive of any damages that may be claimed.

Keeper of pound to post thereon description of cattle impounded.

18. The keeper of every such pound shall also whenever and so often as any cattle shall be impounded immediately post a written notice on the gate or some other conspicuous part of the pound setting forth a description of such cattle and such notice shall remain so posted until the said cattle shall have been claimed or otherwise disposed of by due course of law and every such poundkeeper who shall neglect within twenty-four hours of the impounding to post such notice and every person who shall when any such notice has been posted remove the same while effective without the authority of the poundkeeper shall for every such offence forfeit and pay any sum not exceeding five pounds.

Notice to be given to owner of cattle impounded.

19. When any impounded cattle shall not be followed to the pound or immediately claimed by the owner thereof or by some one on his behalf the keeper of the said pound shall within twenty-four hours of the impounding send notice in writing to the owner if he be known which notice shall be delivered to such known owner or his agent or overseer personally or left at the usual place of residence of such owner agent or overseer provided the known owner agent or overseer reside within three miles of the said pound

and if the said known owner shall reside at a greater distance and have no known agent or overseer residing within three miles such notice may be sent through the Post Office by registered letter to the place of residence of such owner his agent or overseer and every such notice shall contain the same particulars as are required to be given to the poundkeeper by the person impounding the same and shall also contain notice of the time when and the place where the said cattle will be sold if not sooner released from the said pound and also the sum of money for which the same were impounded ; And if neither owner nor agent nor overseer be known to the said poundkeeper he shall cause the like notice to be posted at the nearest police station and a notice in the form or to the effect in the seventh Schedule hereunto annexed to be inserted in the Provincial Government *Gazette* and a newspaper in circulation within the Province which shall severally be published next after the expiration of the said twenty-four hours and in which it shall be possible to cause the same to be inserted : Provided that when the cattle impounded under the provisions of this Ordinance shall consist of sheep goats swine or calves and be not more than two in number it shall not be necessary to give any other notice of such impounding than by affixing notice thereof on the pound and at the nearest police station in manner hereinbefore directed.

20. When any cattle are impounded the owner of which is unknown if such cattle be branded with any brands or marks it shall be the duty of the keeper of the pound wherein they have been lodged within twenty-four hours thereafter to use all necessary means for ascertaining whether the said brands or marks are registered in the register of brands and if so registered the said poundkeeper shall immediately deliver or cause to be delivered to the person in whose name it shall appear that any such brand or mark is so registered or to his known agent or overseer or leave or cause to be left at the usual place of abode of such person his agent or overseer provided such person his agent or overseer reside within three miles of the pound a like notice to that posted at the police station and if such person his agent or overseer reside at a greater distance than three miles such notice may be sent through the post office by registered letter to the place of residence of such person his agent or overseer.

If the cattle be branded and the brand registered and the owner otherwise unknown a notice to be sent to the person so registering.

21. If any impounded cattle shall not be released from the pound within seven clear days after notice shall have been served as aforesaid or within fourteen clear days after such notice shall have been posted as aforesaid it shall be lawful for the poundkeeper to fix a day for the sale of such cattle and to sell the same as hereinafter provided.

Cattle not released to be sold by auction.

22. The said poundkeeper shall give notice of such sale to the owner registered person agent or overseer personally or at his usual place of abode or through the post-office or by such public notice as aforesaid as the case may require and as hereinbefore provided for giving the original notice of impounding in such cases respectively : Provided always that when any delay and suspension of sale shall be necessary in consequence of the neglect of the said poundkeeper the costs of all further proceedings and notice as well as of the future feeding and maintaining of the said cattle shall be borne by the said poundkeeper.

When the issuing of the order of sale is deferred poundkeeper to give notice of new.

23. All sales shall take place at the public pound at the hour of noon of the day named in the *Gazette* under the nineteenth section and shall be by auction to the highest bidder and may be conducted by the poundkeeper notwithstanding that he shall not have taken out a license as an auctioneer and not more than ten head of sheep or goats or two pigs or one horse or one head of any other cattle shall be put up for sale in one lot and neither the person who impounded the said cattle nor the keeper of the said pound shall either personally or by any other person purchase any of the said cattle

Place time and mode of sale.

or any interest therein upon pain that every person so offending shall forfeit and pay for every such purchase contrary to the true intent and meaning hereof the sum of five pounds to be recovered in a summary way over and above restitution of the animals so purchased: Provided that if it shall appear to the poundkeeper that the proceeds of the sale of any cattle impounded may not be sufficient to satisfy the lawful fees and charges due to the poundkeeper if such cattle shall be maintained in the pound until the day of sale as hereinbefore provided it shall be lawful for such sale to take place upon any day he shall think fit earlier than the day of sale hereinbefore directed provided that a notice of such earlier sale shall have been published in a local paper.

Poundkeeper may order sale of cattle sooner.

Poundkeeper may fix upset price at auction sale of impounded cattle.

24. It shall be lawful for the keeper of any pound conducting a sale by auction of any impounded cattle to fix an upset price for such cattle not exceeding the amount of the fees and charges due to himself in respect thereof and to offer such cattle for sale at such upset price and if at such auction no higher bid shall be made for such cattle than the upset price at which the same shall be put up such cattle shall thereupon become and be the absolute property of the keeper of the pound at such upset price.

Proceeds of sale how to be applied.

25. It shall be lawful for every such poundkeeper to receive the price of any impounded cattle sold as aforesaid and to apply the same first in the payment of all lawful fees and charges due to himself secondly in the payment of the sum if any due to the party at whose instance the same were impounded and the residue he shall pay over to the owner of the cattle sold when he is known or to his known agent or overseer upon the same being demanded and take receipt for all payments made by him and if the owner of the cattle shall be unknown and have no known agent or overseer the said poundkeeper shall at the end of the quarter and when he makes his quarterly returns as provided for in section eight after the sale pay such residue into the hands of the Provincial Treasurer in trust for the party entitled thereto and the receipt of the said Treasurer shall be the legal discharge of the said poundkeeper for the amount named therein and in case no claim to the same shall be duly made within two years next after the said money shall have been so paid into the hands of the said Treasurer such money shall be subject to be appropriated to the public uses of the said Province by the local legislature thereof.

Instead of impounding cattle party aggrieved may sue for damages.

26. For the purpose of avoiding as far as may be the impounding of cattle it shall be lawful for any person upon whose land substantially fenced as aforesaid any cattle shall be found trespassing to take drive or send such cattle to their owner or his known agent or overseer and such owner agent or overseer is hereby required to pay the rates of damage specified in the said fourth Schedule as and for a satisfaction of the said trespass and if the owner of such cattle or some person on his behalf shall not pay the amount of such rates of damage upon the same being demanded it shall be lawful for the party aggrieved by such trespass instead of impounding the cattle to sue for such rates of damage and recover the same in any court of competent jurisdiction.

Or may waive assessed damages and proceed for special damages.

27. Nothing herein contained shall extend or be construed to prevent the owner or occupier of any land trespassed upon and being substantially fenced from waiving the ordinary damages herein provided and claiming in any competent court full satisfaction for any special damage sustained by him in consequence of any trespass.

Penalties for rescue or commission of pound breaches.

28. If any person shall rescue or attempt to rescue any cattle which shall have been lawfully seized for the purpose of being impounded or shall break down injure or destroy any pound legally erected whether any cattle shall be impounded therein or not or shall commit any pound breach or

rescue whereby any cattle of any description shall escape or be enlarged from any such pound every such person shall upon conviction of such offence be liable to suffer fine not exceeding twenty pounds and imprisonment with or without hard labour for any period not exceeding four calendar months.

29. Any poundkeeper may send any cattle which may have been impounded out of such pound at such times and to such places near to such pound as he may see fit for the purpose of feeding grazing or watering any such cattle or suitably keeping them when such pound is too small conveniently to hold the number of cattle required to be impounded therein provided all such cattle shall be placed and kept in some secure enclosure near the said pound and every such poundkeeper shall be personally responsible for the custody of such cattle in the same manner and shall be entitled to the same fees as if such cattle were lodged or kept in the pound.

Poundkeeper may use any adjoining place when necessary for feeding watering or keeping cattle.

30. If any poundkeeper shall take or demand any greater sum for the impounding of any cattle or for pound fees or for damages or for sustenance or for doing any matter or thing than such poundkeeper shall be authorised to take or shall fail to pay to the person impounding any cattle any damages such poundkeeper may have received from the owner of such cattle on account of any such impounding or shall neglect or fail to provide proper and sufficient sustenance for any cattle impounded or to take care thereof respectively or shall ride or use any cattle or if any such poundkeeper shall fail to comply with or shall offend against any of the provisions of this Ordinance for which a penalty is not expressly named or shall otherwise misconduct himself as a poundkeeper every such poundkeeper so offending shall on conviction forfeit and pay a penalty not exceeding twenty pounds besides being liable in any damages that may be justly due to the party injured by such misconduct.

Penalty for neglect of duty on part of poundkeeper.

31. It shall not be lawful for any person to drive any cattle from the land and out of the herds of any other person without first giving notice to such last mentioned person his agent or overseer of the time he intends to drive away such cattle and any person who shall fail to give such notice as hereby required or who shall enter upon any other person's lands for the purpose of driving any cattle or shall attempt to drive any cattle without giving such notice or who shall drive away any cattle other than his own or his master's or employer's from the land and out of the herds of any other person shall on conviction of every such offence forfeit and pay any sum not exceeding fifty pounds.

Stray cattle not to be taken away without notice to occupier of land they are on.

32. If any entire horse ass or mule shall be found wandering at large on land not being in the lawful occupation of the owner of such animal or if any bull shall be found wandering at large on land without the limits of a Hundred not being in the lawful occupation of the owner thereof such animal shall be liable to be impounded under the provisions of this Ordinance and the owner thereof shall be further liable to a penalty of not more than twenty pounds: Provided always that this shall not apply to such animals grazing within Hundreds the owners whereof have permission from the proper authority for animals over six months old.

Entire animals wandering at large.

33. Any person in occupation of land by lease or license granted by or on behalf of the Crown for pastoral purposes only is hereby empowered to impound any cattle trespassing thereon: Provided that it shall not be lawful for any occupier of any such land that is not enclosed with a substantial fence to impound any sheep unless such sheep be thereon contrary to the provisions of the "Sheep Ordinance 1867" or any Ordinance amending the same nor to impound any other cattle of any person who may be travelling therewith along any public road or thoroughfare passing through

Occupants of runs may impound.

such land or who may stop upon such land during one night or day for necessary rest provided that such cattle shall not be at a greater distance from such road or thoroughfare than three quarters of a mile and shall not be affected with any infectious disease: Provided also that nothing herein contained shall be held to affect any of the provisions of the said "Sheep Ordinance 1867" or any Ordinance amending the same.

Cattle trespassing to be impounded and not to be released except on payment of expenses and penalty.

34. Every constable is hereby empowered to impound any cattle found trespassing in breach of any law in force within towns or municipalities in the Province and such cattle shall be received into and kept in the pound to which they shall have been driven until released or sold under this Ordinance: Provided that if any cattle so impounded shall be claimed before the time of such sale by the owner thereof such cattle shall be released on payment of the expenses of driving in impounding and keeping such cattle together with any penalty that may have been inflicted in any Court of competent jurisdiction.

Sufficient fence.

35. For the purposes of this Ordinance a sufficient fence shall be deemed to be any fence of the description in the schedule annexed to any Fencing Ordinance in force in the Province of Otago.

Cattle trespassing in towns.

36. If any cattle shall be found wandering at large within the limits of any town the owner thereof shall be liable to a fine of not less than five shillings nor more than one pound for every head of cattle so trespassing and it shall be lawful for any one thereupon to impound such cattle and if such cattle shall do any damage to any property within the limits of such town the person suffering such damage may recover from the owner of such cattle either "ordinary damages" or "special damages" as he shall think fit to sue for.

Cattle tethered in towns.

37. If any cattle shall be found tethered in any street thoroughfare or other public place within the limits of any town also immediately adjoining to such street thoroughfare or public place so as to obstruct the same it shall be lawful for any person to impound such cattle and the owner thereof shall be liable to a fine of not less than five shillings nor more than one pound for every head of cattle so tethered.

Maximum penalty.

38. No penalty to be imposed in any one conviction under the provisions of this Ordinance shall exceed the sum of one hundred pounds.

Fines to be recoverable in a summary way.

39. All fines and penalties imposed under the authority of this Ordinance shall be recoverable in a summary way.

Present pounds and poundkeepers excepted.

40. Until further proceedings in that behalf in pursuance of this Ordinance as hereinbefore provided the public pounds at present by law established shall be taken and deemed to be public pounds and the poundkeepers thereof to be poundkeepers within the meaning and under the authority of this Ordinance.

Interpretation of terms used in this Ordinance.

41. In the construction and for the purposes of this Ordinance if not inconsistent with the context or subject matter the following terms shall have the respective meanings hereby assigned to them that is to say—

The term "cattle" shall be deemed and taken to mean and to include horses mares geldings colts fillies asses mules bulls cows oxen heifers steers calves rams ewes sheep lambs goats and swine: And the word "sheep" shall mean and include rams ewes wedders and lambs and the said terms shall be deemed and taken to apply to any one animal of the said several kinds.

The words "owner of cattle" shall be taken to mean the person having the lawful charge control and management of such cattle.

The word "town" shall be taken to mean any municipality or borough established under the "Otago Municipal Corporations Ordinance 1865" or under the "Municipal Corporations Act 1867" or any other Ordinance or Act establishing municipal corporations and the towns and townships established by the authority of the Provincial Government or by any private person who shall have deposited a plan thereof with the Registrar of Deeds.

The words "ordinary damages" shall be deemed to be the amount of damages in every case respectively according to the scale set forth in the fourth schedule annexed hereto.

The word "residence" of the owner of any cattle shall be taken to mean the nearest known residence or homestead in use by the owner of such cattle.

The word "occupier" of any land shall be taken to mean the person having the use or occupation of such land or holding a license from the owner for the depasturing cattle thereupon or the agent bailiff or servants of such person.

The term "poundkeeper" shall mean and include any person who may have the authorised charge of any pound whether such poundkeeper shall be gazetted as such poundkeeper or not or whether such poundkeeper shall hold any other office or have any other designation or not.

42. Any cattle which may be impounded shall not be liable for feed charges until they shall have been eight hours in the pound. When feed is chargeable

43. Every poundkeeper shall be furnished with a copy of the brand book in force for the time being in the district in which the pound under his charge is situated. Poundkeeper to have brand book.

44. No poundkeeper shall receive or allow any cattle to be impounded from sunset to sunrise unless they have been driven from a distance of at least five miles. Time of impounding restricted.

45. All powers vested by this Ordinance in the Superintendent shall upon the establishment of any county under the "Counties Ordinance" vest in and be exercised by the president of such County Council in so far as regards such county. Powers of Superintendent to be vested in President of City Council.

46. No person who is licensed as a publican shall be appointed a poundkeeper. Publicans not to be poundkeepers.

47. It shall be lawful for wardens of hundreds and district road boards to appoint officers who shall have power to seize and drive to the nearest pound all cattle found straying on hundreds or on roads: Provided always that in every such case of impounding the same procedure shall be followed as is before described in the case of impounding by private persons. District road boards and wardens may appoint officers.

48. It shall not be lawful for rangers of hundreds or other Government salaried officers to charge fees for driving except when assistance is required and the sum to be charged for such assistance shall not exceed twenty shillings per day and shall be regulated in terms of the Fifth Schedule annexed hereto. When driving fees are chargeable.

THE FIRST SCHEDULE.

Short Title of Ordinance.	Session and Number.	Date.
Cattle Trespass Ordinance 1866	29° Vict. No. 72	1866
Cattle Trespass Ordinance 1866 Amendment Ordinance 1867	30° Vict. No. 82	1867

THE SECOND SCHEDULE.

Short Title of Ordinance.	Session and Number.	Date
Impounding Ordinance 1862	26° Vict. No. 112	1862
Impounding Ordinance 1862 Amendment Ordinance 1865 ...	28° Vict. No. 200	1865
Impounding Ordinance Amendment Ordinance 1870 ...	33° Vict. No. 304	1870

THE THIRD SCHEDULE.

POUNDAGE FEES.

	s.	d.
For each Entire Horse above the age of 12 months	2	6
" Mare, Gelding, Colt, Filly, Foal, Mule, Ass, Goat, or Pig ...	1	0
" Bull, above the age of 12 months	2	6
" Ox, Cow, Steer, Heifer, or Calf, for the first ten	0	6
" Ditto ditto the next ten	0	4
" Ditto ditto the next thirty	0	3
" Ditto ditto above fifty	0	2
" Ram, above the age of 9 months	1	0
For each Ewe, Wether, or Lamb, for the first twenty	0	2
" Ditto ditto the next thirty	0	1½
" Ditto ditto the next fifty	0	1
" Ditto ditto above 100	0	0½

The above Fees to be paid for each day, or part of a day, during which the animal is kept in Pound.

CHARGES FOR FOOD.

	s.	d.
For every Entire Horse, and every Bull	3	0
" Mare, Gelding, Mule, Ass, Colt, Filly, or Foal	2	0
" Cow, Ox, Steer, or Heifer	1	0
" Sheep or Lamb	0	3
" Goat	0	4
" Boar, Sow, or other Pig	1	0

The above charges to be paid for each day of 24 hours, or part of a day, during which the animal is supplied with food and water by the poundkeeper, but the owner may supply food and water, in which case these charges are not to be made.

THE FOURTH SCHEDULE.

RATES OF ORDINARY DAMAGES TO BE CHARGED FOR CATTLE TRESPASSING.

Description of Cattle, &c., Trespassing.	In any paddock of grass or stubble enclosed by a substantial fence.	In any garden, uncut meadow, growing crop of any kind enclosed by a substantial fence.
	s. d.	s. d.
For every Entire Horse, Mule, Ass, or Bull	5 0	15 0
„ Mare, Gelding, Filly, Cow, Ox, Steer, or Heifer ...	2 0	4 0
„ Sheep or Lamb	0 4	0 8
„ Pig	2 0	4 0
„ Goat	1 0	2 0
„ Calf	1 0	2 0

THE FIFTH SCHEDULE.

DRIVING FEES.

No charge to be made within three miles.
 No salaried officer of the Government to be allowed charges on his own account for driving.
 No charge to exceed, in the aggregate for driving, twenty shillings per day for man and horse.

SIXTH SCHEDULE.

FORM OF POUNDKEEPER'S BOOK.

Date.	Time.	Particulars of Cattle impounded.	Brands. Marks.	Owner.	By whom impounded	For what cause impounded.	Time and mode of giving notice.	How disposed of.	Time when released or sold.	Particulars of release or sale.

SEVENTH SCHEDULE.

FORM OF ADVERTISEMENT IN THE GOVERNMENT "GAZETTE."

Impounded on the _____ day of _____ 18 ____ by [here state the name and address of the party impounding, and the number, description, and brands of the cattle impounded] supposed to belong to [here describe the land where the cattle or other animals were trespassing] for which [here state the damage claimed] and in default of being released the above cattle will be sold at the Public Pound at _____ on the day of _____ 18 ____, at twelve o'clock noon.

A. B.,
 Poundkeeper of the _____ Pound.

DUNEDIN, NEW ZEALAND:



FENCING ORDINANCE 1872.

IN THE THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXX. No. 366.

ANALYSIS :

- | | |
|---|--|
| <p>Title.
Preamble.
1. Short Title.
2. Repeal of Ordinances.
3. Fences described in the Schedule to be deemed a sufficient fence.
4. Notice must be given to fence.
5. Notice how given. Notice how proved.
6. If parties cannot agree fence may be made.
7. If default made by one party other may fence and recover one half of factual cost.</p> | <p>8. Occupier may recover from owner. In certain cases occupier not to recover. Existing agreement.
9. Half of dividing fence may be on adjoining land. Posts may be placed on boundary line.
10. Owner or occupier of land to keep road clear of young gorse plants.
11. A boundary fence may be made of thorns and the adjoining proprietor shall be liable for half of the value of it.
12. Half the cost of repairing fence to be paid by adjoining owner or occupier.
13. Not a sheep fence. Shall be made a sheep fence.
14. Limitation of amount to be recovered.
Schedules A B and C.</p> |
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AN ORDINANCE *to Consolidate and Amend the laws relative to Fences.* Title.
[31ST MAY, 1872.]

WHEREAS it is expedient to consolidate and amend the Laws now in force in the Province of Otago relative to the fencing of land : 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. This Ordinance may be cited and referred to as the “Fencing Ordinance 1872.” Short Title.

2. Except as hereinafter mentioned the Ordinances in Schedule A hereto annexed shall be and the same are hereby repealed : Where before the coming into operation of this Ordinance any notices have been given or any liability incurred under any of the Ordinances mentioned in the said Schedule or any matter or thing done before the coming into operation of this Ordinance has accrued or any action suit or other proceeding in respect of such matter or thing has been commenced every such notice matter or thing shall be of the same force and effect and every such liability shall continue and every such action suit or other proceeding shall be prosecuted continued and defended as if such Ordinances were not repealed. Repeal of Ordinances

3. In the construction of this Ordinance and any other Ordinance in force in any part of the Province of Otago the term “sufficient fence” or “substantial fence” shall be taken to include all fences of the description Fences described in the Schedule to be deemed a sufficient fence.

in Schedule B hereto annexed : Provided always that no person shall be entitled to erect any such fence as is described in Clauses Nos. 1 and 14 and 17 of Schedule B within the limits of a town and that the fence described in the said Clauses Nos. 14 and 17 shall only be a sufficient fence in the case of a dividing fence between the lands comprised in a pastoral lease and any adjoining land : And provided also that where a sufficient fence has already been erected under the provisions of the Ordinances hereby repealed it shall not be necessary that any such fence should until its re-erection be made a sufficient fence within the meaning of this Ordinance.

Notice must be given
to fence.

4. Before any person shall erect or make a sufficient fence dividing his land from land adjoining thereto such person is hereby required to give to the occupier or if there be no occupier to the owner of such adjoining land or if the owner be absent from the Province or Colony then by delivering the same to or leaving the same at the residence or place of business of his known agent resident in the Province a notice in writing in the form or to the effect of that contained in Schedule C hereunto annexed of such person's intention to erect or make such sufficient fence : And if such person shall erect such fence without giving notice as aforesaid the occupier or owner as the case may be of such adjoining land shall not be liable to pay any portion of the value of such fence : Provided also that in the event of any adjoining lands being Crown lands at the time of the erection of any fence within the meaning of this Ordinance the purchaser occupier or Crown lessee of such adjoining lands shall not later than six calendar months after the time of his becoming the purchaser occupier or lessee upon notice being given as aforesaid pay to the owner occupier or Crown lessee who has erected the fence one-half of the then value of such fence.

Notice how given.

5. Every such notice may be served upon such occupier or owner either personally or by leaving the same with some adult inmate at his usual residence or if such owner shall be absent from the Province then by delivering the same to or leaving the same at the residence of his known agent in the same manner and if there shall be no such agent resident in the Province then it shall be sufficient to insert such notice at least three consecutive times in the *Government Gazette* of the Province : Provided always that the burden of proving the due service or publication of every such notice shall rest with the giver of the notice.

Notice how proved.

If parties cannot agree
fence may be made.

6. If within two months after the service of such notice or publication thereof as hereinbefore provided the giver and receiver thereof do not enter into an agreement as to the nature of the fence to be made and the cost thereof and the mode and time of making the same the person giving such notice may proceed to erect a sufficient fence within the meaning of this Ordinance and the owner or occupier of such adjoining land to whom such notice shall have been given shall be liable for and shall pay to such person or any other in his right within three months after a demand made upon him personally or at his dwelling-place if within the Province or upon or at the residence of his known agent if absent from the Province or 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 one month from the time of so availing himself of it one-half of the original value of such fence as divides the said several properties.

If default made by
one party other may
fence and recover one
half of actual cost.

7. If either party shall neglect or fail for the space of one month to perform his part of any such agreement which may be so made the other party may thereupon or at any time within six months thereafter make a fence of the kind or description so agreed upon or may at his discretion make any other sufficient fence within the meaning of this Ordinance and may immediately thereupon or at any time thereafter recover from the defaulting party one half of the actual cost of making such fence.

8. Any occupier shall be entitled at the expiration of the time for which he shall hold the land fenced under this Ordinance to recover from the owner thereof the half of the then value of any fence made under this Ordinance: Provided that where the occupancy is for a term of which less than two years shall be unexpired at the time of the making of the fence it shall not be lawful for the occupier of any land to recover from the owner thereof the value of any such fence unless he shall previously to the making thereof have received notice from an adjoining occupier to make such fence or unless he shall have obtained the consent in writing of the owner of such land to the making thereof: Provided always that nothing herein contained shall make void or affect any covenant or agreement relative to fencing which shall be now subsisting or shall be hereafter entered into between adjoining occupiers or owners or between landlord and tenant under any lease or by implication of law or otherwise.

Occupier may recover from owner.

In certain cases occupier not to recover.

Existing agreement.

9. The owner or occupier of any land in the Province of Otago not being within the limits of any town may in making a fence of the description No. 1 Schedule B dividing his land from the land thereto adjoining make a ditch on such adjoining land and use the soil taken therefrom towards the making of a bank and he may also place the half of the bank on 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 gorse or broom may have been planted and kept in good thriving condition thereon so as to disturb or injure such hedge without the consent of the owner or occupier of such land first obtained: And where a dividing fence is made of the description No. 2 of Schedule B the posts of such fence shall be placed on the boundary line.

Half of dividing fence may be on adjoining land.

Posts may be placed on boundary line.

10. The owner or occupier of any land fenced with a gorse fence running along any road shall be held liable to keep the road in front of the said fence clear of young gorse plants and should he fail to do so the district road board shall on the complaint of any two proprietors or occupiers of land within the said district cause the work to be done at the expense of the owner or occupier of the said land the amount to be recovered in a summary way: Provided always that the road board shall give one calendar month's previous notice in writing to the owner or occupier of such land.

Owner or occupier of land to keep road clear of young gorse plants.

11. It is hereby specially provided that where a proprietor tenant or occupier shall plant a hedge of white thorns on the boundary between his own lands and those of an adjoining proprietor tenant or occupier he may make fences sufficient for their protection and one of such fences may be placed on the adjoining land: Provided always that no adjoining proprietor tenant or occupier shall be liable to pay as his half of the value of such hedge and protecting fences a greater sum than thirty shillings per chain for it and them: Provided also that where a boundary fence has been erected for three years any person may elect to plant a hedge of white thorns on such boundary the adjoining proprietor tenant or occupier shall in like manner be liable to pay as half his half of the value of such hedge and protecting fences a sum not exceeding fifteen shillings per chain.

A boundary fence may be made of thorns and the adjoining proprietor shall be liable for the half of the value of it.

12. When any sufficient dividing fence shall require cutting trimming cleansing or repairs or shall become insufficient the same shall be cut trimmed cleansed and repaired at the joint expense of the owner and occupier of the adjoining land and any owner or occupier of land adjoining such fence (having given notice in writing to the other owner or 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 person for the space of one month to contribute one-half of such expense cause the same to be cut trimmed cleansed or repaired and made a sufficient fence and shall thereupon be entitled to recover from such adjoining owner or occupier one-half the cost of so cutting trimming cleansing or repairing such fence.

Half the cost of repairing fence to be paid by adjoining owner or occupier.

Not a sheep fence.

13. It is hereby specially provided that Clause 5 of Schedule B hereto annexed is only applicable as a fence under this Ordinance where both proprietors or occupiers do not keep sheep but should any proprietor or occupier after such fence shall have been erected elect to keep sheep the fence shall be constructed as provided for in Clause 6 of Schedule B hereto annexed and the adjoining proprietor or occupier shall after having received one month's notice in writing of the fence having been so constructed pay one-half of the cost of such construction.

Shall be made a sheep fence.

Limitation of amount to be recovered.

14. No greater sum shall be recovered under the provisions of this Ordinance in respect of the making of any fence than the sum of thirty shillings per chain in country districts and forty shillings per chain in the towns of the Province of Otago for the half cost of any fence.

SCHEDULE A.

Fencing Ordinance 1855, No. 21A.

Fencing Ordinance 1856, No. 2.

Fencing Ordinance 1856, Amendment Ordinance 1865, No. 216.

Fencing Ordinance 1867, Amendment Ordinance 1871, No. 346.

SCHEDULE B.

1. A bank or dyke not less than four feet six inches high substantially formed with turf on both sides on a base not less than three feet six inches broad and having a ditch not less than three feet wide and two feet deep on each side of such bank.

2. For swampy land a ditch not less than six feet wide and two feet deep with bank not less than three feet high, with posts not less than four feet high from the surface of the ground and more than nine feet apart with not less than two rails or three wires or with one rail and two wires or posts and four rails or posts and seven wires with ditch as already described and no bank the posts being not less than four feet six inches high from the surface of the ground nor more than nine feet apart where rails are used nor more than eight feet apart where wires are used the posts being inserted into the ground not less than two feet.

3. A bank or dyke not less than two feet six inches high substantially formed with turf on both sides on a base not less than three feet broad and a ditch not less than two feet six inches wide and two feet deep on each side of such bank with posts not less than four feet six inches high from the surface of the ground and not more than nine feet apart with not less than two rails or four wires and in the case of a three feet bank three wires.

4. A bank or dyke not less than two feet six inches high with a ditch not less than three feet wide and two feet six inches deep with posts not less than four feet six inches high from the surface of the ground nor more than nine feet apart inserted not less than two feet into the ground with three rails or wires the posts to be not more than eight feet apart.

5. A fence of posts and four rails the posts to be not less than five feet high from the surface of the ground and not more than nine feet apart inserted not less than two feet into the ground the upper rail to be not less than four feet six inches from the ground or with posts as already described and five wires or four wires and a top rail.

6. A fence of posts and four rails and two wires the posts to be not less than four feet six inches from the surface of the ground and not more than nine feet apart inserted not less than two feet into the ground the upper rail to be not less than four feet three inches from the surface of the ground.

7. A fence of posts and six wires with posts not more than eight feet apart inserted not less than two feet into the ground the upper wire to be not less than four feet three inches from the ground.

8. Any paling fence four feet three inches high with posts and two rails and having split or sawn timber placed perpendicularly and well nailed to both rails there being not more than four inches of opening betwixt each perpendicular piece of timber.

9. The posts for all post and rail fences shall contain not less than fifteen superficial inches to the foot if sawn or split or eighteen superficial inches to the foot if round posts be used.

10. The posts for all post and wire fences shall contain not less than eight superficial inches to the foot if sawn or split or twelve superficial inches to the foot if round posts be used. Straining posts for wire fences shall contain not less than eighteen superficial inches to the foot and shall be inserted into the ground not less than three feet and not more than five chains apart.

11. The rails for all fences where the posts are nine feet apart shall contain not less than six superficial inches to the foot if sawn or split nor less than nine superficial inches to the foot if round rails be used but if the posts be not more than seven feet apart the rails when sawn may be five superficial inches.

12. The rails to be either firmly morticed into the posts or double nailed and the wires either passed through the posts or firmly fixed with staples.

13. A stone or brick wall or dry stone dyke 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 is above described to the height of four feet three inches and the lower rail or wire of which being not higher than the top of the growing thorns or briers.

14. Any fence formed of iron or wooden standards and straining posts with iron or wooden rails the standards not less than four feet long and if composed of iron material one and a quarter inches broad by a quarter of an inch in thickness if composed of wood three inches by two inches or six square inches in thickness to be placed at a distance not greater than ten feet apart the *straining* posts not less than six feet long and if composed of iron weighing not less than one hundred pounds including iron stay and iron base if composed of wood not less than five inches square or twenty-five cubic inches in thickness to be placed not less than six straining posts to the mile the wires not less than five in number and of a gauge not lower than number eight in thickness the lowest wire to be placed at a distance not greater than seven inches from the ground the top wire not less than two feet six inches from the ground the four lower wires not more than five inches apart the rails if composed of wood to be placed at intervals not greater than those composed of wire.

15. A bank of sods two feet high with ditch on each side two feet six inches wide two feet deep and not more than six inches wide at the bottom five standards or posts to the chain six feet long with two wire braces between each bored for four wires above the bank strainers to be erected not more than six chains apart if of wood not less than seven feet six inches long and not less than seven inches in diameter and sunk to a depth not less than three feet in the ground if of iron eight feet long and sunk to a depth of not less than three feet in the ground if of stone seven feet six inches long twelve inches in diameter and sunk not less than three feet in the ground strainers to be securely stayed. An additional three wires may be substituted instead of the bank before mentioned the other provisions to remain the same.

16. Sod wall bank or dyke two feet six inches high with a base of three feet and ditches on each side two feet nine inches wide by two feet deep posts six feet long sunk two feet in the ground and placed not more than twenty feet apart having three wires iron standards six feet long one inch and quarter broad and quarter inch thick may be used when posts or standards are placed at more than nine feet apart the wires to be tied or interlaced with wire every seven feet.

17. A fence formed with iron or wooden standards iron or wooden strainers and wire standards if of iron to be not less than five feet long one and quarter inch broad and quarter inch thick if of wood four by two inches and placed not more than twenty feet apart when placed more than nine feet apart the wires to be tied or laced with wire not more than seven feet apart not less than six strainers to be used to the mile strainers to be six feet six inches long not less than six wires to be used the lower to be placed at a distance not greater than seven inches from the ground and the three lower wires being not more than six inches apart on an average top-wire to be not smaller than number seven.

18. Gorse hedge at least four feet high and eighteen inches thick kept properly trimmed at least once every year.

19. A bank or dyke not less than five feet high substantially formed with turf on both sides and not less than three feet six inches broad at the base and not less than one foot two inches in breadth at the top.

SCHEDULE C.

(NOTICE TO MAKE FENCE.)

To _____ Occupier (or Owner or Crown Lessee or Agent as the case may be) of
(describing adjoining land)

TAKE NOTICE that I desire that the boundary or separating fence between (describing the lands) be made immediately (on or before the _____ day of _____ 18) and that such fence shall be a (here describe the fence).

Dated this _____ day of _____ 18 .

A. B. Occupier (or Owner or Crown Lessee or Agent) of &c.

DUNEDIN, NEW ZEALAND :

Printed under the authority of the Provincial Government of the Province of Otago, by Mills, Dick and Co., Stafford street, Printers to the said Provincial Government for the time being.



LAWRENCE ATHENÆUM AND MINING INSTITUTE ORDINANCE 1872.

IN THE THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXX. No. 367.

ANALYSIS :

- Title.
Preamble.
1. Short Title.
2. Incorporation.
3. Purposes of the Institution.
4. Institution to be managed by a Committee.
5. First Committee of Management.

- 6 Rules already adopted by members to be rules for the government of the Institution.
7. Members to have no interest in vested property.
8. Dissolution of Corporation.
9. Vesting of property in the event of dissolution.
10. Power to sell duplicates.

AN ORDINANCE to Incorporate the Lawrence Athenæum and Mining Institute. Title.
[31ST MAY, 1872.]

WHEREAS it is desirable that the Lawrence Athenæum and Mining Institute should be now incorporated in order that thereby its usefulness in the diffusion of knowledge and learning in Lawrence and its neighbourhood may be promoted and extended and any endowments in land moneys or other grants whatsoever which have been or may hereafter be made to the institution may be duly administered :

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. The short title of this Ordinance shall be the “Lawrence Athenæum and Mining Institute Ordinance 1872.” Short Title.

2. The following persons and all others the members of the Institution for maintaining a Lending and Reference Library and Reading Room and the providing rational amusement and recreation and for the carrying out of objects connected with the purposes of an Athenæum and Mining Institution Lawrence known as the “Lawrence Athenæum and Mining Institute” namely James Clark Brown Alexander Humphrey Henry John Abel Frederick Bastings John Carse Arbuckle William Grant Forbes John Ludford William Duguid Morrison shall be a body politic and corporate by the name of the “Lawrence Athenæum and Mining Institute” and by that name shall have perpetual succession and shall adopt and have a common seal and shall by the same name sue and be sued plead and be impleaded answer and be answered in all Courts of the Colony of New Zealand and shall be capable in law to take purchase and hold all goods chattels and personal property whatever and shall also be able and capable in law to receive take purchase and hold for ever not only such lands buildings hereditaments and possessions as may from time to time be required for the purposes of the said institution but also Incorporation.

any other lands buildings hereditaments and possessions whatsoever and shall be able and capable in law to grant convey demise mortgage charge alienate or otherwise dispose of all or any of the property real or personal belonging to the said Institution and also to do all other matters or things incidental or appertaining to a body politic and corporate: Provided always that it shall not be lawful for the said corporation to grant convey demise mortgage charge alienate or dispose of except by way of lease for a period of not exceeding ninety-nine years any lands tenements or hereditaments of which it shall have become seized or to which it may become entitled by grant purchase or otherwise unless with the approval of two-thirds of the members of the said corporation present personally or by proxy at a special general meeting duly convened and any money received from such alienation mortgage demise or otherwise shall be paid and applied solely for the purposes of the said institution.

Purposes of the Institution.

3. The purposes for which the said Institution has been established and shall in future be maintained are to form or provide and carry on—

1. A Lending and a Reference Library
2. A Reading Room with a supply of newspapers and periodicals
3. Meetings for social and intellectual improvement
4. Educational classes and lectures
5. The collection of scientific apparatus geological and other specimens or other things illustrative in and of mining and scientific knowledge
6. The providing rational amusement and recreation
7. The carrying out of objects connected with the purposes of an Athenæum and Mining Institute :

under such regulations as may be made from time to time by the members.

Institution to be managed by a Committee.

4. The management of the said Institution shall be vested in a committee of the members thereof to be appointed annually at a general meeting to be held in the month of January in each year or so soon thereafter as may be found convenient.

First Committee of Management.

5. The following persons shall be the committee of management till the next general annual meeting namely James Clark Brown president William Grant Forbes treasurer and secretary Henry John Abel John Ludford John Carse Arbuckle William Duguid Morrison Alexander Humphrey Frederick Bastings.

Rules already adopted by members to be rules for the government of Institution.

6. The rules and amendments thereof already adopted by the members of the said Institution as certified under the hands of the president secretary and treasurer shall be the rules for the government and management of the said Institution until altered amended varied or rescinded by two-thirds of the members present at the annual general meeting or at any special meeting called by advertisement on eight days' notice the object of the meeting being fully set forth in the advertisement and a copy of the said rules and amendments certified as aforesaid and of all future amendments thereof duly certified by the president secretary and treasurer for the time being shall be deposited and remain on the premises for the time being used by the said Institution and be accessible to the members thereof for inspection at all reasonable hours.

Members to have no interest in vested property.

7. No member or subscriber shall have any personal individual joint or transmissible right or interest in or to the whole or any part of the real or personal estate which may belong to or be vested in the Corporation.

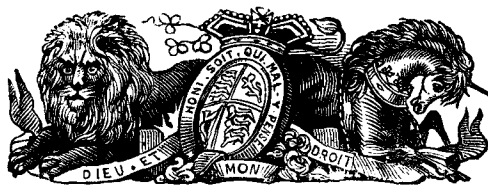
8. The Corporation may be dissolved on the approval of five-sixths of the members thereof present personally or by proxy at any general meeting assembled after one calendar month's special notice by advertisement or *de facto* when the number of members shall fall below nine. Dissolution of Corporation.

9. In the event of the said Corporation being dissolved the whole of the property real and personal belonging to the said Corporation shall be vested in the Mayor and Municipal Council of the Town of Lawrence for the time being. Vesting of property in the event of dissolution.

10. The Committee shall have power from time to time to sell or dispose of by public auction or otherwise any unused or duplicate copies of books reviews magazines newspapers or other periodicals and the proceeds of such sales shall be applied towards the ordinary expenditure of the Corporation. Power to sell duplicates.

DUNEDIN, NEW ZEALAND :

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LAWRENCE ATHENÆUM AND MINING INSTITUTE RESERVES MANAGEMENT ORDINANCE 1872.

IN THE THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXX. No. 368.

ANALYSIS:

- | | |
|--|---|
| <p>Title.
Preamble.
1. Short Title.
2. Land in Schedule vested in Trust.
3. Superintendent authorised to convey.</p> | <p>4. Trust may set apart portion of said land for Athenæum.
5. Trust may lease surplus land.
6. Application of moneys.
7. Committee to keep accounts and furnish balance sheets to be audited.
Schedule.</p> |
|--|---|

AN ORDINANCE to provide for the management of the *Lawrence Athenæum* Title.
and *Mining Institute Reserves* at Lawrence in the Province of Otago.

[RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON, 31ST MAY 1872.]

WHEREAS the parcels of land particularly described in the Schedule Preamble.
hereto are now vested in the Superintendent of Otago and his successors upon trust for public purposes: And whereas by the "Public Reserves Act Amendment Act 1862" it is provided that it shall be lawful for the Superintendent and Provincial Council of any Province by any Act or Ordinance to be from time to time duly passed in that behalf to direct and declare that any lands vested in the Superintendent of any Province under the provisions of the "Public Reserves Act 1854" upon trust for any public purposes shall be transferred to and vested in and held by any Corporation commission or other person or persons having corporate succession to be named in such Act or Ordinance in trust for the like or for any other public purpose to be specified and declared in such Act or Ordinance in such manner and with such powers of lease management and disposition over the same and over all rents issues profits and proceeds thereof and other powers provisions and conditions as should in such Act or Ordinance be expressed or declared: And whereas it is expedient to make provision for the management of the said parcels of land in manner hereinafter appearing: And whereas by the "Lawrence Athenæum and Mining Institute Ordinance 1872" the members of the said Institution were incorporated by the name of the "Lawrence Athenæum and Mining Institute:"

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. This Ordinance may be cited and referred to as the "Lawrence Short Title.
Athenæum and Mining Institute Reserves Management Ordinance 1872."

Land in Schedule vested in Trust.

2. The said parcels of land described in the Schedule hereto shall be transferred to and vested in and held by the Lawrence Athenæum and Mining Institute in trust for the purposes of the said Institution subject to the powers provisions and conditions herein expressed and declared.

Superintendent authorised to convey.

3. It shall be lawful for the Superintendent to execute and make any conveyance or other assurance for transferring to and vesting in the Lawrence Athenæum and Mining Institute and its successors the land described in the said Schedule hereto and every or any part or parts thereof.

Trust may set apart portion of said land for Athenæum.

4. It shall be lawful for the Lawrence Athenæum and Mining Institute to set apart a sufficient portion of the said parcels of land as and for the purposes of the said Institution and from time to time to vary and alter the portion which may for the time being be set apart and to set apart another portion of the said parcels of land for the purposes of the said Institution.

Trust may lease surplus land.

5. It shall be lawful for the Committee of Management of the Lawrence Athenæum and Mining Institute by deed under their corporate seal to lease from time to time at such rent and on such conditions as they may think reasonable the whole or any part of the said parcels of land specified in the said Schedule hereto not required for the purposes of the said Institution for any term or terms of years not exceeding ninety-nine years at any one time.

Application of moneys.

6. All moneys received by the Lawrence Athenæum and Mining Institute for the rents issues and profits of the said parcels of land shall after deducting therefrom all necessary expenses incurred in the management thereof be applied in and towards the purposes of the said Institution as the Committee of Management may from time to time determine.

Committee to keep accounts and furnish balance sheets to be audited.

7. The Committee of Management shall keep accurate accounts of all sums of money received for rents issues and profits on account of the said parcels of land and of all costs charges expenses and disbursements in connection with the management and maintenance thereof and within one week after the day of the annual meeting of the said Institution a copy of the balance sheet showing the receipts and disbursements of the Committee during the previous year and the actual financial state of the committee in duplicate shall be forwarded to the Superintendent who shall cause the same to be forwarded for examination by the Provincial Auditor in manner described by the "Provincial Audit Act 1866" and the Provincial Auditor is hereby required and empowered to examine and audit such accounts and balance sheet and such balance sheet shall be published in the *Government Gazette* of the Province immediately after the same shall have been so audited.

SCHEDULE.

All that parcel of land in the Province of Otago containing by admeasurement seventeen (17) poles more or less being Sections 10 and 11 Block XLI, Town of Lawrence bounded towards the north-north-east by Crown lands fifty (50) links towards the north-east by Derwent Street one hundred and fifty-four (154) links towards the south-south-west by Ross Place one hundred and seventy (170) links and towards the west-north-west by section 9 one hundred (100) links.

All that parcel of land in the Province of Otago containing by admeasurement one (1) rood being Section 26 Block XLII Town of Lawrence bounded towards the north-west by Crown lands one hundred and fifty-one (151) links towards the north-east by section 27 one hundred and twenty-five (125) links towards the south-east by Irvine street two hundred and thirty-seven (237) links towards the south-south-west by Ross Place eleven (11) links and towards the west-north-west by Section 25 and Crown lands one hundred and fifty-one (151) links.

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OAMARU HOSPITAL RESERVE MANAGEMENT ORDINANCE 1872.

IN THE THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXX. No. 369.

ANALYSIS :

Title.
Preamble.
1. Short Title.
2. Trustees of Oamaru Hospital incorporated.

3. Power to remove and appoint trustees.
4. Land in Schedule vested in trust.
5. Superintendent authorised to convey.
6. Trust may make rules.
Schedule.

AN ORDINANCE *to provide for the Management of a part of the Reserve at* Title.
Oamaru in the Province of Otago set apart for a Hospital.

[RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON, 31ST MAY, 1872.]

WHEREAS the parcel of land particularly described in the Schedule Preamble.
hereto has under and by virtue of the "Public Reserves Act 1854" and "The Public Reserves Act Amendment Act 1862" been *inter alia* granted by the Governor of New Zealand in the name and on behalf of Her Majesty to the Superintendent of Otago and his successors and is now vested in him and them upon trust for public purposes as specified in the grant thereof: And whereas by "The Public Reserves Act Amendment Act 1862" it is provided that it shall be lawful for the Superintendent and Provincial Council of any Province by any Act or Ordinance to be from time to time duly passed in that behalf to direct and declare that any lands vested in the Superintendent of any Province under the Provisions of the "Public Reserves Act 1854" upon trust for any public purposes shall be transferred to and vested in and held by any Corporation Commission or other person or persons having corporate succession to be named in such Act or Ordinance in trust for the like or for any other public purpose to be specified and declared in such Act or Ordinance in such manner and with such powers of lease management and disposition over the same and over all rents issues profits and proceeds thereof and other powers provisions and conditions as should in such Act or Ordinance be expressed or declared: And whereas it is expedient to set apart the said parcel of land described in the Schedule hereto as a site for a Hospital and grounds and to make provision for the management of the said parcel of land in manner hereinafter appearing:

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

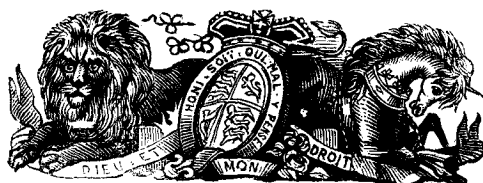
- Short Title. 1. This Ordinance may be cited and referred to as the "Oamaru Hospital Reserve Management Ordinance 1872."
- Trustees of Oamaru Hospital incorporated. 2. The Honorable John M'Lean of Oamaru runholder Edric Adolphus Julius of Oamaru solicitor Samuel Edward Shrimski John Mainland Joseph Booth William Jukes Steward James Paterson Thomas King Thomas Hood Brown James Bee Daniel Toohey Joseph Ogilvie Samuel Gibbs Donald Sutherland John Mains Manheim Krakoar Henry Aitken James Grave and Peter Aitchison and all such other persons as shall be hereafter appointed members under the provisions of this Ordinance and their successors shall be and they are hereby constituted a Corporate Body in fact and in law by the name and style of the "Trustees of the Oamaru Hospital" and by that name they and their successors shall have perpetual succession and a common seal with full power and authority by the same name and style to sue and be sued plead and be impleaded defend and be defended in all Courts and in all causes and suits at law or in equity whatsoever with power to take purchase and hold to them and to their successors all goods chattels and personal property whatsoever and also all such lands hereditaments and possessions as may be transferred to and vested in them as a site for a Hospital or for any other purposes in connection therewith and also to do all other matters and things incidental to or appertaining to a corporate body subject nevertheless to any provisions in this Ordinance contained affecting such powers.
- Power to remove and appoint trustees. 3. So often as any person so appointed shall die resign become incapable to act or be removed suspended or absent from the said Province for the space of six consecutive calendar months it shall be the duty of the said Superintendent to appoint by proclamation in the Otago Provincial Government *Gazette* either permanently or temporarily as occasion may require another or other fit and proper person or persons to be a trustee or trustees in the room or stead of the trustee or trustees so dying resigning becoming incapable or being absent as aforesaid.
- Land in Schedule vested in trust. 4. The said parcel of land described in the Schedule hereto shall be transferred to and vested in and held by the "Trustees of the Oamaru Hospital" and their successors in trust for the purposes of a Hospital subject to the powers provisions and conditions herein expressed and declared.
- Superintendent authorised to convey. 5. It shall be lawful for the Superintendent to execute and make any conveyance or other assurance for transferring to and vesting in the "Trustees of the Oamaru Hospital" and their successors the lands described in the said Schedule hereto and every or any part or parts thereof respectively under this limitation that the grounds shall be open to the public and that the Hospital shall be regulated and managed under the "Hospitals Ordinance 1870" or any other Act or Ordinance in force for the management of Hospitals in the Province of Otago.
- Trust may make rules. 6. It shall be lawful for the "Trust" and they are hereby authorised and empowered from time to time to make and alter rules for regulating their own proceedings.

THE SCHEDULE ABOVE REFERRED TO.

All that area in the Province of Otago containing by admeasurement eight (8) acres two (2) roods and thirty two (32) poles more or less situate in the Town of Oamaru being part of Reserve marked D on the Map of the said Town: bounded towards the north-east by a road line one thousand eight hundred and twelve (1812) links towards the south-east by a road line ninety-two (92) links and four hundred and eighty-four (484) links towards the south-west by a road line one thousand three hundred and eighty-seven (1387) links and towards the north-west by a road line six hundred and fifty-eight (658) links.

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DUNEDIN MANSE RESERVE ORDINANCE 1872.

IN THE THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXX. No. 370.

ANALYSIS :

Title.
Preamble.
1. Short Title.

2. Land to be conveyed to Trustees.
3. Land to be sold to Trustees.
Schedules first and second.

AN ORDINANCE *to authorise the Superintendent of the Province of Otago to* ^{Title.}
vest the Manse Reserve in certain Trustees and to Sell part of the
Reclaimed Land adjacent to the Manse Reserve.

(RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON, 31ST MAY 1872.)

WHEREAS the parcel of land described in the first Schedule ^{Preamble.}
hereto is held by the Superintendent of the Province of Otago
upon trust as a site for a Manse at Dunedin in the said Province for a
Minister of the Presbyterian Church of Otago: And whereas by the
"Dunedin Church Lands Ordinance 1861" the management of the said
parcel of land is vested in the Presbyterian Church of Otago: And whereas
for the better regulation and management of the lands of the Presbyterian
Church of Otago an Act of the General Assembly of New Zealand was
passed entitled "The Presbyterian Church of Otago Lands Act 1866;"
And whereas the parcel of land described in the Second Schedule hereto is
contiguous to the parcel of land before referred to and is vested in the
Superintendent of the Province of Otago upon trust for the improvement
of the harbor of Dunedin: And whereas a power to lease or sell the said land
was granted under the "Harbor Reclaimed Lands Sale and Leasing Ordinance
1868:" And whereas it is expedient that a sale be made of the land described
in the said Second Schedule to the Presbyterian Church of Otago and that the
Superintendent should be authorised to sell the same: And that the whole
of the said lands described in the First and Second Schedules hereto be
transferred to and vested in the Trustees under the said recited Act:

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. This Ordinance may be cited and referred to as the "Dunedin ^{Short Title.}
Manse Reserve Ordinance 1872."

2. It shall be lawful for the Superintendent to convey to the Trustees <sup>Land to be conveyed
to Trustees.</sup>
acting under the authority of "The Presbyterian Church of Otago Lands
Act 1866" the parcel of land described in the First Schedule hereto and
to execute all necessary conveyances and other assurances in the law for
conveying and assuring the said land to and vesting the same in the said

Trustees to be held by the said Trustees upon the same trust as the said lands in the said First Schedule have been held heretofore and with and under the same powers of administration and management as have been in force and have been exercised as regards the said land in the said First Schedule contained.

Land to be sold to Trustees.

3. It shall be lawful for the Superintendent to sell to the said Trustees the parcel of land described in the Second Schedule hereto at the price of two hundred and fifty pounds and on payment of the said price to execute all necessary conveyances and other assurances in the law for conveying and assuring the said land to and vesting the same in the said Trustees to be held by the said Trustees their successors and assigns for ever upon the Trust and subject to the conditions and provisions in the "Dunedin Church Lands Ordinance 1861" contained.

FIRST SCHEDULE.

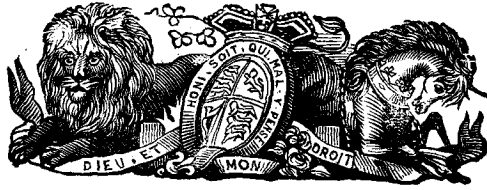
All that allotment or parcel of land in the Province of Otago in the Colony of New Zealand containing by admeasurement two roods and thirty-two perches more or less being the Reserve numbered ten (10) on the plan of the town of Dunedin described in the Crown Grant thereof as bounded on the north-west by Princes street three hundred and fifty (350) links on the north-west by the Jetty road two hundred and sixty (260) links on the south-east by the Harbor of Dunedin four hundred (400) links and on the south-west by a Government Reserve one hundred and eighteen (118) links.

SECOND SCHEDULE.

All that area in the Province of Otago containing by admeasurement fifteen (15) poles more or less situated in the City of Dunedin being part of area granted to Superintendent for harbor reclamation bounded towards the west and north-west by old high water of Otago harbor two hundred and twelve (212) links towards the south-east by Bond street one hundred and sixty-eight (168) links and towards the south-west by other part of said Harbor Reclamation eighty-five (85) links.

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DUNSTAN RACECOURSE RESERVE MANAGEMENT ORDINANCE 1872.

IN THE THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXX. No. 371.

Act Spent
Westing Cancellor Reservoir
Booked
Sec 61 R.O.L.D Act 1906
HS 1907
1914
52

ANALYSIS :

- | | | |
|---|---|--|
| <p>Title.
Preamble.
1. Short Title.
2. Trustees of Dunstan Racecourse incorporated.
3. Power to remove and appoint trustees.
4. Land in Schedule vested in trust.
5. Superintendent authorised to convey.</p> | } | <p>6. Trust may set apart portion of said land as a Racecourse.
7. Trust may lease surplus land.
8. Application of moneys.
9. Trust to keep accounts and furnish balance-sheets to be audited.
10. Trust may make rules.
Schedule.</p> |
|---|---|--|

*AN ORDINANCE to provide for the Management of the Racecourse Reserve Title.
for the Dunstan District in the Province of Otago.*

[RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON, 31ST MAY, 1872.]

WHEREAS the parcel of land particularly described in the Schedule ^{Preamble.} hereto has under and by virtue of the "Public Reserves Act 1854" and the "Public Reserves Act Amendment Act 1862" been granted by the Governor of New Zealand in the name and on behalf of Her Majesty to the Superintendent of Otago and his successors and is now vested in him and them upon trust for purposes of recreation for the use of the inhabitants of the Dunstan district : And whereas by the "Public Reserves Act Amendment Act 1862" it is provided that it shall be lawful for the Superintendent and Provincial Council of any Province by any Act or Ordinance to be from time to time duly passed in that behalf to direct and declare that any lands vested in the Superintendent of any Province under the provisions of the "Public Reserves Act 1854" upon trust for any public purposes shall be transferred to and vested in and held by any Corporation Commission or other person or persons having corporate succession to be named in such Act or Ordinance in trust for the like or for any other public purpose to be specified and declared in such Act or Ordinance in such manner and with such powers of lease management and disposition over the same and over all rents issues profits and proceeds thereof and other powers provisions and conditions as should in such Act or Ordinance be expressed or declared : And whereas it is expedient to make provision for the management of the said parcel of land in manner hereinafter appearing :

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 :—

Short Title.

1. This Ordinance may be cited and referred to as the "Dunstan Racecourse Reserve Management Ordinance 1872."

Trustees of Dunstan Racecourse incorporated.

2. James Hazlett merchant William Fraser runholder George Fache auctioneer Thomas Luther Shepherd settler Martin Marshall merchant and William Anderson Lowrunholder and all such other persons as shall be hereafter appointed members under the provisions of this Ordinance and their successors shall be and they are hereby constituted a Corporate Body in fact and in law by the name and style of the "Trustees of the Dunstan Racecourse" and by that name they and their successors shall have perpetual succession and a common seal with full power and authority by the same name and style to sue and be sued plead and impleaded defend and be defended in all Courts and in all causes and suits at law or in equity whatsoever with power to take purchase and hold to them and to their successors all goods chattels and personal property whatsoever: And also all such lands hereditaments and possessions as may be transferred to and vested in them as a site for a Racecourse or for any other purposes in connection therewith and also to do all other matters and things incidental to or appertaining to a corporate body subject nevertheless to any provisions in this Ordinance contained affecting such powers.

Power to remove and appoint trustees.

3. So often as any person so appointed shall die resign become incapable to act or be removed suspended or absent from the said Province for the space of twelve consecutive calendar months it shall be the duty of the said Superintendent to appoint by proclamation in the Otago Provincial Government *Gazette* either permanently or temporarily as occasion may require another or other fit and proper person or persons to be a trustee or trustees in the room or stead of the trustee or trustees so dying resigning becoming incapable or being absent as aforesaid.

Land in Schedule vested in trust.

4. The said parcel of land described in the Schedule hereto shall be transferred to and vested in and held by the "Trustees of the Dunstan Racecourse" and their successors in trust for the purposes of a Racecourse subject to the powers provisions and conditions herein expressed and declared.

Superintendent authorised to convey.

5. It shall be lawful for the Superintendent to execute and make any conveyance or other assurance for transferring to and vesting in the "Trustees of the Dunstan Racecourse" and their successors the lands described in the said Schedule hereto and every or any part or parts thereof respectively.

Trust may set apart portion of said land as a Racecourse.

6. It shall be lawful for the "Trustees of the Dunstan Racecourse" hereinafter referred to as the "Trust" to set apart a sufficient portion of the said parcel of land as and for the purposes of a Racecourse and from time to time to vary and alter the portion which may for the time being be set apart and to set apart another portion of the said parcel of land as a Racecourse in lieu thereof

Trust may lease surplus land

7. It shall be lawful for the "Trust" by deed under their corporate seal to lease from time to time at such rent and on such conditions as they may think reasonable the whole or any part of the said parcel of land specified in the said Schedule hereto not required for the purposes of a Racecourse for any term or terms of years not exceeding seven years at any one time and on conditions not inconsistent with the purposes of the said reserve.

Application of moneys.

8. All moneys received by the "Trust" for the rents issues and profits of the said parcel of land shall after deducting therefrom all necessary expenses incurred in the management thereof be applied in and towards the cultivation and improvement of the said parcel of land and in rendering any part thereof that may be set apart as a Racecourse suitable for that purpose and in and towards providing prizes for races to be run on the

said Racecourse and generally in and towards the encouragement of the breeding of horses and for such other purposes as the "Trust" may from time to time determine to apply the same.

9. The "Trust" shall keep accurate accounts of all sums of money received for rents issues and profits on account of the said parcel of land and of all costs charges expenses and disbursements in connection with the management and maintenance thereof and on the thirty-first day of March in every year or within one week thereafter the "Trust" shall prepare accounts and a balance sheet showing the receipts and disbursements of the "Trust" during the previous year and the actual financial state of the "Trust" on the thirty-first day of March in that year and such accounts and balance-sheet shall be forwarded in duplicate to the Superintendent who shall cause the same to be forwarded for examination by the Provincial Auditor in manner prescribed by the "Provincial Audit Act 1866" and the Provincial Auditor is hereby required and empowered to examine and audit such accounts and balance-sheet and such balance-sheet shall be published in the Government Gazette of the Province immediately after the same shall have been so audited. Trust to keep accounts and furnish balance-sheets to be

10. It shall be lawful for the "Trust" and they are hereby authorised and empowered from time to time to make and alter rules for regulating their own proceedings for prescribing the conditions on which the public shall be permitted to have access to the said Racecourse upon any day when the same shall be used for racing purposes and for regulating the price for admission on such occasions for excluding the public from such parts of the said parcel of land as it may be found necessary or desirable to improve or lay down in artificial grasses for regulating the charges that may be made for the occupation of any portion of the said Racecourse for the erection of booths or stalls for the sale of refreshments merchandise goods or chattels and for the admission of horses and vehicles to the said Racecourse. Trust may make rules.

THE SCHEDULE ABOVE REFERRED TO.

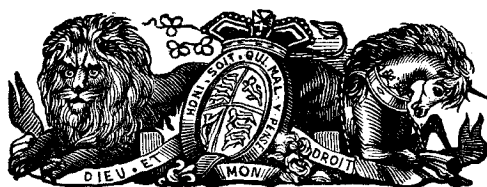
All that parcel of land in the Province of Otago in the Colony of New Zealand situate in the Leaning Rock District being section numbered seventy-two (72) block one (I) on the Map of the said District containing by admeasurement one hundred and forty-five (145) acres three (3) roods and four (4) poles more or less bounded towards the north-west by Crown lands and road line 3100 links towards the north-east by Crown lands 4864 links towards the south-east by Crown lands 3100 links and towards the south-west by Crown lands 4864 links and intersected by two road lines each 100 links wide also by a water race.

DUNEDIN, NEW ZEALAND:

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Handwritten notes: 115, 1907, 1906, 1914, 792





APPROPRIATION ORDINANCE 1872-73.

IN THE THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXX. No. 372.

ANALYSIS.

- | | |
|--|--|
| <p>Title
Preamble.
1. Short Title.
2. Certain sums to be applied out of Provincial revenues during the twelve months commencing first April 1872 and ending thirty-first March 1873.</p> | <p>3. Superintendent authorised to transfer one item to another of the same division.
4. Provision for continuing payments to 31st May 1873.
5. Treasurer &c. to pay moneys under warrant of the Superintendent and to be allowed credit for all moneys so paid.</p> |
|--|--|

AN ORDINANCE to *Appropriate certain Sums out of the Ordinary Revenue of the Province of Otago and other Moneys for the Service of the Twelve Months commencing on the first day of April one thousand eight hundred and seventy-two and ending on the thirty-first day of March one thousand eight hundred and seventy-three.* Title.
[31st May 1872.]

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

1. This Ordinance shall be termed and may be cited and referred to as Short Title.
the “Appropriation Ordinance 1872-73.”

2. Out of the Revenues of the Province of Otago subject to the appropriation of the Provincial Council there may be issued and applied for Certain sums to be applied out of Provincial revenues during the twelve months commencing first April 1872 and ending thirty-first March 1873.
defraying the charge of the Government of the said Province for the twelve months commencing upon the first day of April one thousand eight hundred and seventy-two and ending upon the thirty-first day of March one thousand eight hundred and seventy-three the sum of three hundred and thirty-three thousand five hundred and thirty-four pounds two shillings and eleven pence or any sum or sums not exceeding the several sums for the several purposes hereinafter particularly specified that is to say :—

III.—PROVINCIAL SECRETARY AND TREASURER AND SECRETARY FOR LANDS.

No.		Salaries.		Contingencies		Totals.	
		£	s. d.	£	s. d.	£	s. d.
	DIVISION No. 3.						
	PROVINCIAL TREASURY.						
1	Sub-Treasurer	385	0 0				
1	Clerk to Treasurer and Secretary to Education Board ...	355	0 0				
1	Cashier	260	0 0				
1	Clerk (Youth)	55	0 0				
	<i>Subdivision No. 3.</i>						
	Printing and Stationery			75	0 0		
	Incidental Expenses			10	0 0		
						85	0 0
	DIVISION No. 4.						
	POLICE.						
1	Commissioner	400	0 0				
1	Clerk	212	10 0				
3	Sub-Inspectors	637	10 0				
	Sergeants, Constables, and Cooks	12850	0 0				
	<i>Subdivision No. 4.</i>						
	Departmental Contingencies			4120	0 0		
						4120	0 0
	DIVISION No. 5.						
	HARBOR DEPARTMENT.						
1	Chief Harbor Master	400	0 0				
1	Assistant do. Dunedin	275	0 0				
1	Do. do. Bluff Harbor	275	0 0				
1	Do. do. Oamaru	200	0 0				
1	Do. do. Riverton	150	0 0				
1	Do. do. Port Molyneux	100	0 0				
1	Do. do. Kakanui	50	0 0				
1	Do. do. Catlin's River	50	0 0				
1	Do. do. Waikawa	50	0 0				
1	Do. do. Waikouaiti	50	0 0				
4	Pilots, at £265	1060	0 0				
2	Coxswains, at £120	240	0 0				
3	Boats Crews, 12 men at £100	1200	0 0				
1	Signal Master	145	0 0				
1	Do.	100	0 0				
1	Time-ball Keeper	50	0 0				
1	Light-keeper, Black Jack's Point	30	0 0				
1	Do. Oamaru	30	0 0				
						4455	0 0
	<i>Subdivision No. 5.</i>						
	Boats			150	0 0		
	Signals and Flagstuffs			340	0 0		
	Buoys and Beacons			250	0 0		
	Fuel and Light			40	0 0		
	Travelling Expenses			20	0 0		
	Boating Expenses			260	0 0		
	Printing and Stationery			30	0 0		
	Incidental Expenses			150	0 0		
						1240	0 0
	Carry forward					25055	0 0

III.—PROVINCIAL SECRETARY AND TREASURER AND SECRETARY FOR LAND—*Continued.*

No.		Salaries.			Contingencies			Totals.		
		£	s.	d.	£	s.	d.	£	s.	d.
	Brought forward							25055	0	0
	DIVISION No. 6.									
	GAOL (DUNEDIN).									
1	Gaoler	350	0	0						
1	Matron	90	0	0						
	Warders	4553	7	6				4993	7	6
	<i>Subdivision No. 6.</i>									
	Rations				900	0	0			
	Stores and Furniture				60	0	0			
	Library				40	0	0			
	Fuel and Light				175	0	0			
	Medicines and Medical Comforts				135	0	0			
	Clothing and Bedding				150	0	0			
	Printing and Stationery				10	0	0			
	Relief to Destitute Prisoners on Discharge				50	0	0			
	Incidental Expenses				50	0	0			
								1570	0	0
	DIVISION No. 7.									
	DISTRICT GAOLS.									
1	Gaoler, Invercargill	175	0	0						
1	Matron, do.	25	0	0						
	Warders, at 8s. per diem	310	0	0						
5	Gaolers, do.	775	12	6				1285	12	6
	<i>Subdivision No. 7.</i>									
	Rations, Tools, Stores, &c.				750	0	0			
								750	0	0
	DIVISION No. 8.									
	SHEEP INSPECTOR'S DEPARTMENT.									
1	Chief Inspector	400	0	0						
1	Sub-Inspector	350	0	0						
1	Do.	300	0	0						
1	Do. Port Chalmers	50	0	0						
								1100	0	0
	<i>Subdivision No. 8.</i>									
	Contingent Inspection				200	0	0			
	Incidental Expenses				75	0	0			
								275	0	0
	DIVISION No. 9.									
	EDUCATION.									
1	Inspector of Schools	400	0	0						
1	Do. (1 month)	38	6	8						
1	Secretary (also Clerk to Provincial Treasurer)									
1	Drawing Master	400	0	0						
1	Clerk	130	0	0						
								963	6	8
	<i>Subdivision No. 9.</i>									
	GRAMMAR AND DISTRICT SCHOOLS.									
4	Rectors or Head Masters, at £200	800	0	0						
1	Do. do. 6 months	100	0	0						
	District School Teachers	12900	0	0				13800	0	0
								13800	0	0
	Carry forward							49792	6	8

III.—PROVINCIAL SECRETARY AND TREASURER AND SECRETARY FOR LANDS—Continued.

No.		Salaries.			Contingencies			Totals.		
		£	s.	d.	£	s.	d.	£	s.	d.
	Brought forward							49792	6	8
	EDUCATION—Continued.									
	<i>Subdivision No. 10.</i>									
	Travelling Expenses				200	0	0			
	Public Libraries				400	0	0			
	Rents, Repairs, &c.				1600	0	0			
	Purchase of Sites				200	0	0			
	Fees for Orphan and Destitute Children				400	0	0			
	Free Schools				450	0	0			
	School Maps and Appliances				250	0	0			
	Printing, Advertising and Stationery				50	0	0			
	Incidental Expenses				50	0	0			
	School of Art				100	0	0			
	Provincial Scholarships				375	0	0			
								4075	0	0
	<i>Subdivision No. 11.</i>									
	HIGH SCHOOL (BOYS).									
1	Rector	550	0	0						
4	Masters, 1 at £525, 1 at £350, 2 at £300	1475	0	0						
	Salaries which may be sanctioned	100	0	0						
								2125	0	0
	<i>Subdivision No. 12.</i>									
	HIGH SCHOOL (GIRLS).									
1	Lady Principal	300	0	0						
3	Assistants, 1 at £150, and 2 at £80... ..	310	0	0						
	Arrears to Assistant	8	2	3						
1	Singing Master	21	0	0						
	Salaries which may be sanctioned	50	0	0						
								689	2	3
	<i>Subdivision No. 13.</i>									
	HIGH SCHOOLS CONTINGENCIES.									
1	Janitor	80	0	0						
								80	0	0
	<i>Subdivision No. 14.</i>									
	Assistance in Cleaning				20	0	0			
	Printing, Stationery, Repairs, &c.				400	0	0			
								420	0	0
	DIVISION No. 10.									
	HOSPITAL.									
1	Provincial Surgeon	500	0	0						
1	Resident do.	255	0	0						
1	Assistant Dispenser	175	0	0						
1	House Steward and Storekeeper	175	0	0						
1	Matron	80	0	0						
1	Midwife	52	0	0						
2	Laundresses, 1 at £50 and 1 at £40... ..	90	0	0						
10	Wardsmen, 2 at £90, 1 at £80, 6 at £70, and 1 at £50	730	0	0						
2	Kitchen Assistants at £50	100	0	0						
3	Nurses at £45	135	0	0						
1	Housemaid	40	0	0						
								2332	0	0
	<i>Subdivision No. 15.</i>									
	Rations				1500	0	0			
	Stores and Furniture				125	0	0			
	Fuel and Light				270	0	0			
	Surgical Instruments				10	0	0			
	Medicine and Medical Comforts				400	0	0			
	Bedding and Clothing				150	0	0			
	Stationery				10	0	0			
	Incidental Expenses				200	0	0			
								2665	0	0
	Carry forward							62178	8	11

III.—PROVINCIAL SECRETARY AND TREASURER AND SECRETARY FOR LANDS—*Continued.*

No.		Salaries.			Contingencies			Totals.		
		£	s.	d.	£	s.	d.	£	s.	d.
	Brought forward							62178	8	11
	DIVISION No. 11.									
	LUNATIC ASYLUM.									
1	Superintendent	350	0	0						
1	Matron	90	0	0						
9	Male attendants, 8 at £90, and 1 at £70	790	0	0						
7	Female do., 6 at £50 and 1 at £40	340	0	0						
								1570	0	0
	<i>Subdivision No. 16.</i>									
	Rations				1720	0	0			
	Stores and Furniture				150	0	0			
	Fuel and Light				220	0	0			
	Medicines and Medical Comforts				200	0	0			
	Bedding and Clothing				350	0	0			
	Printing and Stationery				10	0	0			
	Amusements to Patients				50	0	0			
	Incidental Expenses				50	0	0			
								2750	0	0
	DIVISION No. 12.									
	COLLECTION OF TOLLS.									
	Toll Collectors	1210	0	0						
								1210	0	0
	<i>Subdivision No. 17.</i>									
	Contingencies						150	0	0	
								150	0	0
	DIVISION No. 13.									
	INDUSTRIAL SCHOOL.									
1	Master	170	0	0						
1	Matron	30	0	0						
1	Surgeon	50	0	0						
1	Schoolmaster	130	0	0						
4	Attendants, 1 at £100, 3 at £40	220	0	0						
								600	0	0
	<i>Subdivision No. 18.</i>									
	Maintenance				1183	0	0			
	Fuel and Light				90	0	0			
	Fencing Paddock				20	0	0			
	Incidental Expenses				60	0	0			
								1353	0	0
	DIVISION No. 14.									
	MISCELLANEOUS.									
3	Messengers, 1 at £145, 1 at £135, 1 at £78	358	0	0						
2	Chaplains	300	0	0						
1	Gardener	135	0	0						
1	Revenue Officer	200	0	0						
1	Watchman, Post-office	52	0	0						
1	Health Officer, Port Chalmers	58	6	8						
1	Medical Officer, Invercargill (18 months)	112	10	0						
								1215	16	8
	Carry forward							71027	5	7

III.—PROVINCIAL SECRETARY AND TREASURER AND SECRETARY FOR LANDS—Continued.

No.		Salaries.			Contingencies.			Totals.		
		£	s.	d.	£	s.	d.	£	s.	d.
	Brought forward							71027	5	7
	DIVISION No. 15.									
	CROWN LANDS AND SURVEY.									
1	Chief Commissioner and Surveyor	400	0	0						
1	Clerk	250	0	0						
1	Book-keeper	225	0	0						
1	Salesman	200	0	0						
3	Rangers	600	0	0						
1	Apprentice Clerk	40	0	0						
1	Record Clerk	275	0	0						
1	Assistant do.	180	0	0						
2	Inspectors of Surveys, 1 at £385, 1 at £325	710	0	0						
4	District Surveyors, at £100	400	0	0						
1	Chief Draughtsman	350	0	0						
6	Assistants, 3 at £255, 2 at £212 10s., and 1 at £135	1325	0	0						
1	Apprentice	60	0	0						
1	Lithographic Printer	212	10	0						
1	Messenger, Invercargill	31	4	0						
1	Office Cleaner, do.	20	0	0						
								5278	14	0
	<i>Subdivision No. 19.</i>									
	Printing, Advertising, and Stationery				400	0	0			
	Incidental Expenses				150	0	0			
	Travelling do.				350	0	0			
	Laborer's Wages				200	0	0			
	Engrossing Crown Grants				200	0	0			
	Equipment of Survey Parties				150	0	0			
	Lithographic Materials				50	0	0			
	Instruments and Repairs				10	0	0			
	Contract Surveys				1500	0	0			
	Special Surveys				250	0	0			
	Road District Surveys				198	13	0			
	Unforeseen Expenditure... ..				100	0	0			
								3558	13	0
	DIVISION No. 16.									
	LAND OFFICE, INVERCARGILL.									
1	District Land Officer	50	0	0						
1	Clerk	250	0	0						
1	Crown Grant Clerk	212	10	0						
1	Messenger	20	0	0						
	Office Cleaner	5	0	0						
								537	10	0
	<i>Subdivision No. 20.</i>									
	Fees to Commissioner of Waste Land Board				116	13	4			
	Printing, Advertising, and Stationery				50	0	0			
	Travelling Expenses				50	0	0			
	Engrossing Crown Grants				100	0	0			
	Incidental Expenses				10	0	0			
								326	13	4
								80728	15	11
	Total from Provincial Council				£7019	4	0			
	" Provincial Secretary and Treasurer and Secretary } for Lands }				80728	15	11			
	Total carried to Secretary for Gold Fields and Roads and } Roads and Works Department }				£87747	19	11			

IV.—SECRETARY FOR GOLD FIELDS AND ROADS AND WORKS DEPARTMENT.

No.		Salaries.			Co. ingencies.			Total.		
		£	s.	d.	£	s.	d.	£	s.	d.
	DIVISION No. 17.									
	GOLD FIELDS.									
8	Wardens, 5 at £450, 2 at £400, and 1 at £200	...	...	...	3250	0	0			
6	Receivers, at £300	...	...	...	1800	0	0			
5	Bailiffs, at £150	...	...	...	750	0	0			
2	Chinese Interpreters, 1 at £200, 1 at £250, 3 months, and £200 9 months	...	...	...	412	10	0			
2	Inspectors of Depasturing Districts	...	...	...	300	0	0			
									6512	10 0
	Subdivision No. 21.									
	Travelling Expenses	...	...	...				500	0	0
	Fuel and Light	...	...	...				150	0	0
	Stores and Furniture	...	...	...				50	0	0
	Temporary Accommodation	...	...	...				100	0	0
	Printing, Advertising, and Stationery	...	...	...				150	0	0
	Incidental Expenses	...	...	...				100	0	0
									1050	0 0
	DIVISION No. 18.									
	ROAD ENGINEER'S DEPARTMENT.									
1	Chief Engineer	...	...	...	400	0	0			
3	District Do. 1 £300, 2 at £265	...	...	...	830	0	0			
1	Draughtsman	...	...	...	125	0	0			
1	Apprentice	...	...	...	55	0	0			
									1410	0 0
	Subdivision No. 22.									
	Travelling Expenses	...	...	...				450	0	0
	Printing and Stationery	...	...	...				50	0	0
	Incidental Expenses	...	...	...				30	0	0
									530	0 0
	DIVISION No. 19.									
	GENERAL ROAD BOARD.									
1	Clerk to General Road Board and Under-Secretary	...	...	...	.....	
1	Inspector of Works	...	...	...	225	0	0			
1	Draughtsman	...	...	...	105	0	0			
									330	0 0
	Subdivision No. 23.									
	Incidental Expenses	...	...	...				50	0	0
									50	0 0
	DIVISION No. 20.									
	RAILWAYS.									
1	Manager	...	...	...	300	0	0			
3	Station Masters, 1 at £205, 1 at £160, 1 at £150	...	...	...	515	0	0			
1	Assistant Do.	...	...	...	50	0	0			
2	Guards, 1 at £134, 1 at £124	...	...	...	258	0	0			
4	Porters, at £113	...	...	...	452	0	0			
1	Working Foreman	...	...	...	188	0	0			
1	Engineman	...	...	...	170	0	0			
1	Fireman	...	...	...	140	0	0			
									2073	0 0
	Subdivision No. 24.									
	Books, Tickets, Stationery, &c.	...	...	...				150	0	0
	Extra Portage	...	...	...				100	0	0
									250	0 0
	Carry forward	...	...	...					12205	10 0

IV.—SECRETARY FOR GOLD FIELDS AND ROADS AND WORKS DEPARTMENT—*Continued.*

No.		Salaries.			Contingencies.			Totals.		
		£	s.	d.	£	s.	d.	£	s.	d.
	Brought forward							12205	10	0
	RAILWAYS— <i>Continued.</i>									
	<i>Subdivision No. 25.</i>									
	WORKING EXPENSES AND REPAIRS.									
3	Fitter, Smith, and Carpenter, at £167 4s.	501	12	0				501	12	0
	Tools, Oil, Small Stores, &c.				360	0	0			
	Coal				550	0	0			
	Steel Tyres for Engines				320	0	0			
	Painting Goods Waggon and Carriages				150	0	0			
	Additional Waggon Stock				1100	0	0			
								2480	0	0
								15187	2	0

Total from Provincial Secretary and Treasurer and Secretary for Lands ... £87,747 19 11
 Total from Secretary for Gold Fields and Roads and Works Department ... 15,187 2 0

Carried to Provincial Secretary and Secretary for Lands General ... £102,935 1 11

V.—PROVINCIAL SECRETARY AND TREASURER AND SECRETARY FOR LANDS GENERAL.

DIVISION No. 21.						£	s.	d.	£	s.	d.
LOANS.											
Interest on Loan, 1861-2	..	...	...	...	...	3208	0	0			
Do. 1862	...	...	...	...	...	7002	0	0			
Do. Harbour Loan	...	...	...	...	...	3528	0	0			
Do. Public Buildings Loan	...	...	...	...	...	3206	0	0			
Sinking Fund do.	...	...	...	...	...	2406	0	0			
Do. Harbor Loan	...	...	...	...	...	2646	0	0			
Do. Loan 1862	...	...	...	...	...	1167	0	0			
Do. Loan 1861-2	...	...	...	...	...	1202	5	0			
Waterworks Guaranteed Interest	...	...	...	...	...	100	0	0			
Otago Dock Trust do.	...	...	...	...	...	800	0	0			
Floating Dock do.	...	...	...	...	...	380	0	0			
Port Chalmers Railway do.	...	...	...	...	...	5700	0	0			
Interest, Exchange, Commission, &c.	...	...	...	...	...	5000	0	0			
									36345	5	0
DIVISION No. 22.											
STEAM Tug and Steam Coastal Subsidy	..	...	...	...	...	2125	0	0	2125	0	0
DIVISION No. 23.											
HOME AGENCY	...	...	...	...	...	1500	0	0	1500	0	0
DIVISION No. 24.											
PAYMENTS TO GENERAL GOVERNMENT	...	...	...	...	...	23000	0	0	23000	0	0
DIVISION No. 25.											
IMMIGRATION	...	...	...	...	...	6000	0	0	6000	0	0
Carry forward									68970	5	0

V.—PROVINCIAL SECRETARY AND SECRETARY FOR LANDS GENERAL—*Continued.*

						£	s.	d.	£	s.	d.
Brought forward									68970	5	0
DIVISION No. 26.											
REFUND of License Fees to Municipalities						7000	0	0	7000	0	0
DIVISION No. 27.											
GRANTS-IN-AID.											
Supplemented Roads						10000	0	0			
Benevolent Institutions and Country Hospitals, £ for £						6000	0	0			
Municipalities, liabilities						1000	0	0			
Acclimatisation Society, £ for £						200	0	0			
									17200	0	0
DIVISION No. 28.											
MISCELLANEOUS.											
Volunteers						215	7	6			
Burial of Paupers						100	0	0			
Expenses of Returning Officers						100	0	0			
Advertising						100	0	0			
Printing and Stationery						200	0	0			
Printing <i>Gazette</i>						1000	0	0			
Fuel and Light						100	0	0			
Collecting Dog Tax						300	0	0			
Compensation for Cancellation of Leases of Runs, Purchase of Land, and } Deviation of Roads						13500	0	0			
Relief to Destitute						150	0	0			
Government Auctioneers						250	0	0			
Botanical Gardens						250	0	0			
Arbitrations and Actions						500	0	0			
Public Vaccinators' Liabilities						150	0	0			
Cleaning, Winding, and Repairing Clocks						50	0	0			
Witnesses' Expenses						75	0	0			
Premium on Guarantee Policies						30	0	0			
Compensation to Officers on their retirement from the Service						1000	0	0			
Otago University—Chair of Mineralogy						300	0	0			
Fencing Cemeteries						200	0	0			
Subsidy Orepuki Mail Service						65	0	0			
" Switzers "						26	0	0			
General Contingencies						1000	0	0			
Unforeseen "						3000	0	0			
Southland Railway Arbitration						3700	0	0			
Otago Museum						100	0	0			
Expedition to Stewart's Island						200	0	0			
Contingent Expenses—Special Settlements						300	0	0			
Water Rates						100	0	0			
Southland Old Debts						100	0	0			
Electric Telegraph Messages						450	0	0			
First Elections—Roads Ordinance 1871						250	0	0			
Refund of Assessment on Stock, 1870-1						805	0	11			
Do. do. 1871-2						912	7	7			
Balclutha Municipality						300	0	0			
Compensation to the Widow and Children of the late James Reid						200	0	0			
Portrait of the late John M'Glashan						50	0	0			
Library of Reference Otago University £ for £						500	0	0			
									30628	16	0
									123799	1	0
Total from Secretary for Gold Fields and Works						£102,935	1	11			
Total from Provincial Secretary and Secretary for Lands General						123,799	1	0			
						£226,734	2	11			

VI.—SECRETARY FOR GOLD FIELDS AND WORKS DEPARTMENT.

DIVISION No. 29.		£	s.	d.	£	s.	d.
ROADS.							
<i>Subdivision No. 26.</i>							
MAIN NORTH ROAD.							
Dunedin to Waikouaiti	...	2250	0	0			
Waikouaiti to Palmerston	...	850	0	0			
Palmerston to Oamaru	...	4000	0	0			
Oamaru to Waitaki	...	700	0	0			
					7800	0	0
<i>Subdivision No. 27.</i>							
MAIN SOUTH ROAD.							
Dunedin to East Taieri Bridge	...	4500	0	0			
East Taieri Bridge to Tokomairiro	...	1750	0	0			
Tokomairiro to Clutha	...	2000	0	0			
Clutha to Mataura Bridge	...	600	0	0			
Mataura Bridge to Invercargill	...	780	0	0			
					9630	0	0
<i>Subdivision No. 28.</i>							
CENTRAL INTERIOR.							
Saddle Hill to West Taieri Bridge	...	750	0	0			
West Taieri Bridge to Rock and Pillar	...	200	0	0			
Rock and Pillar to Dunstan	...	200	0	0			
Dunstan to Cromwell	...	340	0	0			
Cromwell to Queenstown	...	770	0	0			
					2260	0	0
<i>Subdivision No. 29.</i>							
SOUTHERN INTERIOR.							
Tokomairiro to Tuapeka	...	3000	0	0			
Tuapeka to Teviot	...	400	0	0			
Teviot to Alexandra	...	315	0	0			
					3715	0	0
<i>Subdivision No. 30.</i>							
NORTHERN INTERIOR.							
Palmerston to Eweburn	...	3230	0	0			
Eweburn to Dunstan	...	550	0	0			
Oamaru to Lindis	...	1340	0	0			
Lindis to Wanaka	...	100	0	0			
Cromwell to Wanaka	...	200	0	0			
					5420	0	0
DIVISION No. 30.							
SOUTHLAND ROADS.							
Invercargill to Winton	...	250	0	0			
Winton to Kingston	...	390	0	0			
Invercargill to Campbelltown	...	230	0	0			
Wallacetown to Riverton	...	150	0	0			
Riverton to Otautau	...	180	0	0			
Otautau to Wairaki Downs	...	50	0	0			
Do. to Waiiau Plains	...	60	0	0			
Mataura Bridge to Switzers	...	300	0	0			
Main Road through Invercargill	...	100	0	0			
Do. Riverton	...	25	0	0			
Invercargill to Riverton	...	200	0	0			
Do. Menzies' Ferry	...	320	0	0			
Otautau to Elbow	...	250	0	0			
					2505	0	0
DIVISION No. 31.							
Main Road through Dunedin	...						
Do. Port Chalmers	...	200	0	0			
					20	0	0
DIVISION No. 32.							
MAIN BRANCH ROADS.							
Northern Trunk to Port Chalmers	...	140	0	0			
Do. Moeraki	...	210	0	0			
Do. Oamaru Port	...	40	0	0			
Dunedin to North Taieri	...	520	0	0			
Do. Portobello	...	800	0	0			
Naseby to Eden Creek	...	220	0	0			
Lees Stream to Waipori	...	130	0	0			
Southern Trunk to Port Molyneux	...	470	0	0			
Do. Hogg's Bridge	...	40	0	0			
Carry forward	...	2570	0	0	31550	0	0

VI.—SECRETARY FOR GOLD FIELDS AND WORKS DEPARTMENT—*Continued.*

	£	s.	d.	£	s.	d.
Brought forward	2570	0	0	31550	0	0
MAIN BRANCH ROADS— <i>Continued.</i>						
Tuapeka to Switzers	50	0	0			
Southern Trunk to Kaitangata	400	0	0			
Roads and Bridges, Lower Mataura District	75	0	0			
Clinton to Waipahi	100	0	0			
Waipahi to Tapanui	50	0	0			
Tapanui to Moa Flat	50	0	0			
Waipahi to Pyramids	40	0	0			
Glenomaru to Catlin's River	460	0	0			
Dunedin to Blueskin, via Water of Leith	550	0	0			
				4345	0	0
DIVISION No. 33.						
MISCELLANEOUS ROADS.						
Port Chalmers to Blueskin	250	0	0			
Peninsula Beach Road	200	0	0			
Pinehill Road	134	0	0			
Waihemo to Macraes	50	0	0			
Macraes to Hyde	50	0	0			
Hyde to Kyeburn	50	0	0			
Roundhill to Waitahuna Township	40	0	0			
Lawrence to Wetherstones	30	0	0			
Beck's to Dunstan Creek	60	0	0			
Dunstan to Nevis	50	0	0			
Cromwell to Nevis	50	0	0			
Do. to Cardrona	250	0	0			
Do. to Bendigo Gully	120	0	0			
Albertown to Cardrona	50	0	0			
Arrow to Hayes Lake and Morven Ferry	200	0	0			
Queenstown to Arrow, via Arthur's Point	150	0	0			
Arrow to Twelve-mile Creek	100	0	0			
Queenstown to Moke Creek	60	0	0			
Do. to Maori Point and Skippers	150	0	0			
Do. to Head of Lake Wakatipu	65	0	0			
Arrow to Cardrona	50	0	0			
Roads and Bridges on Gold Fields	1500	0	0			
Lake Wakatipu to Lake M'Kerrow	100	0	0			
Lawrence to Blue Spur	30	0	0			
Roxburgh to Campbell's and Pomahaka	50	0	0			
Arrowton Roads	100	0	0			
Approaches to Puerua Bridge	180	0	0			
Waipori to Wetherstones	61	0	0			
Lake Road to Nokomai	50	0	0			
Track over Devil's Staircase	150	0	0			
Main Street, Tapanui	50	0	0			
Main South Road to Kuri Bush	300	0	0			
Macetown to Shotover Branches	30	0	0			
Hyde to Hamilton	100	0	0			
Strath Taieri Road	50	0	0			
Road to Maruwhenua Diggings	100	0	0			
Mavora Lake to Hollyford River	100	0	0			
Maori Point to Millar's Flat	100	0	0			
Skipper's to Branches	200	0	0			
Macetown to Big Hill	300	0	0			
Southern Trunk to Hogg's Bridge	300	0	0			
Hyde to Hamiltons	100	0	0			
Track to Martin's Bay	300	0	0			
				6410	0	0
Carry forward				42305	0	0

VI-- SECRETARY FOR GOLD FIELDS AND WORKS DEPARTMENT—Continued.

				£	s.	d.	£	s.	d.
Brought forward							42305	0	0
DIVISION No. 34.									
WORKS AND BUILDINGS.									
Repairs to Buildings	...	...	...	1000	0	0			
Tools and Materials for Prison Labor	...	...	..	1000	0	0			
Works not provided for	...	...	...	500	0	0			
School Buildings	...	...	...	3200	0	0			
Lunatic Asylum	...	...	...	500	0	0			
District Gaols and Police Stations	...	...	...	250	0	0			
Court House, Cromwell	...	...	...	600	0	0			
Quartz Crushing Machine	...	...	...	220	0	0			
Working Expenses, &c.	...	...	...	300	0	0			
Dunedin Hospital—Kerbing, &c.	...	...	..	100	0	0			
Embanking Waikouaiti River	...	...	...	150	0	0			
Removing Rocks Shag Harbor	...	...	...	50	0	0			
Landing Stage Port Chalmers	...	...	...	50	0	0			
Punt, Clutha River, Kaitangata	..	..	..	150	0	0			
Lighthouse, Waikouaiti South Head	...	...	...	100	0	0			
Embankment, Waikouaiti Lagoon	...	...	...	30	0	0			
Moorings, Shag Point Harbor	...	...	...	150	0	0			
							8350	0	0
DIVISION No. 35.									
RAILWAYS.									
Completion of Works and Maintenance	...	...	...				3000	0	0
DIVISION No. 36.									
BRIDGES.									
Balclutha	...	...	...	60	0	0			
Cromwell	...	...	...	50	0	0			
Kakaho	...	...	...	480	0	0			
Mataura	...	...	...	40	0	0			
Pleasant River	...	...	...	40	0	0			
Pomahaka—Tuapeka to Switzers	...	...	...	400	0	0			
Shotover Bridge—Cromwell to Queenstown...	...	...	...	70	0	0			
" Arthur's Point	...	...	...	50	0	0			
Taieri (East)	...	...	..	50	0	0			
" (West)	...	...	...	130	0	0			
Tokomairiro—North Branch..	...	...	...	320	0	0			
Waikouaiti	...	...	...	550	0	0			
Winding Creek	...	...	...	350	0	0			
Woolshed	...	...	...	100	0	0			
Mokotua	...	...	...	200	0	0			
Makerewa	...	...	...	1500	0	0			
Paiwata	...	...	...	500	0	0			
Waihopai	...	...	...	600	0	0			
Lindsay's Creek	...	...	..	800	0	0			
Pleasant River	...	...	...	600	0	0			
Nutukaka	...	...	...	1200	0	0			
Pomahaka	...	...	...	800	0	0			
Island Stream	...	...	...	600	0	0			
Mill Race, Kakanui	...	...	...	150	0	0			
Waiareka Creek	...	...	...	400	0	0			
Boundary Creek	...	...	...	500	0	0			
Kakanui	...	...	...	500	0	0			
							11040	0	0
DIVISION No. 37.									
JETTIES AND HARBOURS.									
Moeraki Jetty	...	...	...	50	0	0			
Oamaru Harbour Works	...	...	...	6000	0	0			
Dredging Harbour	...	...	...	3000	0	0			
Waikouaiti Jetty and Improvements	..	..	...	400	0	0			
							9450	0	0
							74145	0	0

Total from Provincial Secretary and Treasurer and Secretary for Lands General £226,734 2 11
 Total Roads and Works 74,145 0 0

Carried forward £300,879 2 11

VI.—SECRETARY FOR GOLD FIELDS AND WORKS DEPARTMENT—Continued.

ROADS AND BRIDGES				£	s.	d.	£	s.	d.
(For which Payments are to be made in Land).				£	s.	d.			
Puerua Road	...	...	...	300	0	0			
Cromwell Bridge to Quartz Reef Point, Bridle Track	...	...	...	700	0	0			
Mararoa and Te Anau Road	...	...	...	500	0	0			
Round the Bluff on "Thornhill's" boundary	...	...	...	150	0	0			
Queenstown to Arthur's Point	...	...	...	640	0	0			
Arthur's Point to Arrow	...	...	...	700	0	0			
Construction of Causeways from Serpentine to Kyeburn Hotel	...	...	...	60	0	0			
Naseby to Coalpit at Kyeburn	...	...	...	250	0	0			
Camp Reserve, Waitahuna, to Duff's Store	...	...	...	260	0	0			
Queenstown to Martin's Bay	...	...	...	1500	0	0			
Marewhenua to Mount Ida Diggings through the Marewhenua Pass	...	...	...	245	0	0			
Bridge across the Shotover, near Arthur's Point	...	...	...	2500	0	0			
Oamaru Town to Awamōka Creek	..	...	...	700	0	0			
Dougherty's House to Fitzgerald's Store	...	...	...	250	0	0			
Bluff Wharf	...	...	...	5000	0	0			
Orepuki Tramway (from land through which the Tramway is to run)	...	...	...	5000	0	0			
Mataura Bridge, Menzies' Ferry	...	...	...	3000	0	0			
Do. Switzer's Road	...	...	...	2000	0	0			
Tramway to Otautau	...	...	...	5000	0	0			
Road—Winton to Benmore	...	...	...	500	0	0			
Roads and Bridges, Akatore District	...	...	...	300	0	0			
Deep Stream Bridge	...	...	...	500	0	0			
Road from Coast District to Tokomairiro	...	..	...	500	0	0			
Hyde to Kyeburn	...	...	...	250	0	0			
Hyde to Taieri River	...	...	...	150	0	0			
Shag Valley to Macraes	...	...	...	500	0	0			
Oamaru to Lindis	...	...	...	1000	0	0			
Waipori to Main South Road	...	...	...	200	0	0			
							32655	0	0
							£32655	0	0
Amount brought forward	...	...	...	£300,879	2	11			
„ from Payments to be made in Land	...	...	...	32,655	0	0			
				£333,534	2	11			

Superintendent authorised to transfer one item to another of the same division.

3. The Superintendent with the advice and consent of his Executive Council is hereby authorised to transfer any sum or sums of money from one item of any subdivision to another item in the same subdivision and to transfer from the vote "Unforeseen Contingencies" any sum or sums of money to any vote or votes requiring to be supplemented by reason of unforeseen emergency or to any new headings in cases of apparent omission or unforeseen expenditure necessary to be incurred provided that a statement of all such transfers together with a statement of the expenditure under the head of unforeseen contingencies be laid by the Provincial Auditor before the Provincial Council at its next Session.

Provision for continuing payments to 31st May 1873.

4. If in the opinion of the Superintendent the interests of the Public Service of the said Province will be promoted by not convening a Session of the Provincial Council until after the thirty-first day of March one thousand eight hundred and seventy-three there may be issued and applied out of the revenues of the said Province subject to appropriation by the Provincial Council any sum or sums of money for the purposes of defraying the charges of the Government of the said Province during a period of not exceeding two months from the said thirty-first day of March one thousand eight hundred and seventy-three not exceeding in the whole such sum or sums respectively as shall be in proportion for such period of two months to the sum or sums appropriated for the like payments during the twelve months ending on the thirty-first day of March aforesaid.

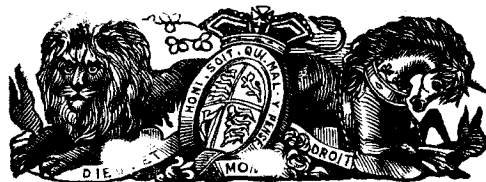
5. The Provincial Treasurer or other person having the custody or control of the Public Funds of the Province shall issue and pay from time to time any sum or sums of money for the purposes herein mentioned not exceeding in the whole the sums respectively hereinbefore specified to such persons and in such proportions as the Superintendent for the time being shall by warrants under his hand directed to the Provincial Treasurer or such other person as aforesaid and certified by the Auditor or Deputy-Auditor in terms of the "Provincial Audit Act 1866" or any other Act for the time being in force regulating the audit of Public Accounts in the Province of Otago from time to time direct and such Treasurer or other person having the custody or control of the Public Funds of the Province shall in his accounts be allowed credit for all sums paid by him in pursuance of such warrants and the receipts of the persons 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.

Treasurer &c. to pay moneys under warrant of the Superintendent and to be allowed credit for all moneys so paid.

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LICENSING ORDINANCES AMENDMENT ORDINANCE 1872.

IN THE THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXX. No. 373.

ANALYSIS:

Title.
Preamble.
1. Short Title.

2. Notice to be given a month before first Tuesday in December.
3. Owners and occupiers may object.

AN ORDINANCE to amend the "*Licensing Ordinances Amendment Ordinance* Title.
1870." [31ST MAY, 1872.]

WHEREAS it is expedient to amend the "*Licensing Ordinances Amend- Preamble.*
ment Ordinance 1870" in certain particulars:

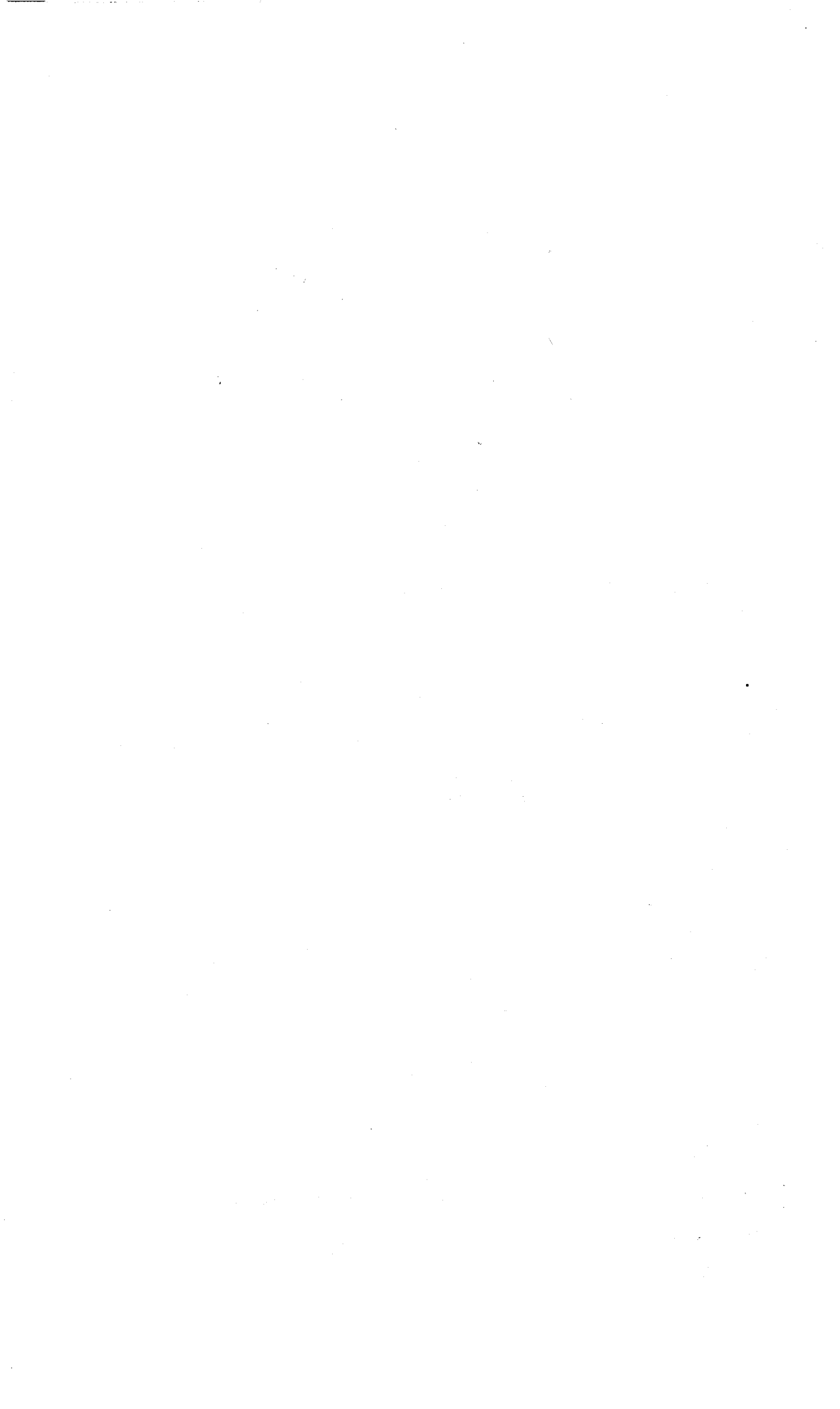
BE IT THEREFORE ENACTED by the Superintendent of the Province of
Otago with the advice and consent of the Provincial Council thereof as
follows:—

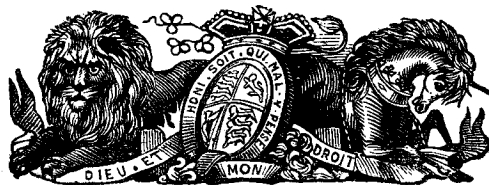
1. This Ordinance shall be termed and may be cited and referred to as Short Title.
the "*Licensing Ordinances Amendment Ordinance 1872.*"

2. Instead of the notice of an objection under the second section of Notice to be given a
the "*Licensing Ordinances Amendment Ordinance 1870*" being given at month before first
least one calendar month before the thirty-first day of December in any year Tuesday in Decem-
any such notice shall hereafter be given at least one calendar month before ber.
the first Tuesday in the month of December in any year anything in the said
recited Ordinance to the contrary notwithstanding.

3. In addition to the persons specified in the "*Licensing Ordinances Owners and occupiers*
Amendment Ordinance 1870" as entitled to object to the renewal of a may object.
license any owner or occupier of property in the neighbourhood of a licensed
house or premises may also object to the renewal of the license by giving
notice to the Provincial Treasurer and to the applicant before the first
Tuesday of December in any year in like manner as before provided.

DUNEDIN, NEW ZEALAND:





OTAGO MUNICIPAL CORPORATIONS ORDINANCE AMENDMENT ORDINANCE 1872.

IN THE THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXX. No. 374.

ANALYSIS:

Title.
Preamble.
1. Short Title.

2. Section 78 of recited Ordinance repealed.
3. Assessment to be made on yearly rent.
4. Ordinance to form part of recited Ordinance.

AN ORDINANCE to Amend the "Otago Municipal Corporations Ordinance Title. 1865."

[RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON, 31ST MAY 1872.]

WHEREAS it is expedient to repeal section numbered seventy-eight Preamble. of the "Otago Municipal Corporations Ordinance 1865" and to make other provision in lieu thereof:

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. This Ordinance may be cited and referred to as the "Otago Muni- Short Title. cipal Corporations Ordinance Amendment Ordinance 1872."

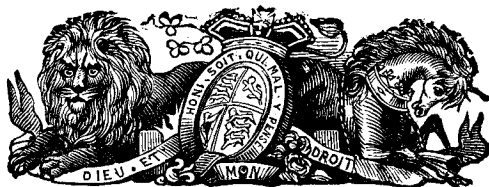
2. The seventy-eighth section of the said "Otago Municipal Corpora- Section 78 of recited tions Ordinance 1865" shall be and the same is hereby repealed. Ordinance repealed.

3. For raising such portion (if any) of the proposed expenditure as the Assessment to be estimated probable income of the Corporation may be insufficient to meet made on yearly rent. the Council may order assessments of all buildings lands tenements hereditaments within the City of Dunedin or any other town incorporated under the "Otago Municipal Corporations Ordinance 1865" to be made according to the full fair and estimated annual rent at which the same might reasonably be expected to let from year to year free of all usual tenants' rates and taxes and deducting therefrom the probable average annual cost of the repairs insurance and other expenses (if any) necessary to maintain such property in a state to command such rent.

4. This Ordinance shall be read and construed as part of and incorpo- Ordinance to form rated with the said recited Ordinance. part of recited Ordinance.

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OTAGO LOCAL REVENUES ORDINANCE 1872.

IN THE THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXX. No. 375.

ANALYSIS :

<p>Title. Preamble. 1. Short Title. 2. License and Registration fees payable to collector of boroughs and counties.</p>	<p>3. Collectors to sign and issue licenses. 4. Corporations to maintain main roads. 5. Interpretation clause. 6. Words "Provincial Treasurer" to include collectors. Schedule.</p>
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AN ORDINANCE for granting to the Municipal and Counties Corporations within the Province of Otago Provincial License and Registration Fees as part of their Ordinary Revenue.

[RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON, 31ST MAY, 1872.]

WHEREAS it is expedient that the moneys received for licenses and registration fees under the provisions of the several Ordinances specified in the annexed Schedule should form part of the ordinary revenue of the body corporate of the several boroughs and counties in which the persons paying the same reside or carry on business :

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. This Ordinance may be cited and referred to as the "Otago Local Revenues Ordinance 1872."

2. From and after the date of the coming into operation of this Ordinance the fees and dues payable for licenses or registration under the provisions of the several Ordinances specified in the annexed Schedule by any person or persons residing or carrying on business within the limits of any municipality or county by law established and incorporated within the Province of Otago shall be payable to the collector of the Corporation in which such person or persons reside or carry on business and the same shall form part of the ordinary revenue of such corporation.

3. The collector of every corporation within the said Province is hereby empowered to sign and issue on payment of the stated fees all such licenses and certificates of registration under the provisions of the several Ordinances specified in the annexed schedule to persons residing or carrying on business within the boundaries of the corporation of which he is the

collector instead of the Provincial Treasurer and the fees for such licenses and registration certificates shall form part of the ordinary revenue of such corporation and shall no longer form part of the ordinary revenue of the Province of Otago: Provided always that the dues and fees payable from all such licenses and registration certificates by persons not residing within the limits of any Corporation shall be payable to the Provincial Treasurer and form part of the ordinary revenue of the said Province as heretofore.

Corporations to maintain main roads.

4. From and after the passing of this Ordinance after the formation of any main road within the boundaries of any incorporated borough or county has been completed the management and maintenance thereof shall be undertaken by such Corporation and the costs and expenses connected therewith shall be a charge against the ordinary revenue of the Corporation.

Interpretation clause.

5. The word "Corporation" in this Ordinance shall be taken to mean and include every municipality or borough and county within the Province of Otago established under the "Otago Municipal Corporations Ordinance 1865" or the "Counties Ordinance 1872" or any other Ordinance of the Provincial Council of Otago or any Act of the General Assembly of New Zealand.

Words "Provincial Treasurer" to include collectors.

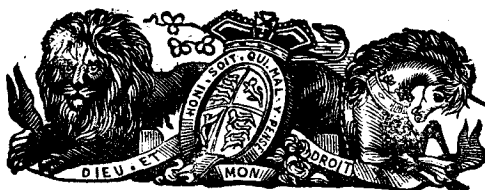
6. The words "Provincial Treasurer" in any of the Ordinances specified in the annexed schedule shall be held to mean and include the collector of any Corporation within which any license or registration certificate required under the provisions contained in the said Ordinances or any of them shall be signed and issued.

SCHEDULE.

Title of Ordinance.	Date and Number.	Year.
Licensed Auctioneers' Ordinance 1862	26° Vict., No. 99	1862
Licensing Ordinance 1865	29° Vict., No. 207	1865
Dog Nuisance Ordinance 1862	26° Vict., No. 85	1862
Licensed Carriages Ordinances 1862	26° Vict., No. 102	1862
The Licensed Hawkers' Ordinance 1864	28° Vict., No. 170	1864
Goat Nuisance Ordinance 1868	31° Vict., No. 273	1868
Licensed Theatres Ordinance 1862	26° Vict., No. 108	1862
Licensed Theatres Ordinance 1870	33° Vict., No. 310	1870

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HOSPITALS ORDINANCES (SOUTHLAND) REPEAL ORDINANCE 1872.

IN THE THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXX. No. 376.

ANALYSIS :

- | | |
|--|---|
| <p>Title.
Preamble.
1. Short Title.
2. Ordinances of late Province of Southland repealed.
3. Ordinances of Province of Otago extended.</p> | <p>4. Vacancy in committee may be filled up.
5. Contributors of one pound annually or ten pounds in one sum entitled to vote at election of committee &c. Schedules first and second.</p> |
|--|---|

AN ORDINANCE to repeal the Hospitals Ordinances of the late Province of Southland and to extend the provisions of the Hospitals Ordinances of the Province of Otago to that part of the Province of Otago which before the coming into operation of the "Otago and Southland Union Act 1870" was included in the Province of Southland and to make further provision for the filling of vacancies in committees appointed thereunder.

[31ST MAY 1872.]

WHEREAS it is expedient to repeal the Ordinances of the Superintendent and Provincial Council of the late Province of Southland specified in the first Schedule hereto and to extend to that part of the Province of Otago which before the coming into operation of the "Otago and Southland Union Act 1870" was included in the Province of Southland the provisions of the Ordinances of the Province of Otago specified in the second Schedule hereto : And whereas it is also expedient to make further provision for the filling up of any vacancy which may occur in a committee during the year before any annual meeting and otherwise amend the "Hospitals Ordinance 1870 :

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. The short title of this Ordinance shall be the "Hospitals Ordinances (Southland) Repeal Ordinance 1872."
2. The several Ordinances of the Superintendent and Provincial Council of the late Province of Southland specified in the first Schedule hereto shall be and the same are hereby repealed.
3. The several Ordinances of the Superintendent and Provincial Council of the Province of Otago specified in the second Schedule hereto shall be and the same are hereby extended to that part of the Province of Otago which before the coming into operation of the "Otago and Southland Union Act

1870" was included in the Province of Southland and from and after the passing of this Ordinance the said Ordinances respectively shall be in force and operation throughout the whole of the Province of Otago as constituted by the said Act.

Vacancy in committee may be filled up.

4. In the event of there being a vacancy in the committee of any Hospital during the year current after an election of such committee and before the date of the next annual meeting of the contributors and there being no rule in force regulating the filling up of such a vacancy any such vacancy may be filled up by the remaining members of committee and the person so appointed shall hold office until the next annual general meeting.

Contributors of one pound annually or ten pounds in one sum entitled to vote at election of Committee &c.

5. Notwithstanding anything in the "Hospitals Ordinance 1870" to the contrary any contributor who shall have paid his annual contribution of one pound at the least or an amount of ten pounds in one sum to the funds of any Hospital on any day previous to the date at which the meeting shall be held for the election of the committee or other officers of such Hospital shall be entitled to vote at such meeting and the second section of the said Ordinance in as far as contrary hereto shall be and the same is hereby repealed.

THE FIRST SCHEDULE HEREINBEFORE REFERRED TO.

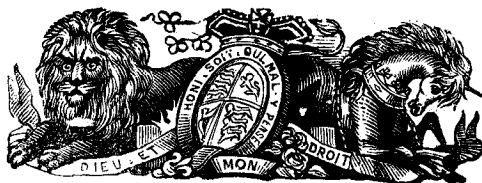
Short Title of Ordinance.	Session and Number.	Date.
Hospitals Ordinance 1863	27° Vict. No. 41.	1863
Hospitals Ordinance 1863 Amendment Ordinance 1868 ...	32° Vict. No. 99.	1868

THE SECOND SCHEDULE HEREINBEFORE REFERRED TO.

Short Title of Ordinance.	Session and Number.	Date.
Hospitals Ordinance 1862	26° Vict. No. 95.	1862
Hospitals Ordinance 1870	33° Vict. No. 313.	1870

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POLICE ORDINANCE (SOUTHLAND) REPEAL ORDINANCE 1872.

IN THE THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXX. No. 377.

ANALYSIS :

Title.
Preamble.
1. Short Title.

2. Ordinance of late Province of Southland repealed.
3. Ordinances of Province of Otago extended.
Schedules first and second.

AN ORDINANCE to repeal the Police Ordinance of the late Province of Southland and to extend the provisions of the Police Ordinances of the Province of Otago to that part of the Province of Otago which before the coming into operation of "The Otago and Southland Union Act 1870" was included in the Province of Southland. [31ST MAY 1872.]

WHEREAS it is expedient to repeal the Ordinance of the Superintendent and Provincial Council of the late Province of Southland specified in the first Schedule hereto and to extend to that part of the Province of Otago which before the coming into operation of "The Otago and Southland Union Act 1870" was included in the Province of Southland the provisions of the Ordinances of the Province of Otago specified in the second Schedule hereto :

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. The short title of this Ordinance shall be the "Police Ordinance (Southland) Repeal Ordinance 1872."

2. The Ordinance of the Superintendent and Provincial Council of the late Province of Southland specified in the first schedule hereto shall be and the same is hereby repealed.

3. The several Ordinances of the Superintendent and Provincial Council of the Province of Otago specified in the second schedule hereto shall be and the same are hereby extended to that part of the Province of Otago which before the coming into operation of "The Otago and Southland Union Act 1870" was included in the Province of Southland and from and after the passing of this Ordinance the said Ordinances respectively shall be in force and operation throughout the whole of the Province of Otago as constituted by the said Act.

Police Ordinance (Southland) Repeal 1872.

THE FIRST SCHEDULE HEREINBEFORE REFERRED TO.

Short Title of Ordinance.	Session and Number.	Date.
Police Ordinance 1862 	25 ^o Vict., No. 6	1862

THE SECOND SCHEDULE HEREINBEFORE REFERRED TO.

Short Title of Ordinance.	Session and Number.	Date.
Police Regulation Ordinance 1862 	26 ^o Vict. No. 100	1862
Town and Country Police Ordinance 1862 	26 ^o Vict. No. 103	1862
Town and Country Police Ordinance Extension and Amendment Ordinance 1863 	27 ^o Vict. No. 129	1863
Police Regulation Ordinance 1862 Amendment Ordinance 1864	27 ^o Vict. No. 141	1864
Town and Country Police Ordinance Extension Ordinance 1865	29 ^o Vict. No. 214	1866

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LICENSED CARRIAGES ORDINANCE 1872.

IN THE THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXX. No. 378.

ANALYSIS:

Title.
Preamble.
1. Short Title.

2. Ordinance of Province of Otago extended.
Schedule.

AN ORDINANCE *to extend the provisions of the Ordinance of the Province of Otago relating to the regulating Common or Public Carriages to that part of the Province of Otago which before the coming into operation of "The Otago and Southland Union Act 1870" was included in the Province of Southland.* Title.
[31st MAY 1872.]

WHEREAS it is expedient to extend to that part of the Province of Otago which before the coming into operation of "The Otago and Southland Union Act 1870" was included in the Province of Southland the provisions of the Ordinance of the Province of Otago specified in the Schedule hereto: 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:—

1. The short title of this Ordinance shall be the "Licensed Carriages Ordinance 1872." Short Title.

2. The Ordinance of the Superintendent and Provincial Council of the Province of Otago specified in the Schedule hereto shall be and the same is hereby extended to that part of the Province of Otago which before the coming into operation of "The Otago and Southland Union Act 1870" was included in the Province of Southland and from and after the passing of this Ordinance the said Ordinance shall be in force and operation throughout the whole of the Province of Otago as constituted by the said Act. Ordinance of Province of Otago extended.

THE SCHEDULE HEREINBEFORE REFERRED TO.

Short Title of Ordinance.	Session and Number.	Date.
Licensed Carriages Ordinance 1862	26 ^o Vict. No. 102.	1862

DUNEDIN, NEW ZEALAND

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CEMETERIES ORDINANCE (SOUTHLAND) REPEAL ORDINANCE 1872.

IN THE THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXX. No. 379.

ANALYSIS :

- | | |
|--|---|
| <p>Title.
Preamble.
1. Short Title.
2. Ordinance of late Province of Southland repealed.</p> | <p>3. Ordinance of Province of Otago extended.
4. Ordinance to apply to lands managed under the " Cemeteries Ordinance 1868." Schedules first and second.</p> |
|--|---|

AN ORDINANCE to repeal the Cemeteries Ordinance of the late Province of ^{Title.} Southland and to extend the provisions of the Cemeteries Ordinance of the Province of Otago to that part of the Province of Otago which before the coming into operation of "The Otago and Southland Union Act 1870" was included in the Province of Southland. [31ST MAY, 1872.]

WHEREAS it is expedient to repeal the Ordinance of the Superintendent ^{Preamble.} and Provincial Council of the late Province of Southland specified in the first Schedule hereto and to extend to that part of the Province of Otago which before the coming into operation of "The Otago and Southland Union Act 1870" was included in the Province of Southland the provisions of the Ordinance of the Province of Otago specified in the second Schedule hereto :

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. The short title of this Ordinance shall be the " Cemeteries Ordinance ^{Short Title.} (Southland) Repeal Ordinance 1872."

2. The Ordinance of the Superintendent and Provincial Council of the ^{Ordinance of late Province of Southland repealed.} late Province of Southland specified in the first Schedule hereto shall be and the same is hereby repealed.

3. The Ordinance of the Superintendent and Provincial Council of the ^{Ordinance of Province of Otago extended} Province of Otago specified in the second Schedule hereto shall be and the same is hereby extended to that part of the Province of Otago which before the coming into operation of "The Otago and Southland Union Act 1870" was included in the Province of Southland and from and after the passing of this Ordinance the said Ordinance shall be in force and operation throughout the whole of the Province of Otago as constituted by the said Act.

Ordinance to apply to lands managed under the "Cemeteries Ordinance 1863" (Southland).

4. The provisions of the said Ordinance specified in the second Schedule hereto shall be extended and apply to all lands in that part of the Province of Otago which before the coming into operation of "The Otago and Southland Union Act 1870" was included in the Province of Southland which since the passing of the "Cemeteries Ordinance 1863" (Southland) have been set aside and appropriated to be used as public cemeteries for the interment of the dead and have been managed under the provisions of the "Cemeteries Ordinance 1863" (Southland).

THE FIRST SCHEDULE HEREINBEFORE REFERRED TO.

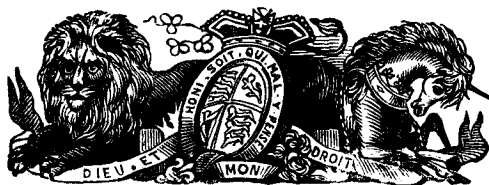
Short Title of Ordinance.	Session and Number.	Date.
Cemeteries Ordinance 1863 	27 ^o Vict. No. 49.	1863

THE SECOND SCHEDULE HEREINBEFORE REFERRED TO.

Short Title of Ordinance.	Session and Number.	Date.
Cemeteries Management Ordinance 1870 	33 ^o Vict. No. 312.	1870

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LAWRENCE RESERVES MANAGEMENT ORDINANCE 1872.

IN THE THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXX. No. 380.

ANALYSIS:

- | | |
|---|---|
| <p>Title.
Preamble.
1. Short Title.
2. Lands described in Schedule to be vested in the Corporation of the Town of Lawrence.</p> | <p>3. Corporation to manage lands described in Schedule under certain provisions.
4. Application of moneys. Schedule.</p> |
|---|---|

AN ORDINANCE *to transfer to and vest in the Corporation of the Town of Lawrence certain Lands now vested in the Superintendent of the Province of Otago in trust for purposes of public utility for the Town of Lawrence and its Inhabitants.* Title.

[RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON, 31ST MAY, 1872.]

WHEREAS the lands described in the Schedule to this Ordinance annexed are vested in the Superintendent of the Province of Otago and his successors subject to the provisions of certain Acts passed by the General Assembly of New Zealand intituled the "Public Reserves Act 1854" and "The Public Reserves Act Amendment Act 1862": And whereas by proclamation in the Government *Gazette* of the Province of Otago made under the provisions of an Ordinance passed by the Superintendent and Provincial Council of the said Province intituled the "Otago Municipal Corporations Ordinance 1865" the provisions of the said Ordinance were extended to the Town of Lawrence and the citizens of Lawrence were created a Corporate Body under the style of the "Corporation of the Town of Lawrence": And whereas by "The Public Reserves Act Amendment Act 1862" aforesaid it is provided that it shall be lawful for the Superintendent and Provincial Council of any Province by any Act or Ordinance to be from time to time duly passed in that behalf to direct and declare that any land vested or which might thereafter be vested in the Superintendent of any Province under the provisions of the said "Public Reserves Act 1854" upon trust for any public purposes should be transferred to vested in and held by any Corporation Commission or other person or persons having corporate succession to be named in such Act or Ordinance in trust for the like or for any other public purpose to be specified and declared in such Act or Ordinance in such manner and with such powers of lease management and disposition over the same and over all rents issues profits and proceeds thereof and other powers provisions and conditions as should in such Act or Ordinance be expressed or declared: And whereas it is expedient that the lands described in the said Schedule hereto should be transferred to and vested in the "Corporation of the Town of Lawrence" upon the Trusts and with and subject to the powers provisions and conditions hereinafter declared: 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:—

Short Title.

1. This Ordinance shall be intituled and may be cited and referred to as the "Lawrence Reserves Management Ordinance 1872."

Lands described in Schedule to be vested in the Corporation of the Town of Lawrence.

2. The lands described in the Schedule hereto shall be and the same are hereby transferred to and vested in the "Corporation of the Town of Lawrence" and its successors as a Corporate Body to be held by the said Corporation and its successors in trust for purposes of public utility for the Town of Lawrence and its inhabitants.

Corporation to manage lands described in Schedule under certain provisions.

3. It shall be lawful for the "Corporation of the Town of Lawrence" to manage the said lands in such manner in every respect as to the said Corporation shall seem fit and with the sanction and consent of the Superintendent to lease the same lands and every or any part thereof at such rents issues and profits as the said Corporation may deem expedient so that such leases be for any term not exceeding twenty-one years to take effect from the time of the execution thereof.

Application of moneys.

4. All moneys received by the "Corporation of the Town of Lawrence" for the rents issues and profits of the said lands shall be managed by the said Corporation and shall be applied and disposed of in manner provided by the ninety-fourth section of the "Otago Municipal Corporations Ordinance 1865."

SCHEDULE.

MUNICIPAL RESERVES.

1. All the several allotments or parcels of lands each containing one quarter of an acre (more or less) situate in the Town of Lawrence delineated on the Record Map of the said town and described in Crown Grants dated respectively the twenty-seventh day of January one thousand eight hundred and seventy-one and hereinafter specified viz.: section numbered ten (10) block one (I) section numbered nine (9) block two (II) section numbered twelve (12) block three (III) section numbered twelve (12) block five (V) section numbered two (2) block VI section numbered twelve (12) block seven (VII) sections numbered two (2) and twelve (12) block eight (VIII) section numbered fourteen (14) block nine (IX) sections numbered seven (7) and fifteen (15) block ten (X) sections numbered four (4) and fourteen (14) block eleven (XI) sections numbered four (4) and fourteen (14) block twelve (XII) sections numbered four (4) and fourteen (14) block thirteen (XIII) section numbered four (4) block twenty (XX) section numbered eighteen (18) block twenty-two (XXII) section numbered eight (8) block twenty-three (XXIII) sections numbered two (2) and twelve (12) block twenty-four (XXIV) sections numbered eight (8) and seventeen (17) block twenty-five (XXV) section numbered seven (7) block twenty-six (XXVI) sections numbered six (6) and sixteen (16) block twenty-seven (XXVII) sections numbered six (6) and sixteen (16) block twenty-eight (XXVIII) sections numbered six (6) and sixteen (16) block thirty (XXX) section numbered twelve (12) block thirty-one (XXXI) section numbered eleven (11) block thirty-four (XXXIV) sections numbered three (3) and thirteen (13) block thirty-six (XXXVI) sections numbered six (6) and sixteen (16) block thirty-seven (XXXVII) sections numbered three (3) and thirteen (13) block thirty-eight (XXXVIII).

2. All the allotment or parcel of land containing ten acres three roods two poles more or less situate in the Town of Lawrence delineated on the Record Map thereof and marked as block forty-six (XLVI) and described in the Crown Grant dated the twentieth day of September one thousand eight hundred and seventy-one.

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BALCLUTHA RESERVES MANAGEMENT ORDINANCE 1872.

IN THE THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXX. No. 381.

ANALYSIS :

- | | |
|---|---|
| <p>Title.
Preamble.
1. Short Title.
2. Lands described in Schedule to be vested in the Corporation of the incorporated Town of Balclutha.</p> | <p>3. Corporation to manage lands described in Schedule under certain provisions.
4. Moneys to be applied as provided by the 94th Section of the Otago Municipal Corporations Ordinance 1865. Schedule.</p> |
|---|---|

AN ORDINANCE to transfer to and vest in the Corporation of the Town of Balclutha certain lands now vested in the Superintendent of the Province of Otago in trust for purposes of public utility for the Town of Balclutha and its inhabitants.

[RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON, 31ST MAY, 1872.]

WHEREAS the lands and hereditaments described in the Schedule hereto are vested in the Superintendent of the Province of Otago and his successors subject to the provisions of certain Acts passed by the General Assembly of New Zealand intituled the "Public Reserves Act 1854" and the "Public Reserves Act Amendment Act 1862": And whereas by a proclamation in the *Government Gazette* of the Province of Otago made under the provisions of an Ordinance passed by the Superintendent and Provincial Council of the said Province intituled the "Otago Municipal Corporations Ordinance 1865" the provisions of the said Ordinance were extended to the Town of Balclutha and the citizens of the said town were incorporated under the style of the "Corporation of the Town of Balclutha:" And whereas by the said "Public Reserves Act Amendment Act 1862" it is provided that it shall be lawful for the Superintendent and Provincial Council of any Province by any Act or Ordinance to be from time to time duly passed in that behalf to direct and declare that any land vested or which might thereafter be vested in the Superintendent of any Province under the provisions of the said "Public Reserves Act 1854" upon trust for any public purposes should be transferred to and vested in and held by any Corporation Commission or other person or persons having corporate succession to be named in such Act or Ordinance in trust for the like or for any other public purpose to be specified and declared in such Act or Ordinance in such manner and with such powers of lease management and disposition over the same and over all rents issues profits and proceeds thereof and other powers provisions and conditions as should in such Act or Ordinance be expressed or declared: And whereas it is expedient that the said lands and heredita-

ments described in the said Schedule hereto should be transferred to and vested in the "Corporation of the Town of Balclutha" upon the trusts and with and subject to the powers provisions and conditions hereinafter declared:

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:—

Short Title.

1. This Ordinance shall be intituled and may be cited and referred to as the "Balclutha Reserves Management Ordinance 1872."

Lands described in Schedule to be vested in the Corporation of the incorporated Town of Balclutha.

2. The lands and hereditaments mentioned and described in the Schedule hereto shall be and the same are hereby transferred to and vested in the "Corporation of the Town of Balclutha" and its successors as a corporate body to be held by the said Corporation and its successors in trust for the like public purposes for which such lands are now held.

Corporation to manage lands described in Schedule under certain provisions.

3. It shall be lawful for the said "Corporation of the Town of Balclutha" to manage the said lands and hereditaments in such manner in every respect as to them shall seem fit and with the sanction and consent of the Superintendent for the time being of the Province of Otago to lease the same lands and hereditaments at such rents issues and profits as it may deem expedient so that such leases be for any term not exceeding twenty-one years to take effect from the time of the execution thereof.

Moneys to be applied as provided by the 94th Section of the Otago Municipal Corporations Ordinance 1865.

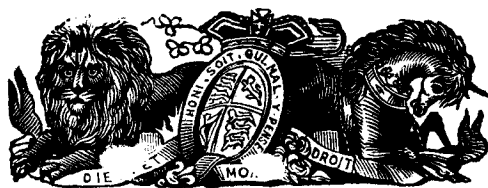
4. All moneys received by the said "Corporation of the Town of Balclutha" for the rents issues and profits of the said lands and hereditaments shall be managed by the said Corporation and shall be applied and disposed of in manner provided by the ninety-fourth section of the "Otago Municipal Corporations Ordinance 1865."

SCHEDULE.

All that parcel of land in the Province of Otago and Colony of New Zealand situate in the Town of Balclutha containing by admeasurement thirty-five (35) acres two (2) roods and ten (10) poles more or less being sections numbered respectively one (1) two (2) three (3) four (4) five (5) six (6) seven (7) eight (8) ten (10) eleven (11) twelve (12) thirteen (13) fourteen (14) fifteen (15) sixteen (16) seventeen (17) eighteen (18) nineteen (19) and twenty (20) block sixteen (XVI) and blocks numbered respectively twelve (XII) thirteen (XIII) fourteen (XIV) and fifteen (XV) together with Reserves numbered respectively one (1) two (2) three (3) and four (4) on the map of the said Town bounded towards the north-east by River Terrace six hundred and twenty-five (625) links seven hundred and eight (708) links and one hundred and sixty-three (163) links towards the east-north-east by Crown Lands five hundred and sixty-eight (568) links five hundred and two (502) links and five hundred and eighteen (518) links towards the south-east by Crown Lands eight hundred and forty-eight (848) links towards the south by Crown Lands eighty (80) links four hundred and ninety-nine (499) links and five hundred and one (501) links and towards the west by Greenock street nine hundred and ninety-two (922) links one thousand (1000) links and one thousand one hundred and fifty-six (1156) links excepting section numbered nine (9) block sixteen (XVI) and intersected by Dumbarton street Helensburgh street Rutherglen street and Biggar street each one hundred (100) links wide.

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OAMARU TOWN RESERVES MANAGEMENT ORDINANCE 1872.

IN THE THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXX. No. 382.

ANALYSIS :

- | | |
|---|---|
| <p>Title.
Preamble.
1. Short Title.
2. Oamaru Town Reserves Management Ordinance 1865 re-
pealed.
3. Management of lands described in Schedules to be vested in
the Corporation of the Incorporated Town of Oamaru.</p> | <p>4. Lawful for the said Corporation to manage the said lands
under certain provisions.
5. Moneys received from such lands to be expended in improve-
ments thereon.
Schedules First and Second.</p> |
|---|---|

AN ORDINANCE *to Transfer and Vest in the Corporation of the Incorporated* Title.
Town of Oamaru the Management of certain Lands now vested in the
Province of Otago in trust for purposes of public utility for the Town of
Oamaru and its Inhabitants.

[RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON, 31ST MAY 1872.]

WHEREAS the lands and hereditaments described in the Schedules hereto ^{Preamble.}
are vested in the Superintendent of the Province of Otago and his
successors subject to the provisions of certain Acts passed by the General
Assembly of New Zealand intituled the "Public Reserves Act 1854" and
the "Public Reserves Act Amendment Act 1862": And whereas by a
proclamation in the *Government Gazette* of the Province of Otago made
under the provisions of an Ordinance passed by the Superintendent and Pro-
vincial Council of the said Province intituled the "Otago Municipal Corpo-
rations Ordinance 1865" the provisions of the said Ordinance were extended
to the Town of Oamaru and the citizens of the said town were incorporated
under the style of the "Corporation of the Incorporated Town of Oamaru":
And whereas by the said "Public Reserves Act Amendment Act 1862" it
is provided that it shall be lawful for the Superintendent and Provincial
Council of any Province by any Act or Ordinance to be from time to time
duly passed in that behalf to direct and declare that any land vested or
which might thereafter be vested in the Superintendent of any Province
under the provisions of the said "Public Reserves Act 1854" upon trust for
any public purposes should be transferred to and vested in and held by any
Corporation Commission or other person or persons having corporate succes-
sion to be named in such Act or Ordinance in trust for the like or for any
other public purpose to be specified and declared in such Act or Ordinance in
such manner and with such powers of lease management and disposition over
the same and over all rents issues profits and proceeds thereof and other
powers provisions and conditions as should in such Act or Ordinance be
expressed or declared: And whereas by an Ordinance of the Superintendent
and Provincial Council of the Province of Otago intituled the "Oamaru

Town Reserves Management Ordinance 1835" it was enacted that it should be lawful for the Superintendent of the Province of Otago to vest the management of the lands described in the Schedule thereto marked B or any of them in the Town Board of Oamaru under such restrictions and limitations as should secure the due maintenance and fulfilment of the several purposes for which such lands respectively have been reserved: And whereas it is expedient that the said last recited Ordinance should be repealed in so far as the same relates to such of the said lands and hereditaments as are described in the first Schedule hereto and that the management of the said lands and hereditaments and the lands described in the second Schedule hereto should be transferred to and vested in the "Corporation of the Incorporated Town of Oamaru" upon the trusts and with and subject to the powers provisions and conditions hereinafter declared:

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:—

Short Title.

1. This Ordinance shall be intituled and may be cited and referred to as the "Oamaru Town Reserves Management Ordinance 1872."

Oamaru Town Reserves Management Ordinance 1865 repealed.

2. The "Oamaru Town Reserves Management Ordinance 1865" in so far as the same relates to the lands and hereditaments mentioned and described in the said Schedule hereto shall be and the same is hereby repealed.

Management of lands described in Schedules to be vested in the Corporation of the Incorporated Town of Oamaru.

3. The Superintendent of the Province of Otago is hereby authorised to vest the management of the lands and hereditaments mentioned and described in the several Schedules hereto in the Corporation of the incorporated Town of Oamaru and its successors as a corporate body in trust for the like purposes for which such lands are now held and to carry out and secure the due maintenance and fulfilment of the said purposes.

Lawful for the said Corporation to manage the said lands under certain provisions.

4. It shall be lawful for the "Corporation of the incorporated Town of Oamaru" with the sanction and consent of the Superintendent to lease the said lands and hereditaments at such rents issues and profits as they may deem expedient subject to the provisions of the said before-mentioned Acts passed by the General Assembly of New Zealand intituled the "Public Reserves Act 1854" and the "Public Reserves Act Amendment Act 1862" so that such leases be for any term not exceeding twenty-one years to take effect from the time of the execution thereof and under such restrictions and limitations as shall secure the full maintenance of the purposes for which such lands have respectively been reserved.

Moneys received from such lands to be expended in improvements thereon.

5. All moneys received by the Corporation of the Town of Oamaru for rents and profits arising from the lease and management of such lands shall be expended in improving the lands out of which the same moneys shall arise and in carrying out the objects contemplated in creating such Reserves and for no other purpose whatsoever.

FIRST SCHEDULE

Reserve for Public Esplanade.—All that area in the Province of Otago containing by admeasurement fifty (50) acres and two (2) roods more or less situate in the Town of Oamaru and marked "Reserve for Esplanade" on the Record Map of the said Town deposited in the Survey Office for Crown Lands at Dunedin excepting that part of the said area transferred to and vested in the Oamaru Dock Trust by and under the "Oamaru Dock Trust Ordinance 1869."

Reserve for Public Gardens.—All that area in the Province of Otago containing by admeasurement thirty-four (34) acres more or less situate in the Town of Oamaru and marked "Reserve for Public Gardens" as delineated on the Record Map of the said Town deposited in the Survey Office for Crown Lands at Dunedin.

Reserve for Market.—All that area in the Province of Otago containing by admeasurement one (1) acre and twenty-one (21) poles more or less situate in the Town of Oamaru being sections numbered respectively six (6) seven (7) eight (8) and nine (9) block twenty-five (XXV) on the Map of the said Town deposited in the Survey Office for Crown Lands at Dunedin.

Reserve for Slaughter-house.—All that area in the Province of Otago containing by admeasurement one (1) acre and twenty-one (21) poles more or less situate in the Town of Oamaru being sections numbered respectively twenty (20) twenty-one (21) twenty-two (22) twenty-three (23) and twenty-four (24) block fourteen (XIV) on the Map of the said Town deposited in the Survey Office for Crown Lands at Dunedin.

Reserves for Health and Public Recreation being unsectionized portions of the Town of Oamaru.—All that area in the Town of Oamaru containing by admeasurement sixty-one (61) acres and seventeen (17) poles more or less and marked "A" on the Record Map of the said Town deposited in the Survey Office for Crown Lands at Dunedin. Also,

All that area in the Town of Oamaru containing by admeasurement seven (7) acres three (3) roods and two (2) poles more or less and marked "B" on the Record Map of the said Town deposited as aforesaid. Also,

All that area in the Town of Oamaru containing by admeasurement nineteen (19) acres and three (3) poles more or less and marked "C" on the Record Map of the said Town deposited as aforesaid. Also,

All that area in the Town of Oamaru containing by admeasurement ninety-four (94) acres three (3) roods and twenty-one (21) poles more or less and marked "D" on the Record Map of the said Town deposited as aforesaid excepting therefrom that portion of the said area extending to eight (8) acres two (2) roods and thirty-two (32) poles more or less specially set apart and applied for the use of the Oamaru Hospital. Also,

All that area in the Town of Oamaru containing by admeasurement thirty-three (33) acres one (1) rood and eighteen (18) poles more or less and marked "E" on the Record Map of the said Town deposited as aforesaid. And also,

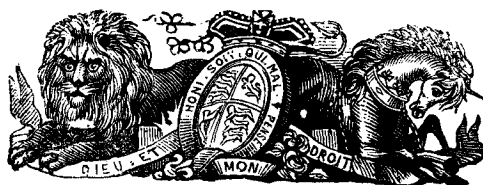
All that area in the Town of Oamaru containing by admeasurement fifty-five (55) acres two (2) roods and thirty-six (36) poles more or less and marked "F" on the Record Map of the said Town deposited as aforesaid.

SECOND SCHEDULE.

Reserve for Hospital.—All those several parcels or sections of land in the Town of Oamaru each containing by admeasurement one quarter of an acre more or less numbered respectively ten (10) eleven (11) twelve (12) fourteen (14) sixteen (16) seventeen (17) and eighteen (18) block nineteen (XIX) on the Record Map of the said Town deposited in the Survey Office for Crown Lands at Dunedin.

DUNEDIN, NEW ZEALAND :

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INVERCARGILL EDUCATION RESERVE EXCHANGE ORDINANCE 1872.

IN THE THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXX. No. 383.

ANALYSIS :

- | | |
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| <p>Title.
Preamble.
1. Short Title.
2. Superintendent authorised to convey land.</p> | <p>3. Land obtained in exchange to be held upon the like trusts as land exchanged was held. Schedules first and second.</p> |
|--|---|

AN ORDINANCE to authorise the exchange of a section of land in the Town Title of Invercargill vested in the Superintendent of the Province of Otago in trust for Educational purposes for a corresponding area of land in the said Town.

[RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON, 31ST MAY 1872.]

WHEREAS it is expedient that the section of land described in the first Preamble. Schedule hereto vested in the Superintendent of the Province of Otago for Educational purposes should be exchanged for the section of land described in the second Schedule hereto :

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. This Ordinance may be cited and referred to as the "Invercargill Short Title. Education Reserve Exchange Ordinance 1872."

2. It shall be lawful for the Superintendent and he is hereby authorised Superintendent authorised to convey land. and empowered to exchange the section of town land described in the First Schedule hereto for the section of land described in the Second Schedule hereto and to execute all necessary conveyances and other assurances in the law for conveying and assuring the fee of the said section of land in the First Schedule described on receiving a good and valid conveyance of the said section of land in the Second Schedule described to the Superintendent and his successors Provided always that all costs and charges incurred in the preparation perusal and execution of the deeds necessary shall be paid by the owner of the land specified in the First Schedule hereto.

3. The said section of land so to be conveyed to the Superintendent as aforesaid shall be held upon and subject to the like trusts and conditions as the section of land hereby authorised to be exchanged was held. Land obtained in exchange to be held upon the like trusts as land exchanged was held.

FIRST SCHEDULE.

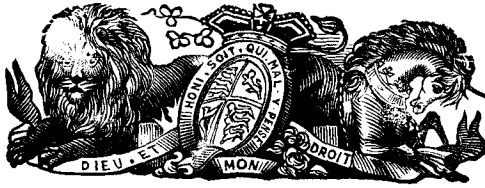
All that piece or parcel of land containing by admeasurement one rood being Section one (1) Block sixty-two (LXII) as marked on the Record Map of the said Town of Invercargill bounded towards the west by Deveron street 250 links towards the north by Spey street 100 links towards the east by Section two (2) of the said Block 250 links towards the south by Section twenty-two (22) of the said Block 100 links.

SECOND SCHEDULE.

All that piece or parcel of land containing by admeasurement one rood being Section one (1) Block fifty-four (LIV) on the Record Map of the said Town of Invercargill bounded towards the west by Jed street 250 links towards the north by Don street 100 links towards the east by Section two (2) of the said Block 250 links towards the south by Section twenty-two (22) of the said Block 100 links.

DUNEDIN, NEW ZEALAND:

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INVERCARGILL ATHENÆUM RESERVE MANAGEMENT ORDINANCE AMENDMENT ORDINANCE 1872.

IN THE THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXX. No. 384.

ANALYSIS :

Title.
Preamble.
1. Short Title.
2. Section 6 of recited Ordinance repealed.

3. Committee of Management with consent of Superintendent empowered to lease land specified in Schedule to recited Ordinance.

AN ORDINANCE to amend the "Invercargill Athenæum Reserve Management Ordinance 1871."

[RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON, 31ST MAY, 1872.]

WHEREAS it is expedient to amend the "Invercargill Athenæum Reserve Management Ordinance 1871" in a certain particular : Preamble. Repealed by Statutes Repeal Act 1907

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. This Ordinance may be cited and referred to as the "Invercargill Athenæum Reserve Management Ordinance Amendment Ordinance 1872." Short Title.

2. The sixth section of the said "Invercargill Athenæum Reserve Management Ordinance 1871" shall be and the same is hereby repealed. Repealed by Statutes Repeal Act 1907
Section 6 of recited Ordinance repealed.

3. It shall be lawful for the Committee of Management of the Invercargill Athenæum by deed under their corporate seal with the sanction and consent of the Superintendent to lease from time to time at such rent and on such conditions as they may think reasonable the whole or any part of the parcel of land specified in the Schedule annexed to the said "Invercargill Athenæum Reserve Management Ordinance 1871" not required for the purposes of the said Institution for any term or terms of years not exceeding twenty-one years at any one time. Committee of management with consent of Superintendent empowered to lease land specified in Schedule to recited Ordinance.

DUNEDIN, NEW ZEALAND :

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SOUTHLAND EDUCATION RESERVE EXCHANGE ORDINANCE 1872.

IN THE THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXX. No. 385.

ANALYSIS :

- | | |
|--|---|
| <p>Title.
Preamble.
1. Short Title.
2. Superintendent authorized to convey land.</p> | <p>3. Land obtained in exchange to be held upon like trusts as land exchanged was held.
Schedules first and second.</p> |
|--|---|

AN ORDINANCE to authorise the Exchange of part of a Section of Land Title.
in Invercargill Hundred vested in the Superintendent of the Province
of Otago in trust for Educational purposes for a corresponding area in
the contiguous Section.

[RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON, 31ST MAY, 1872.]

WHEREAS by Crown Grant bearing date twentieth June one thousand Preamble.
eight hundred and sixty-two all that parcel of land in the Province
of Otago and Colony of New Zealand situate in the Invercargill Hundred
being part of Section twenty-six (26) Block fourteen (XIV) on the map of
the said Hundred was granted to the Superintendent of the late Province
of Southland and his successors in trust for Educational purposes: And
whereas the said parcel of land is now vested in the Superintendent of the
Province of Otago by "The Otago and Southland Union Act 1870": And
whereas it is expedient to alter the boundaries of the said parcel of land and
to exchange a small part thereof for a similar extent of the adjoining land :

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

1. This Ordinance may be cited and referred to as the "Southland Short Title.
Education Reserve Exchange Ordinance 1872."

2. It shall be lawful for the Superintendent and he is hereby authorised Superintendent au-
and empowered to exchange the parcel of land described in the First Schedule thorised to convey
hereto for the parcel of land described in the Second Schedule hereto and to land.
execute all necessary conveyances and other assurances in the law for convey-
ing and assuring the fee of the said parcel of land in the First Schedule
described on receiving a good and valid conveyance of the said parcel of land

in the Second Schedule described to the Superintendent and his successors :
 Provided always that all costs and charges incurred in the preparation perusal and execution of the deeds necessary shall be paid by the owner of the land specified in the Second Schedule hereto.

Land obtained in exchange to be held upon like trusts as land exchanged was held.

3. The said parcel of land so to be conveyed to the Superintendent as aforesaid shall be held upon and subject to the like trusts and conditions as the parcel of land hereby authorised to be exchanged was held.

THE FIRST SCHEDULE.

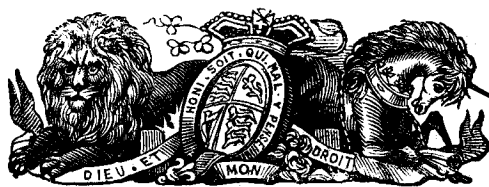
All that piece or parcel of land in the Province of Otago containing by admeasurement one acre one rood and sixteen poles being part of section numbered twenty-six (26) block fourteen (XIV) Invercargill Hundred which said parcel of land is of a rectangular figure and commences at a point distant 746 links from the south-eastern corner of the said section twenty-six (26) and is bounded towards the north by a part of the said section numbered twenty-six (26) block (XIV) aforesaid 2500 links towards the east by a road line 54 links towards the south by other part of the said section 2500 links and towards the west by other part of the said section 54 links.

THE SECOND SCHEDULE.

All that piece or parcel of land in the Province of Otago containing by admeasurement one acre one rood and sixteen poles being part of section numbered twenty-six (26) block fourteen (XIV) Invercargill Hundred which said piece or parcel of land is of a rectangular figure and commences at a point distant two thousand five hundred (2500) links from the south-eastern corner of the said section twenty-six (26) and is bounded towards the north by part of section twenty-six (26) aforesaid one hundred and eighty-one (181) links towards the east by part of section twenty-six (26) seven hundred and forty-six (746) links and towards the south by a road line one hundred and eighty-one (181) links and towards the west by other part of said section 26 seven hundred and forty-six (746) links.

DUNEDIN, NEW ZEALAND :

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EDUCATION RESERVE JACOB'S RIVER HUNDRED SALE ORDINANCE 1872.

IN THE THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXX. No. 386.

ANALYSIS:

Title.
Preamble.
1. Short Title.
2. Superintendent to sell and convey.

3. Proceeds of sale to be paid to Provincial Treasurer and to be appropriated by Provincial Council.
Schedule.

AN ORDINANCE to authorise the Superintendent of Otago to sell Education Title.
Reserve Jacob's River Hundred to Thomas Brown.

[RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON, 31ST MAY, 1872.]

WHEREAS the parcel of land particularly described in the Schedule Preamble. hereto was under and by virtue of "The Public Reserves Act 1854" on the 20th day of June 1862 granted by the Governor of New Zealand in the name and on behalf of Her Majesty to the Superintendent of the then Province of Southland and his successors in trust as an Endowment for Educational purposes: And whereas it appears that the said land was so granted and reserved through an error in the survey of the block containing the same: And whereas it is expedient that a sale be made thereof to one Thomas Brown who is in occupation of and has improved the said land and that the Superintendent should be authorised to sell the same:

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. This Ordinance may be cited and referred to as the "Education Short Title. Reserve Jacob's River Hundred Sale Ordinance 1872."

2. It shall be lawful for the Superintendent to sell to the said Thomas Superintendent to Brown for such nominal consideration or price as he shall think fit the parcel sell and convey. of land particularly described in the Schedule hereto and to execute all necessary conveyances and other assurances in the law for conveying and assuring the said land to and vesting the same in the said Thomas Brown to be held by the said Thomas Brown and his heirs.

3. All moneys arising from the sale of the said parcel of land shall be paid to the Provincial Treasurer for the time being of the Province of Otago and shall form part of the Revenues of the said Province and shall be appropriated in the same manner as the Revenues of the said Province subject to Proceeds of sale to be paid to Provincial Treasurer and to be appropriated by Provincial Council.

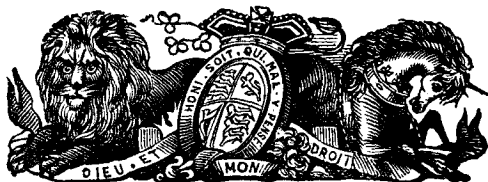
the appropriation of the Provincial Council may now by law be appropriated and the receipt of the said Provincial Treasurer for all or any part of the purchase moneys arising from any such sale shall be a sufficient discharge for the moneys thereby acknowledged to be received and shall discharge the purchaser or purchasers from any liability with respect to the application thereof.

SCHEDULE.

All that parcel of land in that part of the Province of Otago which lately constituted the Province of Southland situated in the Jacob's River Hundred Otaitai Bush Reserve Block VI containing by admeasurement ten acres more or less bounded towards the north-west by a public road five hundred links towards the north-east by Bush Reserve and part of section thirty two thousand links towards the south-east by Bush Reserve five hundred links and towards the south-west by Bush Reserve two thousand links.

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RIVERTON RESERVES MANAGEMENT ORDINANCE 1872.

IN THE THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXX. No. 387.

ANALYSIS.

<p>Title. Preamble. 1. Short Title. 2. Lands described in Schedule to be vested in the Corporation of the Town of Riverton.</p>	<p>3. Corporation to manage lands described in Schedule under certain provisions. 4. Application of moneys. Schedule.</p>
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AN ORDINANCE to transfer to and vest in the Corporation of the Town of Riverton certain lands now vested in the Superintendent of the Province of Otago in trust for purposes of public utility for the Town of Riverton and its Inhabitants.

[RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON, 31ST MAY 1872.]

WHEREAS the lands described in the Schedule to this Ordinance annexed Preamble are vested in the Superintendent of the Province of Otago and his successors subject to the provisions of certain Acts passed by the General Assembly of New Zealand intituled "The Public Reserves Act 1854" and "The Public Reserves Act Amendment Act 1862": And whereas by Proclamation in the Government Gazette of the Province of Otago made under the provisions of an Ordinance passed by the Superintendent and Provincial Council of the said Province intituled the "Otago Municipal Corporations Ordinance 1865" the provisions of the said Ordinance were extended to the Town of Riverton and the citizens of Riverton were created a Corporate Body under the style of the "Corporation of the Town of Riverton": And whereas by "The Public Reserves Act Amendment Act 1862" aforesaid it is provided that it shall be lawful for the Superintendent and Provincial Council of any Province by any Act or Ordinance to be from time to time duly passed in that behalf to direct and declare that any land vested or which might thereafter be vested in the Superintendent of any Province under the provisions of the said "Public Reserves Act 1854" upon trust for any public purposes should be transferred to and vested in and held by any Corporation Commission or other person or persons having Corporate succession to be named in such Act or Ordinance in trust for the like or for any other public purpose to be specified and declared in such Act or Ordinance in such manner and with such powers of lease management and disposition over the same and over all rents issues profits and proceeds thereof and

other powers provisions and conditions as should in such Act or Ordinance be expressed or declared: And whereas it is expedient that the lands described in the said Schedule hereto should be transferred to and vested in the "Corporation of the Town of Riverton" upon the Trusts and with and subject to the powers provisions and conditions hereinafter declared :

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

Short Title.

1. This Ordinance shall be intituled and may be cited and referred to as the "Riverton Reserves Management Ordinance 1872."

Lands described in Schedule to be vested in the Corporation of the Town of Riverton.

2. The lands described in the Schedule hereto shall be and the same are hereby transferred to and vested in the "Corporation of the Town of Riverton" and its successors as a Corporate Body to be held by the said Corporation and its successors in trust for purposes of public utility for the Town of Riverton and its inhabitants.

Corporation to manage lands described in Schedule under certain provisions.

3. It shall be lawful for the "Corporation of the Town of Riverton" to manage the said lands in such manner in every respect as to the said Corporation shall seem fit and with the sanction and consent of the Superintendent to lease the same lands and every or any part thereof at such rents issues and profits as the said Corporation may deem expedient so that such leases be for any term not exceeding twenty-one years to take effect from the time of the execution thereof.

Application of moneys.

4. All moneys received by the "Corporation of the Town of Riverton" for the rents issues and profits of the said lands shall be managed by the said Corporation and shall be applied and disposed of in manner provided by the ninety-fourth section of the "Otago Municipal Corporations Ordinance 1865."

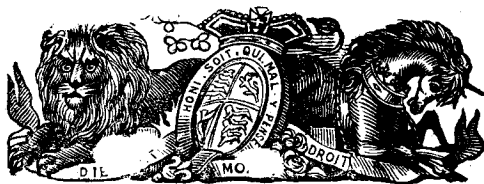
SCHEDULE.

MUNICIPAL RESERVES.

All the several allotments or parcels of land each containing one quarter of an acre (more or less) situate in the Town of Riverton delineated on the Record Map of the said town and described in Crown Grant dated the twentieth day of June one thousand eight hundred and sixty-two and hereinafter specified viz: sections numbered five (5) seventeen (17) and nineteen (19) block four (IV) section numbered seven (7) block five (V) sections numbered seven (7) and seventeen (17) block six (VI) section numbered nineteen (19) block eight sections numbered five (5) and seventeen (17) block nine (IX) sections numbered five (5) and nineteen (19) block ten (X) sections numbered ten (10) and nineteen (19) block (XI) sections numbered three and fourteen block twelve (XII) section numbered fifteen (15) block (XIII) sections numbered seven (7) and fourteen (14) block fourteen (XIV) sections numbered eleven (11) and twenty-three (23) block fifteen (XV) section numbered thirteen block seventeen (XVII) sections numbered thirteen (13) and fourteen (14) block eighteen (XVIII) section numbered seven (7) block nineteen (XIX) section numbered five (5) block twenty-two (XXII) sections numbered four (4) and twenty-one (21) block (XXIII) sections numbered three (3) and sixteen (16) block twenty-four (XXIV) and section numbered twelve (12) block twenty-five (XXV) all of the said Town of Riverton.

DUNEDIN, NEW ZEALAND :

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INVERCARGILL RESERVES MANAGEMENT ORDINANCE 1872.

IN THE THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXX. No. 388.

ANALYSIS:

- | | |
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| <p>Title.
Preamble.
1. Short Title.
2. Lands described in First Schedule to be vested in the Corporation of the Town of Invercargill.
3. Corporation to manage lands described in First Schedule under certain provisions.
4. Moneys to be applied as provided by the 94th section of the "Otago Municipal Corporations Ordinance 1865."</p> | <p>5. Management of lands described in Second Schedule to be vested in the Corporation of the Town of Invercargill.
6. Lawful for the said Corporation to manage the said lands under certain provisions.
7. Moneys received from such lands to be expended in improvements thereon.
8. Ordinance specified in Third Schedule repealed. Schedules first, second, and third.</p> |
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AN ORDINANCE *to transfer to and vest in the Corporation of the Town of Invercargill certain lands now vested in the Superintendent of the Province of Otago in trust for purposes of public utility for the Town of Invercargill and its Inhabitants and to authorise the Superintendent to vest the management of certain other lands now held by him in trust for purposes of public recreation for the Town of Invercargill and its Inhabitants in the said Corporation.*

[RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON, 31ST MAY 1872.]

WHEREAS the lands tenements and hereditaments described in the Schedules to this Ordinance annexed are vested in the Superintendent of the Province of Otago and his successors subject to the provisions of certain Acts passed by the General Assembly of New Zealand intituled "The Public Reserves Act 1854" and "The Public Reserves Act Amendment Act 1862": And whereas by Proclamation in the Government *Gazette* of the Province of Otago made under the provisions of an Ordinance passed by the Superintendent and Provincial Council of the said Province intituled the "Otago Municipal Corporations Ordinance 1865" the provisions of the said Ordinance were extended to the Town of Invercargill and the citizens of Invercargill were created a Corporate Body under the style of the "Corporation of the Town of Invercargill": And whereas by "The Public Reserves Act Amendment Act 1862" aforesaid it is provided that it shall be lawful for the Superintendent and Provincial Council of any Province by any Act or Ordinance to be from time to time duly passed in that behalf to direct and declare that any land vested or which might thereafter be vested in the Superintendent of any Province under the provisions of the said "Public Reserves Act 1854" upon trust for any public purposes should be transferred to and vested in and held by any Corporation Commission or other

person or persons having Corporate succession to be named in such Act or Ordinance in trust for the like or for any other public purpose to be specified and declared in such Act or Ordinance in such manner and with such powers of lease management and disposition over the same and over all rents issues profits and proceeds thereof and other powers provisions and conditions as should in such Act or Ordinance be expressed or declared: And whereas by the same Act it is also provided that it shall be lawful for any Superintendent and Provincial Council anything therein contained to the contrary notwithstanding to pass any Act authorising the Superintendent to vest the management of any such lands as aforesaid reserved for Public Gardens or Recreation Grounds in any Corporation Commission or other person or persons having corporate succession under such restrictions and limitations as shall secure the full maintenance of the purposes for which such lands shall have been reserved: And whereas it is expedient that the lands and hereditaments vested in the Superintendent of the said Province of Otago and respectively described in the first Schedule hereto should be transferred to and vested in the "Corporation of the Town of Invercargill" upon the Trusts and with and subject to the powers provisions and conditions hereinafter declared and the management of the lands and hereditaments vested in the said Superintendent and respectively described in the second Schedule hereto should be vested in the said Corporation under the restrictions and limitations hereinafter mentioned: And whereas it is expedient to repeal the Ordinance of the Superintendent and Provincial Council of the late Province of Southland specified in the third Schedule hereto:

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:—

Short Title.

1. This Ordinance shall be intituled and may be cited and referred to as the "Invercargill Reserves Management Ordinance 1872."

Lands described in first Schedule to be vested in the Corporation of the Town of Invercargill.

2. The lands and hereditaments mentioned and described in the first Schedule hereto shall be and the same are hereby transferred to and vested in the "Corporation of the Town of Invercargill" and its successors as a Corporate Body to be held by the said Corporation and its successors in trust for the like public purposes for which such lands are now held.

Corporation to manage lands described in first Schedule under certain provisions.

3. It shall be lawful for the said "Corporation of the Town of Invercargill" to manage the said lands and hereditaments in such manner in every respect as to them shall seem fit and with the sanction and consent of the Superintendent for the time being of the Province of Otago to lease the same lands and hereditaments at such rents issues and profits as it may deem expedient so that such leases be for any term not exceeding twenty-one years to take effect from the time of the execution thereof.

Moneys to be applied as provided by the 94th section of the "Otago Municipal Corporations Ordinance 1865."

4. All moneys received by the said "Corporation of the Town of Invercargill" for the rents issues and profits of the said lands and hereditaments shall be managed by the said Corporation and shall be applied and disposed of in manner provided by the ninety-fourth section of the "Otago Municipal Corporations Ordinance 1865."

Management of lands described in Second Schedule to be vested in the "Corporation of the Town of Invercargill."

5. The Superintendent of the Province of Otago is hereby authorised to vest the management of the lands and hereditaments described in the second Schedule to this Ordinance in the "Corporation of the Town of Invercargill" and its successors as a Corporate Body in trust for purposes of public recreation for the town of Invercargill and its Inhabitants under such restrictions and limitations as shall secure the full maintenance of the several purposes for which such lands respectively have been reserved.

6. It shall be lawful for the "Corporation of the Town of Invercargill" with the sanction and consent of the Superintendent to lease the said last-mentioned lands and hereditaments at such rents issues and profits as they may deem expedient subject to the provisions of the said before-mentioned Acts passed by the General Assembly of New Zealand intituled "The Public Reserves Act 1854" and "The Public Reserves Act Amendment Act 1862" so that such leases be for any term not exceeding twenty-one years to take effect from the time of the execution thereof and so that the Inhabitants of the Town of Invercargill shall not be excluded therefrom except in furtherance of the purposes for which such lands have respectively been reserved.

Lawful for the said Corporation to manage the said lands under certain provisions.

7. All moneys received by the Corporation of the Town of Invercargill for rents and profits arising from the lease and management of such last-mentioned lands shall be expended in improving the lands out of which the same moneys shall arise and in carrying out the objects contemplated in creating such Reserves and for no other purpose whatsoever.

Moneys received from such lands to be expended in improvements thereon.

8. The Ordinance passed by the Superintendent and Provincial Council of the late Province of Southland specified in the Third Schedule hereto is hereby repealed.

Ordinance specified in third Schedule repealed.

THE FIRST SCHEDULE.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 21, block IV, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 20, block VII, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 1, block XIII, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 9, block XIII, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 21, block XIII, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 12, block XIV, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 6, block XV, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 7, block XVI, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 17, block XVI, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 9, block XVII, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 3, block XVIII, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 13, block XVIII, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 3, block XIX, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 13, block XIX, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 1, block XX, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 11, block XX, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 21, block XX, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 9, block XXI, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 17, block LXV, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 5, block LXVI, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 15, block LXVI, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 3, block LXVII, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 13, block LXVII, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 1, block LXVIII, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 11, block LXVIII, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 9, block LXIX, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 19, block LXIX, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 7, block LXX, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 17, block LXX, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 5, block LXXI, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 15, block LXXI, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 3, block LXXII, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 13, block LXXII, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 1, block LXXIII, of the Town of Invercargill.

SECOND SCHEDULE.

(1.) RESERVE FOR PUBLIC GARDENS.

All that parcel of land situate in the Town of Invercargill containing four acres twenty-two poles more or less : bounded on the north by Wood Street one thousand one hundred (1100) links on the east by Nith Street three hundred and seventy-six (376) links on the south by Forth Street one thousand one hundred (1100) links and on the west by Clyde Street three hundred and seventy-six (376) links. Also all that other parcel of land situate in the same town containing sixteen acres two roods more or less : bounded on the north by Forth Street three thousand five hundred (3500) links on the east by Doon Street and Ness Street five hundred (500) links on the south by Tyne Street three thousand five hundred (3500) links and on the west by Nith Street and Kelvin Street five hundred (500) links the said parcel of land lastly herein described being intersected from north to south by Deveron Street and Conon Street one hundred (100) links wide each and by Jed Street and Ythan Street one hundred (100) links wide each which said streets are excepted and reserved out of the land herein described.

(2.) RESERVE FOR PURPOSES OF RECREATION.

All that parcel of land in the Town of Invercargill containing by admeasurement seventy-five (75) acres three (3) roods and twenty-six (26) poles more or less forming a belt round the northern eastern and southern sides of the said town : bounded on the north by a road or street five thousand two hundred and thirty-two (5232) links on the east by a road or street eleven thousand and fifteen (11,015) links on the south by a road or street four thousand and thirty-two (4032) links on the west by Nith Street six hundred and forty-five (645) links again on the north by Biggar Street three thousand six hundred (3600) links again on the west by Ness Street and Doon Street ten thousand and eighty-six (10,086) links again on the south by Gala Street four thousand eight hundred (4800) links and again on the west by Dee Street two hundred and eighty-four (284) links the said parcel of land being intersected from north to south by Kelvin Street one hundred (100) links wide by Deveron Street and Conon Street each one hundred (100) links wide by Jed Street and Ythan Street each one hundred (100) links wide and by Doon Street and Ness Street each one hundred (100) links wide and from east to west by Gala Street by Yarrow Street by Don Street by Tyne Street by Etrick Street by Crinan Street and by Biggar Street one hundred (100) links wide each by Tay Street and Tweed Street two hundred (200) links wide each and by Forth street one hundred and fifty (150) links wide which said streets are excepted and reserved out of the land herein described.

(3.) RESERVE FOR PUBLIC PARK.

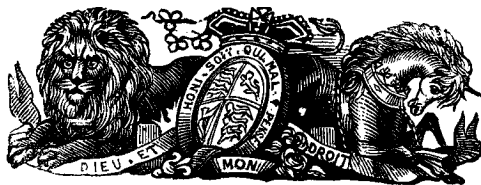
All that parcel of land in the Province of Otago containing two hundred (200) acres more or less being section 22 of block I Invercargill Hundred and bounded on the north by section 24 of said block 914 links and section 23 of aforesaid block 3079 links on the east by a public road 5008 links on the south by a public road 3993 links and on the west by a public road 5008 links.

THIRD SCHEDULE.

Short Title of Ordinance.	Session and Number.	Date.
Municipal Endowments Ordinance 1862	26° Vict, No. 22	1862

DUNEDIN, NEW ZEALAND:

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COUNTIES ORDINANCE 1872.

IN THE THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXX. No. 389.

ANALYSIS :

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AN ORDINANCE to provide for the establishment of counties and for the Title.
 constitution and regulation of County Councils within the Province of
 Otago.

[RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON, 31ST MAY 1872.]

WHEREAS it is expedient to provide for the better management of local Preamble.
 affairs within rural districts in the Province of Otago by the establish-
 ing of counties and county councils 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 :—

1. This Ordinance shall be intituled and may be cited and referred to as Short Title.
 the "Counties Ordinance 1872."

PART I.

(1.) *Constitution of Counties by Union of Districts.*

2. If the district road boards of any two or more road districts which shall adjoin each other and contain together one continuous area of not less than twenty-five square miles and the total amounts actually paid for the general rates there last levied shall have amounted to £1000 and in each of which an election or first appointment of members of the board shall have taken place shall by petitions under the several common seals thereof pray the Superintendent in Council that such districts shall be constituted a county it shall be lawful for the Superintendent in Council if it shall seem fit so to do to constitute such districts a county under this Ordinance by such name as shall in and by such Order in Council be assigned to the same and the several road districts forming such county shall thereupon be and be called ridings of such county with such names as shall in like manner be assigned to the same: Provided that no such union shall take place upon or within thirty days before the day appointed for holding an annual election of members of the board in or for such several districts or any subdivision thereof.

Union of road districts.

3. If the district boards of two or more districts which shall adjoin each other and form one continuous area as last aforesaid shall by such petitions as last aforesaid pray the Superintendent in Council that such districts with some other district or districts adjoining thereto or surrounded partially or wholly by one or more of such first-mentioned districts and from which no petition for any such union shall have proceeded shall be constituted a county hereunder and if such districts shall be so placed that having regard to natural boundaries community of industry and general interests of the said districts as well petitioning as not petitioning it shall be fitting that such union should take place (of which fitness and of the grounds thereof being such as aforesaid the Superintendent in Council alone and finally shall judge) it shall be lawful for the Superintendent in Council to constitute the districts to which such petition shall relate a county in like manner and with the like effect in all respects as in the next preceding section mentioned.

Superintendent may direct union in certain cases.

4. If any borough and any road district shall adjoin each other and form with the boundaries thereof respectively one continuous area or if any borough shall lie surrounded by any road district and if the council of such borough and the board of such road district shall be desirous that such borough and such road district be formed into a county under this Ordinance the same may be done in like manner and with the like effect in all respects as is hereinbefore provided with regard to the union of two or more road districts and for the purpose of such union such borough shall be deemed to have been a road district hereunder and the several provisions hereof shall apply to the same accordingly.

Union of borough with district.

PART II.

(1.) *Constitution of Counties outside of Road Districts.*

5. Any part of the Province of Otago not being wholly or in part comprised within the limits of a municipality or of a borough constituted under "The Municipal Corporations Act 1867" or within any road district or any city town or place specified in the first column of the first Schedule of "The Municipal Corporations Act 1867" and being of an area not less than fifty square miles may be constituted a county in manner next hereinafter mentioned.

Incorporation of inhabitants of districts outside of road districts.

6. If a majority in number of the persons on the roll or rolls for the time being in force under "The Registration of Electors Act 1866" or any other Act in force for the like purpose shall sign and cause to be presented

Incorporation of new districts outside of road districts.

First Schedule.

to the Superintendent in Council a petition in the form in the first Schedule hereto or to the like effect praying him to constitute the portion of the Province in which such persons shall reside a county under this Ordinance and in such petition shall set forth the boundaries of the portion of the Province to which such petition shall refer it shall be lawful for the Superintendent in Council if he shall think fit so to do by proclamation to constitute such portion of the Province a county by such name as in and by the proclamation shall be assigned to the same: Provided however that the Superintendent may if he think fit before making such proclamation cause enquiry to be made by such persons and in such manner as he may think fit to direct as to the expediency of varying the boundaries proposed in the petition and may constitute any portion of the land comprised within the proposed boundaries a county or may add to the proposed boundaries other lands not comprised therein and constitute such land with such added land a county: and provided also that the Superintendent shall by the proclamation constituting such county declare the number of electoral sub-divisions hereinafter called ridings into which such county shall be sub-divided and define the boundaries of such ridings respectively and the inhabitants of such ridings shall be incorporated and shall enjoy and exercise all the privileges conferred by the "Otago Roads Ordinance 1871" on road districts constituted thereunder and the provisions of such Ordinance relative to road districts shall immediately on such proclamation take effect and apply to such riding accordingly.

Petition may be signed by proxies. Second Schedule.

7. Any person entitled to sign any such Petition as aforesaid may appoint in the form in the second Schedule hereto any other person to sign for him and the appointment shall be attached to the petition and presented therewith.

Union of county and borough.

8. If any county and any borough shall adjoin each other and form together with any highway creek or stream which shall be the common boundary one continuous area or if any borough shall be surrounded by any such county and such common boundary and form with such county such continuous area and if an annual or general election or first appointment of councillors shall have taken place in and for such county and in and for such borough and if the council of such county and the council of such borough shall by petitions under their several common seals pray the Superintendent in Council that such county and such borough with such area may be formed into one county under this Ordinance it shall be lawful for the Superintendent in Council by proclamation to constitute the same with such area one county by such name as shall in and by the proclamation be assigned thereto and upon such union such borough shall become and be by the name theretofore borne by the same respectively a riding of the county formed by such union.

Borough to become riding of county.

PART III.

Existing Rights, &c.

Existing property &c. at time of union.

9. All real and personal property and all right title or interest in or to and all rights of management or control over any such property or over any land place or thing vested respectively at the time of any such union in the council or body corporate of any of the several road districts or of the county and borough shall on such union be continued to and vested in the body corporate of the said road district county or borough.

Existing rights &c. after union to remain.

10. All rates made all rights liabilities contracts and engagements existing and all actions suits and proceedings pending at the time of the union of any road districts or road districts and borough or county and borough shall be paid to levied and recovered by and against the body corporate of each road district or road districts county and borough as the case may be and be of the same force and effect to all intents and purposes as against such road district or road districts county or borough as if such union had not taken place.

11. The inhabitants of every county constituted hereunder shall be a body corporate under the name of the president councillors and ratepayers of the county and by that name continue to have and shall have perpetual succession and a common seal and by that name may sue and be sued and shall be capable in law by the council of the county for the purposes and subject to the provisions of this Ordinance of doing and suffering all such acts and things as bodies corporate may by law do and suffer.

Inhabitants of counties incorporated.

12. It shall be lawful for the Superintendent from time to time if it shall seem fit to add to any riding or separately to two or more ridings of any county any portion of the Province actually adjoining to such riding or ridings as the case may be and not lying within the limits of the City of Dunedin or Town of Port Chalmers or any municipal or road district and every such portion so added shall thereupon to all intents and purposes become and be part of such county and of the riding to which the same shall have been added.

Superintendent may add detached portions of territory to any county or riding.

PART IV.

(1.) *Councils and Councillors of Counties.*

13. In and for each county formed by the union or successive unions of several road districts under this Ordinance there shall be a county council of which the chairman of each road board within the county shall be a member *ex officio* and there shall be other two members of the county council for each riding within the county to be elected in manner hereinafter provided.

Number of councillors for each county formed by union of road districts.

(2.) *Number &c. of Councillors.*

14. There shall be in and for each county constituted under the provisions of Part II of this Ordinance a county council consisting of three members for each riding and such members shall be elected in manner hereinafter provided.

County Councils constituted under Part II.

3.) *Capacity &c. of Councillors of Counties proclaimed under Parts I and II.*

15. In order that any person may be qualified to be a Councillor of any county he must have been entitled either under the "Otago Roads Ordinance 1871" or under this Ordinance upon the twentieth day of *March* which day shall for the time being have been last past to have been enrolled and must during the whole of the time for which he is elected continue to be entitled to be enrolled in respect of property of rateable value whether of one or more tenements amounting to fifty pounds at the least on the voters' roll for the time being in force for such county or some riding or ridings thereof: Provided that for the first election of councillors in counties proclaimed under Part II of this Ordinance in order that any person may be qualified to be a councillor of any county he must be an elector enrolled on some electoral roll under the provisions of "The Registration of Electors Act 1866" or any Act amending the same which shall for the time being be in force within the county and must possess lands or tenements in such county.

Qualification of councillors of counties constituted under Part I.

Qualification of councillors of counties constituted under Part II.

16. No female no uncertificated or undischarged insolvent no person attainted of treason or convicted of felony or perjury or any infamous crime no person of unsound mind and no person not qualified as herein required or who is disqualified hereunder shall be capable of being or continuing a councillor of any county.

Incapacity for being member.

Incapacity of
contractors.

17. No person who shall hold any office or place of profit under or in the gift of the council of any county or be concerned or participate in any-wise in any contract with such council or in the profit thereof or of any work to be done under the authority of such council shall be capable of being or continuing a councillor of the county : Provided that nothing in the preceding part of this section shall extend or apply to any contract entered into with the council of any county by any company partnership or association consisting of more than twenty persons or any incorporated company where such contract shall be entered into for the general benefit of either of such companies or of such partnership or association or to any person by reason only of his being interested in any public journal publishing advertisements for the county council of which he may be a member but no member shall vote upon or take part in the discussion of any matter in or before the council in which such member shall directly or indirectly by himself or his partners have any pecuniary interest.

Proviso.

(4.) *Retirement and Vacancies.*

Retirement of coun-
cillors in rotation.

18. On the third Thursday in *June* in every year in every county proclaimed under Part I one half of the elected members and in each county proclaimed under Part II until road boards shall have been elected for the ridings thereof one third of the whole number of councillors assigned hereby to each riding shall go out of office and the councillors who shall so go out of office shall always be the councillors who have been the longest time in office without re-election and if by reason of two or more councillors having been elected at the same time it shall not be apparent under the foregoing part of this section which of such last-mentioned councillors ought at any time to go out of office then the council shall itself determine by ballot in what order and which of such members shall go out of office.

Chairman to continue
councillor during
year of office.

19. Notwithstanding anything herein contained as to the number of the council or as to councillors going out of office in rotation the chairman of each road board shall during the year of office as chairman continue to be a member of the county council for the riding forming such road district.

Extraordinary
vacancies.

20 If any councillor shall die or by notice under his hand delivered to the president or clerk of the council shall resign such office of councillor or shall by any rule or order of the Supreme Court be ousted of such office or shall be absent from four consecutive ordinary meetings of the council without leave obtained from the council in that behalf or shall at any time during the time for which he is elected cease to be entitled to be enrolled in respect of property within the county of the rateable value aforesaid or be otherwise legally incapacitated then the office of such councillor shall become and be vacant and every such vacancy shall be supplied by persons qualified under this Ordinance appointed by the council to fill such vacancy who shall hold office until the next annual ordinary election and shall then cease to hold office and an election shall be held to fill such vacancy in the same manner and form as if such councillor had gone out of office by rotation.

Councillors capable
of re-election.

21. Nothing herein contained shall prevent any person from being immediately or at any time re-elected a councillor if he shall for the time being be capable under the provisions hereof of being and continuing a councillor.

(5.) *Voters and their rights.*

Qualification of voters
in counties pro-
claimed under Part I.

22. Those persons whose names are enrolled in terms of the "Otago Roads Ordinance 1871" on the voters' roll of any road district part of any county constituted or proclaimed under Part I. of this Ordinance shall be

entitled to vote at the election of councillors for the riding formed by such road district and to exercise the full number of votes for which they are enrolled on the voters' roll of the road district.

23. For the first election of councillors of the county council in every county proclaimed under Part II. of this Ordinance those persons enrolled on any electoral roll which under the provisions of "The Registration of Electors Act 1866" shall for the time being be in force whose qualifications are in respect of lands and tenements situate within the county and no other person shall on such day as the Superintendent shall appoint not being less than forty days after the same shall have become such county and in the manner hereinafter mentioned elect from the persons capable of being such councillors the whole number of councillors hereby assigned to such county.

First election in counties proclaimed under Part II.

24. All elections of councillors for any riding shall be held by and before the president of the county and if at any time there be no president or if the president be incapable of acting or refuse to act by and before such one of the councillors as the council may from time to time have appointed to hold elections in and for such riding and if the council have failed to make such appointment and at the first elections hereunder by and before such person as the Superintendent shall for the occasion appoint in that behalf.

Who shall preside at elections.

25. In every county in which members of the county council shall be in office hereunder if a voters' roll shall not as yet be in force for such county or for each riding thereof those persons enrolled on any electoral roll which under the provisions of "The Registration of Electors Act 1866" or any other Act for the like purpose shall for the time being be in force whose qualifications are in respect of lands and tenements situate within the county or some riding thereof for which no such voters' roll shall be in force shall in the manner hereinafter mentioned elect from the persons capable of being such members one-third of the whole number of members assigned hereunder to the riding in the room of those who shall under the provisions herein contained go out of office by rotation that year.

Annual ordinary elections in counties or ridings in which no voters' roll as yet made.

26. At all elections hereunder at which persons shall be entitled to vote by reason of their being enrolled on some electoral roll for the time being in force under "The Registration of Electors Act 1866" such person shall not be entitled to give more than one vote to each candidate whatever may be the value of the qualification of such persons.

At elections where no voters' roll in force voters entitled to give only one vote.

27. All elections shall be held and conducted in the manner provided by sections numbered from *ninety-eight to one hundred and twenty-three* both inclusive of the "Otago Roads Ordinance 1871" and the same sections shall be read as if the same were inserted in this Ordinance expressly in reference to the elections of councillors for any riding and all reasonable expenses of or incident to any election incurred by the Returning Officer shall be repaid to him by the county council out of the county fund.

Manner of holding elections and expenses of election.

Sections 98 to 123 of Roads Ordinance 1871 to apply.

(6) *Election and Privileges of President.*

28. At the first meeting of the council in every county the council shall by the majority of the votes of the councillors present elect one of their body to be president until the next annual meeting of the council when and at every subsequent annual meeting the councillors shall in like manner elect a president for the ensuing year and such president shall preside at all meetings of the council at which he shall be present and if such president cease for any cause other than the retirement of councillors in rotation to be a councillor he shall be incapable of being or continuing president and in case the president die or by writing under his hand delivered to the council at any meeting thereof or to the clerk of the council resign

Election of President.

Vacancy in office of President.

his office or as aforesaid cease to be a councillor or be ousted of such his office by a rule or order of the Supreme Court or a Judge thereof the councillors present at the meeting next after the occurrence of such vacancy or at any meeting before there shall as yet have been a president shall choose some one of their body to be president and the president so elected shall continue in office until the next annual meeting and if at any meeting of the council the president be not present one of the councillors present shall be elected chairman of such meeting by the majority of the votes of the councillors present thereat and in the case of an equality of votes the president or the chairman in his absence shall have a deliberative and a casting vote.

President to continue councillor during year of office:

29. Notwithstanding anything herein contained as to the number of the council or as to councillors going out of office in rotation the president shall during the year of office of president continue to be a member of the council.

(7.) *Proceedings of the Council.*

First meeting of council.

30. The council of every county constituted under the provisions of this Ordinance shall hold their first meeting at such place as shall be appointed by the Superintendent on the fourth Tuesday after the first election of councillors or as soon after such respective periods as conveniently may be at the hour of twelve o'clock at noon and shall proceed to put this Ordinance into execution.

Annual and ordinary meetings of council.

31. The council of every county shall hold an annual meeting at noon on the first Wednesday in the month of *September* in each year at the office of the council within the county and they shall also hold ordinary meetings for the transaction of general business and the ordinary meetings shall be held at the office of the council on such day and hour in each week month or other stated space of time as the council shall from time to time appoint and when any such appointment is made the clerk shall give notice thereof to each of the councillors and they shall afterwards until the time of such ordinary meetings is changed and notice of such change given to the councillors attend such ordinary meetings without notice.

Sections 126 to 143 of the Otago Roads Ordinance 1871 applicable to this Ordinance.

32. The provisions of the "Otago Roads Ordinance 1871" contained in the sections thereof numbered from *one hundred and twenty-six* to *one hundred and forty-three* both inclusive shall be applied to all meetings and proceedings of the county councils constituted under this Ordinance and the expression or words "district board" or any similar words or expression whatever used in the said Ordinance shall mean the council of any county constituted or existing hereunder.

(8.) *Contracts.*

Mode in which council may enter into contracts and effect thereof.

33. The council may enter into contracts with any person for the execution of any works directed or authorised by this Ordinance to be done by the council or for furnishing materials or for any other things necessary for the purposes of this Ordinance and except as hereinafter provided every such contract for the execution of any work shall be in writing or partly printed and written and shall specify the work to be done and the materials to be furnished and the price to be paid for the same and the time or times within which the work is to be completed and the penalties to be suffered in case of non-performance thereof and the power hereby granted to the council to enter into contracts may lawfully be exercised as follows that is to say—

Any contract which if made between private persons would be by law required to be in writing and under seal the council may

make in writing and under the common seal of the council and in the same manner may vary or discharge the same.

Any contract which if made between private persons would be by law required to be in writing signed by the parties to be charged therewith the council may make in writing signed by the members thereof or any two of their number acting by the direction and on behalf of the council and in the same manner may vary or discharge the same.

Any contract which if made between private persons would be by law valid although made by parol only and not reduced into writing the councillors or any two of them acting by the direction and on behalf of the council may make by parol only without writing and in the same manner may vary or discharge the same: Provided that any agreement made by parol only shall not be valid for any sum exceeding ten pounds (£10).

(9.) *Officers.*

34. The council may from time to time appoint and employ a treasurer clerk engineer surveyor valuers collectors and all such other officers to assist in the execution of this Ordinance as they shall think proper and necessary and from time to time remove any of such officers and appoint others in the room of such as shall be so removed or as may die resign or discontinue their offices and may out of the shire fund pay such salaries and allowances to the said officers respectively as the council shall think reasonable and all such officers shall observe the provisions contained in the sections of the "Otago Roads Ordinance 1871" numbered from *one hundred and forty-four* to *one hundred and forty-nine* both inclusive which shall be read as part of this Ordinance the words "the Board" being held to mean the county council and any two or more of the said offices with the exception of the offices of treasurer and collector may be held by the same person: No person shall be appointed a surveyor or engineer by any council under this Ordinance unless and until he shall have obtained a certificate of competency as a surveyor of land and of works from a board of examiners who shall be appointed by the Superintendent for the examination of surveyors.

Appointment removal &c. and salaries of officers.

Sections 144 to 149 of Roads Ordinance 1871 to apply.

35. Any councillor shall be capable of being or continuing clerk or treasurer or any other such officer of the county as in the last preceding section mentioned but shall not be paid any salary fees or other reward for services performed as such clerk treasurer or other officer.

Councillors acting as clerk or treasurer shall not be paid.

36. If at any time there shall be no clerk of the council of any county or the clerk of the council shall be incapable of acting or refuse to act as herein provided all acts and things which under this Ordinance may or are required to be had or done by or with regard to the clerk of the council may and shall be had or done by or with regard to such fit person as the council shall appoint or in default of such appointment within one week after notice from the Superintendent to make the same such fit person as the Superintendent shall appoint in that behalf.

Substitute for clerk if none or for the time incapable &c.

(10.) *Auditors.*

37. It shall be lawful for the Superintendent from time to time to nominate and appoint any one or more person or persons not being councillors of the county as he shall think fit to be an auditor or auditors for any county and such person or persons from time to time as he shall think fit to remove and on the death resignation or removal of any such auditor or auditors to appoint any other person or persons in place of any person or persons so dying resigning or removed: Provided always that such auditors

Superintendent to nominate an auditor or auditors.

of the county shall be paid out of the county fund such reasonable remuneration as the Superintendent may direct.

(11.) *Accounts.*

Bank account.

38. All moneys of the body corporate amounting to twenty pounds and upwards shall within thirty days or such shorter period as the council may direct after they shall have come to the hands of the proper officer of the council be paid into such bank as the council shall from time to time have appointed for that purpose and no such money shall be drawn out of such bank save by cheques signed by the president of the council and countersigned by the treasurer of the council or by such other person as the council may appoint.

Accounts to be balanced and audited and open to inspection of persons interested. Sections 150 to 155 inclusive Otago Roads Ordinance 1871 to apply.

39. The provisions contained in the sections of the "Otago Roads Ordinance 1871" numbered from *one hundred and fifty to one hundred and fifty-five* both inclusive shall be applied to the accounts of the county council constituted under this Ordinance and the expression or words "the board" or any similar expression or words wherever used in the said Ordinance shall mean the council of any county constituted or existing hereunder.

(12.) *By-Laws.*

Council may make by-laws.

40. The council may from time to time make such by-laws as they think fit for the purpose of regulating the conduct of their officers and servants and for providing for the due management of the affairs and proceedings of the council and for any of the purposes provided for in this Ordinance and to carry into effect all the provisions of this Ordinance according to the true intent and meaning thereof for the good government of the county: Provided that no by-law shall be made save by a "special order" of the council nor unless a copy of the draft by-law as proposed shall have been published in the county and notice thereof given to the inhabitants of the county in such manner as the council shall direct: Provided also that the power to make by-laws shall not be exercised before and until the provisions of "The Highway Boards Empowering Act 1871" in that behalf be extended and applied to the county in terms of the said Act.

By-laws to be made by special order and draft published.

(13.) *Ordinary Revenue and County Fund.*

Of what the ordinary revenue of the body corporate shall consist.

41. The ordinary revenue of the body corporate of every county shall consist of the moneys following that is to say—

Rates not being special rates tolls levied on roads appointed main roads or being or continuing to be main roads under this Ordinance or the "Otago Roads Ordinance 1871" and all rents of such tolls.

Moneys received by the council under any grant or appropriation by or under or in pursuance of any Act of the General Assembly of New Zealand or of any Ordinance of the Superintendent and Provincial Council of Otago not containing any other and different provision.

All other moneys which the council may receive under or in pursuance of this Ordinance not being the proceeds of any loan.

Moneys received by way of subscription or voluntary donation unless subscribed by some specified road bridge or other work in which case such moneys shall be applied to such specified road bridge or work only.

The residue of the "Roads Endowment Fund" namely the portion of the said fund defined in Section 2 Sub-section 3 of "The Otago Road Boards Endowment Act 1868."

And all such moneys shall be carried to the account of a fund to be called the "county fund" and such fund shall be applied by the council toward the payment of all expenses necessarily incurred in carrying this Ordinance into execution and of doing and performing all acts and things which the said council are or shall be by this or any other Ordinance empowered or required to do or perform.

42. And whereas by "The Otago Road Boards Endowment Act 1868" it was provided that 40 per cent. of the land revenue of the Province should be paid into a branch of the Provincial account to be called the "Roads Endowment Fund" whereof one-half was to be subject to the appropriation of the Provincial Council for expenditure on main roads and bridges thereon be it enacted as follows:—

How residue of "Roads Endowment Fund" is to be paid to county treasurers &c.

- (1.) The Provincial Treasurer shall at the expiration of every month commencing from the first day of December 1872 pay into the account to be called the "county fund" one-half of the amount payable monthly into the roads endowment fund as provided by "The Otago Road Boards Endowment Act 1868" and certain sums as hereinafter provided shall be paid therefrom to the treasurer of each county council.
- (2.) Until a county shall have been proclaimed under this Ordinance the sums of moneys set apart under the name of "county fund" shall be appropriated by the Provincial Council of the Province exclusively for the construction and maintenance of main roads and bridges within the Province.
- (3.) Upon the proclamation of any county under this Ordinance the Provincial Treasurer shall pay monthly to the treasurer of such county a sum out of the county fund equal to the monthly proportion of the amount leviable by the county council within such county by rates for roads in the year then current and if after the expiration of three months from the first payment for any year the Provincial Treasurer shall have no satisfactory proof submitted to him that the council of any district are taking the necessary steps to levy a rate then the monthly payments shall be discontinued.
- (4.) When two or more counties shall have been proclaimed under this Ordinance the Provincial Treasurer shall in like manner pay a like amount proportionately to each county treasurer out of the county fund and the balance if any shall be appropriated as provided by subsection 2.
- (5.) If the amount of county road rates levied in any year shall exceed the sum payable to the county fund in such year the Provincial Treasurer shall divide the amount rateably to the treasurers of the county councils.

(14.) *What shall be rateable property.*

43. All lands tenements and hereditaments not being Crown Lands or land over which the native title has not been extinguished shall be rateable property within the meaning of this Ordinance save as is next hereinafter excepted that is to say except land used for public purposes hospitals benevolent institutions and buildings used exclusively for public charitable purposes churches chapels and other buildings used exclusively for public wor-

What shall be rateable property.

ship dwellings of ministers of any religious denomination and buildings used as athenæums mechanics' institutes schools or as residences of schoolmasters or schoolmistresses provided they be inhabited only by the master or mistress of such schools or his or her family and burial grounds and unoccupied land vested in the Superintendent of the Province or any corporation commissioners or other persons or body under "The Public Reserves Act 1854" or "The Public Reserves Act Amendment Act 1862" or any other Act of the General Assembly or Ordinance of the Province of Otago passed in pursuance of the said two last-mentioned Acts or either of them: Provided that nothing herein contained shall exempt from being rated in accordance with the provisions of Section 5 Part II and Section 6 Part III of "The Highway Boards Empowering Act 1871" any land made liable to be rated under the provisions of the said Act.

Rates subject to appeal.

44. All rates made under the provisions of this Ordinance shall be subject to appeal and be recovered as provided in Part III of the "Highway Boards Empowering Act 1871" after the same shall have been duly proclaimed by the Superintendent.

(15.) *Making of Rates and Valuations.*

Council may make and levy general rates.

45. The council of every county shall once at least in every year and may from time to time as they see fit in manner hereinafter mentioned make and levy rates to be called "general rates" equally upon all rateable property within such county and no such rates made in any one year shall exceed the amount of one shilling in the pound of the nett annual value of such property or be less than threepence in the pound of such value and the council of each county shall and they are hereby required within four months after the first election of councillors for such county to make one such rate at not less than threepence in the pound of such nett annual value.

On what persons rates may be made and levied.

46. Every rate which the council of any county are by this Ordinance authorised to make or levy shall be made and levied by them at yearly or half yearly periods as they shall think fit upon every person who occupies or if there be no occupier then upon the owner of any rateable property whatsoever within such county according to the nett annual value of such property and shall be vested in the council and shall be payable at such times and either in whole or in such parts or instalments as they shall appoint: Provided that every rate made under this Part shall be made for and in respect of such period after the making of such rate as the council shall think fit and as shall be named therein but this section shall not prevent the council from making or levying during any such period another rate if they shall otherwise have power hereunder to make or levy the same.

Rates to be made for particular periods.

Rates may be made retrospectively.

47. The council may make any such rate in order to raise money to pay charges and expenses to be incurred or in order to raise money to pay charges and expenses already incurred.

Estimate to be prepared before making rate.

48. The council from time to time before proceeding to make any rate which they are by this Ordinance authorised to levy shall cause an estimate to be prepared of the money required for the several purposes in respect of which they are authorised to expend or apply the county fund showing the several sums already available for such purposes the several sums required the rateable value of the property assessable and the rate on each pound of such value necessary to raise the money required which estimate after the same has been approved of by the council shall be forthwith entered on the rate book to be kept as hereinafter provided.

Notice of intention to make rate.

49. Notice of the intention of making every rate authorised to be made under the provisions of this Ordinance and of the time at and the period in respect of which the same is intended to be made and of a place where a statement of the proposed rate is deposited for inspection by the ratepayers shall

be given by the council by placards posted up in public places within the district and shall be advertised in the Provincial Government *Gazette* or in some newspaper generally circulating within the district at least twenty-one days previous to such rate being made.

50. Every such rate shall be fairly transcribed in a book to be called the "rate book" to be kept for that purpose and may be in the form given in the third schedule to this Ordinance or as near thereto as the circumstances of the case will permit and every such rate shall contain an account of every particular set forth at the head of the respective columns so far as the same can be ascertained and shall be signed by not less than three councillors of the county.

Form &c. of rate.
Third Schedule.

51. The statement of the proposed rate and the rate immediately after the same is made shall be open to the inspection of any person interested or rated at all reasonable times that is between the hours of ten and four o'clock on such days as may be appointed and any such person may take copies or extracts from such statement or rate without paying anything for the same and any person having the custody of such statement or rate who shall refuse to permit any person so interested or rated as aforesaid or shall not on his request permit him to take copies or extracts from such statement or rate shall for every such offence be liable to a penalty not exceeding five pounds.

Rate to be open to
inspection of rate-
payers who may take
copies.

52. The council may from time to time amend any rate made by virtue of this Ordinance by inserting therein the name of any person claiming and entitled to have his name therein as owner or occupier or by inserting the name of any person who ought to have been rated or by striking out the name of any person who ought not to have been rated or by raising or reducing the sum at or upon which any person has been rated if it appear to them that such person has been underrated or overrated or by making such other amendments therein as will make such rate conformable to this Ordinance and no such amendment shall be held to avoid the rate: Provided always that every person aggrieved by any such alteration shall have the same right of objection thereto as he would have had if his name had been originally inserted in such rate and no such alteration had been made and as respects such person the rate shall be considered to have been made at the time when he received notice of such alteration and every person whose rates are altered shall be entitled to receive fourteen days' notice of such alteration before the rate shall be payable by him.

Rates may be
amended by council.

53. The council of each county in which no valuation has been made shall within three months after the constitution of the county cause to be made for such county and may from time to time afterwards as shall seem fit cause to be made for such county a valuation of all rateable property within the county by a competent person or persons to be called valuers in such manner and form and such valuers shall have such powers and duties as are prescribed in sections *one hundred and sixty-one to one hundred and seventy* both inclusive of the "Otago Roads Ordinance 1871" both inclusive and notice of such valuation shall be given to the occupiers or owners of the rateable property so valued or shall be published by the council in some newspaper circulating in the county and the rates made by the council for the purposes of this Ordinance shall be made upon such valuation and in every such valuation the property rateable shall be computed at its annual value that is to say at the rent at which the same might reasonably be expected to let from year to year.

Valuation of rateable
Property.

Sections 161 to 170
both inclusive Otago
Roads Ordinance
1871 to apply.

54. Whenever the name of any owner liable to be rated under the provisions of this Ordinance is not known to the council it shall be sufficient to rate such owner as the owner of the property to be rated by the designation of "the owner" without stating his name.

Owner where name
not known to be rated
as owner only.

PART V.—ROADS BRIDGES AND THE LIKE.

(1.) *Maintenance &c. of Roads &c.*

Roads bridges &c. to be under care of council.

55. All main roads within any county and all public bridges and ferries within any county or placed under the control of the council thereof as herein provided and being upon such main roads shall be under the care and management and subject to the direction of such council and every such council shall subject to the provisions hereof have full power to form construct improve repair and maintain all such main roads bridges and ferries.

Buildings chattels &c vested in council.

56. The right interest and property of and in all toll-houses toll-gates and other erections and buildings lamps bars toll-boards direction-boards milestones posts rails chains fences and other things and all ferries which shall hereafter be placed erected or provided under this Ordinance or any main road bridge or ferry in or for any county or be placed under the control of the council thereof as herein provided with the several appurtenances thereof and the materials of which the same shall consist and all materials tools and implements which shall be provided for constructing repairing or maintaining the main roads bridges or ferries within the county or such bridges or ferries as may be placed under the control of the council under this Ordinance and the scrapings of all such roads shall be vested in the council of the county.

New roads &c.

57. The council of every county may from time to time subject to the provisions herein contained open or make new main roads and divert or alter or increase the width or cause to be raised or lowered the ground or soil of any road under their care or management within the county or without the county if approved of by the Superintendent.

New road may be in lieu of old.

58. The council by order may direct that any land taken purchased or acquired by them under the provisions hereof for any purpose mentioned in the last preceding section shall be a road within the meaning of this Ordinance from such time as shall be named in such order and every such order on being approved of by the Superintendent shall be published in the Provincial Government *Gazette*.

Council may from road adjoining to county.

59. If any part of a main road shall lie along and upon or be adjoining lengthwise to the limits of any county but a portion of the breadth of such part shall lie outside such county and if such part shall not as to the portion of the breadth so lying outside such county be adjoining or be within the limits of any other county or of any borough the council of such first-mentioned county shall have power to drain form macadamise and otherwise make good and to repair and maintain such part of such public highway in like manner as any road within the county.

If such road lie along another county council may give notice to treat with respect to it.

60. If any such part of a main road as lastly before-mentioned shall as to the breadth of such part so lying outside such county be adjoining to or within any limits of any other county or any borough city town or place within the said Province and if such main road shall not as to such part theretofore have been drained formed macadamised or otherwise made good or shall be ruinous or out of repair the council of such first-mentioned county may cause to be given to the council or other governing body of the said county borough city town or place a notice stating the desire of the council giving the notice that such part of such main road as aforesaid and described in such notice may be drained formed macadamised or otherwise made good or repaired and offering to treat and agree with the council board or governing body receiving the notice with respect to the performance by either party of the whole or part of such work and the future maintenance and repair of such part of the said road and such agreement may as to any or all of such matters be made accordingly and every such council or governing body giving or receiving such notice shall for the purpose of carrying out any such agreement have power to perform any such work or any part thereof and to provide for such maintenance and repair.

61. If the council of any county shall desire to construct establish or repair any bridge or ferry over any river or creek at a place where one bank and one-half only of the whole breadth of such river or creek lie within the county and if there be in such case no other council body corporate or governing body duly empowered as herein provided to treat with such council with respect to the remaining part of such breadth and the opposite bank then the said council may with the approval of the Superintendent if both banks of such river or creek are within the same Province or in other cases with the approval of the Superintendent of the adjoining Province construct establish or repair such bridge or ferry and the approaches thereto as though the whole breadth and both banks were within the county and if there be any such council body corporate or governing body as lastly mentioned then the council of the county may treat and agree with such council body corporate or governing body with respect to such work and either party may execute such work or any part thereof according to the tenor of such agreement.

Bridges &c. at boundaries of counties.

62. The Superintendent may by proclamation appoint that any bridge or ferry which may have been or may hereafter be placed or provided at the boundary of any county on or over any river or creek whereof the whole breadth and both banks shall not at the site of such bridge or ferry lie or be within such county shall with the approaches thereto be under the control of the council of such county and the same shall be under their control accordingly.

Control of such appointed to council.

63. If at any time there shall be within any county a main road continuing up to the boundary of such county and there shall not be within the adjoining county a main road or a main road sufficiently formed continuing from such first-mentioned road through such last-mentioned county it shall be lawful for the council of either of such counties to petition the Superintendent for an order that a sufficient road shall be formed through such last-mentioned county and such petition if it shall be from the council of such first-mentioned county and if the council is willing that some portion of the share of the roads subsidy payable or to become payable to such first-mentioned county should be applied towards the formation of such road shall state that the council is willing that a portion of the share of such county in such fund shall be so applied and on the receipt of such petition the Superintendent shall transmit a copy of such petition to that other council which shall not have petitioned and the Superintendent shall fix a time and place at which he will proceed to enquire as to the necessity for the formation of such road and give notice to the council of each of such counties of the time and place so fixed and shall then proceed to inquire in such manner as he shall think fit into the circumstances of the case and if the Superintendent shall think fit it shall be lawful for him by an order in writing published in the Provincial Government *Gazette* to order that a road of such length and direction as he shall think fit shall be formed in or through the country hereinbefore in this section secondly mentioned by the council of such secondly-mentioned county and if he shall think that the expense of such formation should be borne alone by the county within which such road is to be formed he shall in the said order so declare and if he shall think that such expense should be borne partly by such last-mentioned county and partly by the other counties he shall in and by such order as aforesaid direct what proportion of the cost of the construction of such road shall be borne by each of such counties out of their respective shares in such fund.

Where a main road formed up to boundary of a county and no continuous road in adjoining county council of either county may apply to Superintendent to order road to be made and expense to be borne out of roads subsidy payable to adjoining county or jointly out of shares of both counties in such fund.

64. Before any order for the formation of any such road as last aforesaid shall be made the Superintendent shall notify to the council of the county within which such road is to be formed that it is intended to make such order and he shall describe the road or part of road which is to be the subject of such order with sufficient particularity to enable such council to cause a sufficient plan specification and estimate of cost of such road to be prepared and upon the receipt of such notification the council shall cause to

Before order made Superintendent to call on council for plans and estimates to be certified by persons appointed by Superintendent.

be prepared and transmitted to the Superintendent a plan and estimate of the cost of the work together with a certificate under the hand or hands of such person or persons as the Superintendent shall for the purpose appoint (whose name or names shall be specified in the notification sent by the Superintendent) that the plan is sufficient and such certificate shall also contain a statement that the estimated cost is in the opinion of such person or persons as aforesaid fair and reasonable and after the receipt of such plan and estimate and certificate if the Superintendent shall approve of the same it shall be lawful for him to make such order as in the last preceding section is provided and the order shall refer to the plan and if after such notification shall have been made to such council such council shall neglect within such time as the Superintendent shall think reasonable to forward such plan estimate and certificate it shall be lawful for the Superintendent to cause a plan and estimate to be prepared and to make such order as aforesaid and the council shall comply with such order.

After compliance with order is certified Superintendent empowered to issue order for payment to the contractor &c.

65. When any order made under the last two preceding sections shall have been complied with by the council bound to comply therewith and they shall have forwarded to the Superintendent a certificate by such person or persons as the Superintendent shall appoint for the purpose that such order has been complied with the Superintendent may issue his certificate to the Provincial Treasurer certifying what amount shall be paid out of any subsidy or money payable out of the Provincial Revenue to the county in which the work is not executed to the county which shall have performed the work and in like manner the Superintendent may from time to time during the progress of such works and after the completion thereof authorise the Provincial Treasurer to make payments on account of such work out of such subsidy.

Provincial Treasurer on receipt of order to issue money out of the subsidy.

66. The Provincial Treasurer upon the receipt of any such certificate from the Superintendent authorising him to pay any such sum as in the last preceding section mentioned shall pay such sum to the council which shall have formed such road or been ordered to form such road out of the share or proportion of the share named in such certificate in such subsidy if there shall be sufficient money payable out of the said subsidy to such county or if not so much as shall then be payable to such county and shall out of any moneys which may thereafter become payable or accrue due to such county pay thereout the moneys so authorised to be paid or so much as shall not have theretofore been paid.

If orders not complied with Superintendent may appoint persons to effect construction who are to have same power as Council.

67. If the council of any county shall fail to comply with any order made under this Ordinance within the time appointed by the order the Superintendent may if he think fit order that such person or persons as he shall think proper and appoint for the purpose shall have power to effect the construction of the works specified in such order and the person or persons appointed by the Superintendent to effect such construction is or are hereby authorised upon such order being made to effect such construction and such person or persons shall for the purpose aforesaid have all the powers which by this Ordinance are vested in the council in that behalf and it shall be lawful for the Superintendent to notify to the Provincial Treasurer that he has made such order as last aforesaid and to request the Provincial Treasurer to retain and to pay to such person or persons as the Superintendent shall appoint to construct the road out of any moneys then or thereafter payable to the county the council of which shall have failed to comply with the order as aforesaid out of any subsidy payable to such county such sum as the Superintendent shall think will be required for the formation of such road or such sum which together with any sums payable out of any subsidy payable to any adjoining county will be sufficient for such purpose and the Provincial Treasurer shall then issue and pay to such person or persons so appointed to construct such road the sum (if any) ordered to be paid out of any subsidy payable to such

adjoining county in like manner as such moneys would have been payable to the council ordered to construct such road.

68. All main roads shall not be less than one chain wide including Width of roads. footpaths but this provision shall not be deemed to affect highways dedicated or existing before the commencement of this Ordinance.

69. It shall be lawful for the council of every county to stop all traffic Temporary roads. upon any road bridge ferry or ford within the county whilst being constructed repaired or widened and to make and construct through or on the adjoining land not being Crown lands or lands over which the Native title shall not have been extinguished and not being the site where any house stands nor being a garden yard park planted walk or avenue to a house or any enclosed ground planted or set apart as an ornament or shelter to a house or planted or set apart as a nursery for trees or any part thereof respectively the owner or occupier of which lands herein lastly excepted respectively shall not consent in writing in that behalf a temporary road bridge ferry or ford to be used as a public highway in lieu of the old bridge ferry or ford while being constructed repaired or widened and such temporary road bridge ferry or ford shall be and be kept fenced in or otherwise so secured by the council as to afford the person through whose land the same may pass an equal protection against trespass as was possessed by such person previously to such temporary road bridge ferry or ford being made and the council shall make reasonable compensation to the owners and occupiers of such adjoining ground upon or through which such temporary road bridge ferry or ford shall be made for the damage which they shall thereby sustain.

70. It shall be lawful for the council of every county by their engineer or surveyor or other person authorised by them after giving the owners or occupiers of the land not less than three nor more than fourteen days' notice of the intention so to do to enter upon any land adjoining any road not being such land as is excepted in the last preceding section whereof the owner or occupier does not consent as therein mentioned for the purpose of constructing altering or repairing any drains sewers culverts causeways or bridges of or on such road or of repairing such road and the council shall make reasonable compensation to such owner or occupier for any damage sustained by him in consequence of such entry. Entry on lands to construct drains.

71. It shall be lawful for the council of every county by their engineer or surveyor or other person authorised by them to enter and search for dig raise gather take and carry away on and from any land within the county not being such land as is excepted by the last two preceding sections whereof the owner or occupier does not consent as therein mentioned and in and from any river or creek any materials necessary for making or repairing any road or bridge but nevertheless so as not to damage any building road or ford or to divert or interrupt the course of any river or creek or to search for dig raise gather or take any such materials within fifty yards of any bridge dam jetty or other structure and the council shall make reasonable compensation to the owners and occupiers of such land or of the soil of or adjoining such river or creek for the damage which they may sustain by or through the exercise of any of the powers conferred by this section. Right to procure materials for road.

72. If the council or their engineer surveyor or other person as aforesaid shall by reason of the exercise of the powers conferred by the last preceding section make or cause to be made any pit or hole in any land river or creek they shall forthwith cause the same to be sufficiently fenced off and such fence to be supported and repaired during such time as the pit or hole shall continue open and not sloped down or filled up as herein provided and shall within three days after such pit or hole shall be opened or made where no materials suitable for making or repairing the road or bridge shall be found cause the same to be filled up with the clay or soil taken Place from which materials are taken to be fenced in.

therefrom and levelled and shall where any such material shall be found within fourteen days after having procured sufficient materials in such pit or hole cause the same to be filled up sloped down or fenced off and so continued and if this section be not complied with the surveyor of the council or such other person as the case may be shall for every instance of non-compliance forfeit and pay a penalty not exceeding five pounds.

Drains &c. near roads.

73. It shall be lawful for the council to cut make and maintain drains or watercourses upon or through any lands lying contiguous to any road making reasonable compensation to the owners and occupiers of such lands for any damage they may sustain thereby.

Power to impound.

74. It shall be lawful for the council of any county by some person duly authorised by such council in that behalf to distrain and impound any cattle that may be found straying on any road within the boundaries of such county if such road shall have a substantial fence on both sides thereof.

PART VI.

(1.) *Tolls Letting Tolls and Application.*

Toll-houses &c.

75. The council of any county may from time to time place erect and maintain and may continue and maintain if lawfully existing at the time of the constitution of such county under this Ordinance upon the main roads within the county and at or near any bridge or ferry within the county or placed under the control of the council and such toll-bars toll-gates toll-houses and ferry-houses chains rails and fences as shall appear to them necessary for the purpose of enforcing the payment of tolls upon or at such roads bridges or ferries and the same may remove or alter.

"Turnpikes Ordinance 1866" to apply.

76. The provisions of the "Turnpikes Ordinance 1866" and the "Turnpikes Ordinance 1866 Amendment Ordinance 1867" so far as the same can be made applicable shall be applied to all tolls toll-bars toll-gates and toll-houses within any county under this Ordinance and the expression "Superintendent and Executive Council" or any similar expression wherever used in the said Ordinance shall mean the council of any county constituted or existing hereunder.

Superintendent may direct tolls to cease.

77. It shall be lawful for the Superintendent if satisfied that any road bridge or ferry at which such tolls are payable is in a ruinous state or incapable of being used or worked to direct that such tolls shall cease to be payable until the same have been effectually repaired or put in working order and such tolls shall cease to be payable accordingly.

Application of tolls and rents.

78. All tolls received under or by virtue of this Ordinance by the council of any county and all rents and moneys received under or in respect of any lease of tolls by such council shall be paid to the county fund.

Separate account of tolls and expenditure on each road.

79. A separate account shall be kept by the council of every county of the tolls received by them at each toll-bar toll-gate toll-house and ferry within the county or under the control of the council and also of all moneys expended upon the same and on the roads on which the same are placed respectively and all such accounts shall be open for the inspection of any ratepayer at all reasonable times.

(2.) *Common Toll Roads.*

Toll road passing through different counties &c. may be proclaimed common toll road.

80. If any main road shall pass or extend through or into two or more counties or into one or more counties or boroughs or cities or towns and if tolls shall be payable upon such road and at any bridge or ferry thereon to

the council or other governing body of any such county or borough city or town and if such road be commonly used for direct traffic by persons passing with animals or vehicles along such road for a length thereof which shall extend not only through or into the county borough city or town to the council or other governing body of which such tolls are payable but also through or into another or others of such counties boroughs cities or towns of all which matters the Superintendent alone shall judge and if the council of any one or more of such last-mentioned counties shall in writing under their common seal complain to the Superintendent that they ought by reason of such traffic being common to their own county with the county borough city or town in which such tolls shall be payable or for other like cause to have a share of such tolls it shall be lawful for the Superintendent to proclaim if it shall seem fit such road for such length thereof as shall be as well within the county from which such complaints shall proceed and within the county borough city or town in which such tolls are payable as also between the boundaries of both to be a "common toll road" as well of such county borough city or town as of all counties boroughs cities and towns lying between the same respectively and along the line of the said road.

81. In and by the last-mentioned proclamation or by any other proclamation or order it shall be lawful for the Superintendent from time to time to determine in what proportions the tolls payable at each and every toll-bar toll-gate or toll-house upon such common toll road or at any bridge or ferry thereon shall after the deduction hereinafter mentioned be distributed among the several councils or other governing bodies through or into whose counties boroughs cities or towns such common toll road shall extend and every order made under this or the last section shall take effect accordingly upon publication thereof in the Provincial Government *Gazette*.

And tolls apportioned to different councils &c.

82. It shall be lawful for all the councils or councils and boards or other governing bodies as each case may be of the counties road districts or boroughs severally for which any common toll road shall have been proclaimed as aforesaid from time to time together under the common seal of the several bodies corporate or in their default for forty days after the proclamation of such common toll road or notice from the Superintendent so to do for the Superintendent as and for such councils or councils boards or other governing bodies to appoint a manager of the common toll road and for all the said councils or councils boards and other governing bodies from time to time with the consent of the Superintendent and at all times for the Superintendent to remove such manager and such manager shall at such fixed times as the Superintendent shall appoint receive from the collectors and lessees of all tolls upon such road and the bridges and ferries thereon all moneys collected by them as and for such tolls or due by them as the rents thereof and still unpaid respectively and if at any time after the proclamation of such common toll road there be no such manager the said collectors and lessees respectively shall pay the said several moneys to the Provincial Treasurer to be held by him until there shall be such manager empowered to deal with the same as hereinafter provided and the said treasurer shall then pay over the same to such manager.

Manager of common toll road.

83. Every manager of a common toll road shall receive such salary or other pecuniary remuneration as the council or councils boards and other governing body appointing him or if they shall have failed to appoint then as the Superintendent shall have fixed in that behalf and such salary remuneration as the same becomes due may and shall from time to time be deducted by such manager from the moneys having come to his hands by virtue of his office and the residue shall be dealt with as next hereinafter mentioned.

Salary &c. of manager.

84. Every such manager shall at all times and in such manner as shall be fixed by the Superintendent in that behalf pay over to each of such councils or other governing bodies in the proportions aforesaid and separately

Manager to distribute moneys.

for each place of taking toll the moneys so received by him as aforesaid and every such manager before he shall enter upon any of the duties of his office shall give sufficient security to the satisfaction of the Provincial Treasurer for the due and faithful execution of the same.

Moneys received to be deemed tolls collected.

85. All moneys so received through any such manager by any such council or other governing body shall be deemed to be moneys received by such council or other governing body at or in respect of the particular place of taking toll in respect of which the same shall have been received from such manager.

Tolls may be abolished.

86. The council of any county may by special order confirmed by the Superintendent direct that all tolls upon main roads within the county shall cease to be payable within the said county and thereupon all tolls except as aforesaid in force within the county under this Ordinance and received and collected or let or farmed by the council shall cease to be payable and shall no longer be collected or paid: From and after the making and confirmation of such special order the council of the said county may make and levy a general rate of sixpence in the pound of the net annual value upon all rateable property within the county in addition to the amount of general rates hereby authorised or the amount made and levied under the authority hereof within the said county and the proceeds of such additional general rate shall be applied to the construction improvement repair and maintenance of all main roads not being common toll roads within the county and all the provisions of this Ordinance respecting the making and recovery and the appeals against rates shall be applied to such additional general rate.

PART VII. MARKETS.

Power of council to provide markets.

87. The council of every county shall have the power to do the following things or any of them within the county:—

To provide a market-place and construct a market-house and other conveniences for the purpose of holding markets;

To provide houses and places for weighing carts:

To make convenient approaches to such market:

To provide all such matters and things as may be necessary for the convenient use of such market.

Market, &c. tolls.

88. It shall be lawful for the council to demand receive and have of and from every person exposing or offering for sale or selling any corn grain hay straw meat poultry eggs milk butter vegetables or other provisions or any cattle in any market provided hereunder or who shall rent or use any stall or standing place in such market and also from every person who shall use any building place or machine for the weighing of carts and from every person who shall at any time use for the sale of cattle any yards or premises within the county and outside the market provided hereunder such sums of money as and for stallages rents tolls and dues as shall be appointed by special order of the council in such behalf respectively.

Letting of tolls.

89. It shall be lawful for the council to demise or let to farm for any term not exceeding twelve months all or any of the stallages rents and tolls from time to time payable under this Ordinance in respect of any market provided hereunder and also to demise or let for any term not exceeding twelve months any stall or standing in such market.

Interpretations in this Part.

90. The following words and expressions in this Part shall have the meanings hereby assigned to them unless there be something in the subject or context repugnant to or inconsistent with such construction (that is to say):—

"The market."

The expression "the market" shall mean the market and the works.

connected therewith by this Ordinance authorised to be provided constructed or regulated :

The word "cart" shall include waggon and also any carriage used wholly or chiefly for the conveyance of goods : "Cart."

The word "driver" shall include the carter or other person having the care of any cart : "Driver."

The expression "the collector" shall mean the person appointed by the council to collect the stallages rents or tolls authorised by this Ordinance and shall include the assistants of the collector. "Collector."

91. Before any market shall be opened for public use the council shall give not less than ten days' notice of the time when the same will be opened and such notice shall be given by the publication thereof in some newspaper generally circulating within the limits of the county and by printed handbills posted on some conspicuous place within those limits. Before the market shall be opened notice to be given by the council.

92. After the market-place is opened for public use every person other than a licensed hawker who shall sell or expose for sale in any place within the limits of the county except in his own dwelling-place or shop or except in the market place or in yards or premises licensed by the council under a market by-law under this Ordinance any articles in respect of which tolls are by this Ordinance authorised to be taken in the market shall for every such offence be liable to a penalty not exceeding forty shillings : Provided that every lease of any stall or standing in any such market shall as to the lessee thereof be deemed within the county to be a hawker's and pedler's license of both the descriptions mentioned in the "Licensed Hawkers Ordinance 1864." Sales elsewhere than in markets prohibited under a penalty not exceeding forty shillings.

93. After the market-place is opened for public use the council shall hold markets therein on such days as the council shall appoint from time to time by any by-law to be made in pursuance of this Ordinance. Market days.

94. Every person who shall sell or expose for sale any unwholesome meat or provisions in the market shall be liable to a penalty not exceeding ten pounds, or to be imprisoned for any period not exceeding one month for every such offence. Penalty for selling or exposing for sale unwholesome meat &c.

95. The council shall provide sufficient and proper weighing houses or places for weighing or measuring the commodities sold in the market and shall keep in them proper weights scales and measures according to the standard weights and measures for the time being for weighing such commodities as aforesaid. The council to provide proper weights and measures for weighing commodities sold at markets.

96. Every person selling or offering for sale any articles in the market shall if required so to do by the buyer cause the same to be weighed or measured by the weights and scales or measures provided by the council and any such person who shall refuse on demand to cause such articles to be weighed or measured in manner aforesaid shall be liable to a penalty not exceeding forty shillings. Articles to be weighed if requested by the buyer.
Penalty for refusal.

97. The council shall provide sufficient and proper buildings or places for weighing carts in which goods are brought for sale within the market and shall keep therein machines and weights proper for that purpose and shall from time to time appoint a person in every such building or place to afford the use of such machines to the public by weighing such carts with or without their loading as may be required. The council to keep proper machines for weighing carts laden with goods.

98. The driver of every such cart shall at the request of the buyer or seller of such goods or his agent take such cart with or without the loading thereof to the nearest of the said weighing machines and shall permit the Carts to be weighed at one of the machines erected by the council.

same to be weighed and if such cart be weighed with its load thereupon the driver shall if required take such cart after its load has been discharged to the weighing machine nearest to such place of discharge and permit it to be reweighed without such load and if any such driver shall for the purposes aforesaid be required to take such cart a greater distance than half-a-mile including the going to and returning from such machines respectively the owner of the cart shall be paid for every horse which shall be used in drawing such cart sixpence for the first half-mile and a like sum for every additional half-mile and such payment shall be made by the person requiring such cart to be weighed as aforesaid before the driver thereof shall be obliged to take it as aforesaid for the purpose of having it weighed.

Penalty on drivers
for refusing to take
carts to be weighed
&c.

99. The driver of any such cart who shall not upon being so requested as aforesaid and having such payment made or tendered as aforesaid take such cart to such weighing machine as hereinbefore directed or who shall refuse to assist in the weighing of the same shall be liable to a penalty not exceeding twenty shillings.

Penalties on drivers
of carts &c. committing
frauds in weighing.

100. Every driver of any such cart weighed at any weighing machine to be provided in pursuance of this Ordinance who shall commit any of the following offences shall be liable to a penalty not exceeding five pounds or to be imprisoned for a period not exceeding one month for each offence (that is to say)—

If he at the time of weighing any such cart knowingly have anything in or about the same other than the proper loading thereof :

If he alter any ticket denoting the weight of any such cart or the loading of the same :

If he make or use or be privy to making or using any ticket falsely stating the weight of any such cart or the loading thereof :

If he after weighing of any such cart with the loading thereof remove any part of such loading and afterwards dispose of or attempt to dispose of or represent as being the full loading denoted by such ticket the residue of such loading :

If he between the time when the cart and the loading thereof have been so weighed and the time when such cart is weighed without such loading change the wheels of such cart or make any other change upon it after being required to allow such cart to be weighed without the loading thereof :

If he be guilty of any other fraudulent contrivance to misrepresent the weight of any such cart or the loading thereof.

Penalty on buyers or
sellers for committing
frauds in weighing.

101. If the buyer or seller of any goods brought in any cart for sale within the market and which shall be required to be weighed as aforesaid shall do anything to such cart or its loading whereby the true weight thereof respectively shall be altered before such weighing he shall for every such offence be liable to a penalty not exceeding five pounds or to be imprisoned for a period not exceeding one month.

Penalties for frauds
committed by the
machine keeper.

102. The person for the time appointed to keep any weighing machine provided in pursuance of this Ordinance shall be liable to a penalty not exceeding five pounds or to be imprisoned for a period not exceeding one month in any of the following cases (that is to say) :—

If he wilfully neglect on application duly to weigh any cart with or without its loading as the case may be that is brought to the machine kept by him to be weighed :

If he do not fairly weigh every such cart with or without loading as the case may be :

If he do not deliver to the buyer or seller of any such loading or to any person interested therein on application a ticket or account specifying the true weight of such cart with or without such loading as may be required :

If he give a false ticket or account of the weight of such cart with or without the loading thereof :

If he weigh any cart with or without its loading knowing that anything had been done to such cart or to the loading thereof to alter the true weight thereof respectively :

If he knowingly assist in or connive at any fraud concerning the weighing of any cart or the loading thereof or make or connive at making any false representation of the weight of the same respectively.

103. Every person who shall knowingly act or assist in committing any fraud respecting the weighing or weight of any cart or the loading thereof in pursuance of this Ordinance shall for every such offence be liable to a penalty not exceeding five pounds. Penalty on other parties committing frauds as to weighing.

104. The council shall not demand or receive any stallage rent or toll until the market-place in respect of the use of which the same shall be demanded shall be completed and fit for the use of the persons resorting thereunto. Tolls &c. not to be demanded until market completed.

105. A certificate under the hand of any two justices shall be evidence that the same is completed and fit for public use as aforesaid and any such justices shall sign such certificate on proof being adduced to them that the market-place is so completed and fit for public use. Certificate of two justices to be considered evidence that market is completed.

106. The several stallages rents or tolls payable in respect of the market shall be paid from time to time on demand to the council or the collector or other person authorised by the council to receive the same. Stallages &c. when to be paid.

107. The tolls payable in respect of weighing or measuring market-able commodities or carts with or without goods shall be paid to the person authorised by the council to weigh the same by the persons bringing such carts to be weighed before the same are weighed. Tolls to be paid to persons authorised before goods &c. are weighed.

108. The tolls in respect of cattle brought to the market for sale shall become due as soon as the cattle in respect whereof they are demandable are brought into the market-place and before the cattle are put into any pen or tied up in such market-place and if the cattle be not removed within forty-eight hours after the close of the market another toll shall become due in respect of the cattle so omitted to be removed. Tolls in respect of cattle when due.

109. The council may from time to time by special order change the stallages rents and tolls to be taken in respect of the market and for weighing and in respect of the yards or premises for the sale of cattle: Provided that the stallages rents and tolls in no case exceed the amounts authorised under this Ordinance: Provided also that no such change shall be made during the continuance of any lease of such stallages rents or tolls or during the continuance of any license in respect of which dues are paid without the consent of the lessee or farmer or licensee respectively. Stallages tolls &c. may be varied from time to time.

110. Every person who shall demand and take a greater toll than that authorised to be taken under this Part shall for every such offence be liable to a penalty not exceeding forty shillings. Penalty on taking a greater toll than authorised.

Recovery of tolls.

111. If any person liable to the payment of any stallage rent or toll or dues authorised by this Ordinance to be taken do not pay the same when demanded the council or their lessee or any person authorised by the council or their lessee to collect the same may levy the same by distress of all or any of the cattle or other articles in respect of which such stallage rent toll or dues is or are payable or of any other cattle or other articles in the market belonging to the person liable to pay such stallage rent toll or dues or under his charge or such tolls may be recovered in any Court having competent jurisdiction.

List of tolls &c. to be set up and placed in conspicuous places.

112. The council or their lessee shall from time to time cause to be painted on boards or to be printed and attached to boards in large and legible characters a list of the several stallages rents and tolls from time to time payable under this Ordinance and shall cause a board containing such list to be conspicuously set up and continued in the market and in each weighing-house provided by the council to which each such list shall relate and no stallage rent or toll shall be payable during the time such list is not so set up or for anything not specified therein: Provided always that if such list shall be destroyed injured or obliterated the stallage rents and tolls shall continue to be payable during such time as shall be reasonably required for the restoration of such list in the same manner as if such list had continued in the state required by this Ordinance.

By-laws relating to markets.

113. The council may from time to time make such by-laws as they may be empowered to make hereafter under "The Highway Boards Empowering Act 1871" and such regulations as they think fit for all or any of the following purposes (that is to say):—

For regulating the market-place and the buildings stalls pens and standings therein and for preventing nuisances or obstructions therein or in the immediate approaches thereto:

For fixing the days and the hours during each day on which the market shall be held:

For licensing yards and premises for the sale of cattle within the county and for fixing (subject to the limitation hereinbefore mentioned) the dues to be paid for such license:

For regulating the carriers resorting to the market and fixing the rates for carrying articles carried therefrom within the limits of the county:

For regulating the use of the weighing machines provided by the council and for preventing the use of false or defective weights scales or measures:

For preventing the sale or exposure for sale of unwholesome provisions in the market.

PART VIII.

(1.) *Miscellaneous.*

Council may establish and aid charitable and other institutions.

114. The council of every county may from time to time on such terms and conditions as may appear expedient appropriate such portion of the county fund as they may see fit to erecting establishing maintaining or otherwise aiding any hospital asylum or other institution or society within or (if the Superintendent consent) without the county for the relief of such poor persons as through age sickness infirmity or accident are unable to help themselves and also to the relief at their own houses or elsewhere within the county of such poor persons as aforesaid and also (if the Superintendent consent) to erecting establishing maintaining or otherwise aiding baths wash-

houses athenæums mechanics institutes museums and libraries not conducted for the purpose of private profit within the county.

(2.) *Co-operation of Councils.*

115. Subject to the approval of the Superintendent it shall be lawful for the council of any county from time to time to contract upon such terms and conditions as they may think fit with the council of any other county or with any other body corporate or public body empowered in that behalf for or with respect to the doing and the control or management by either or both of the contracting parties of any matter or thing which the council of the county and such other council or body is by law empowered to do control and manage. Co-operation of Councils.

(3.) *Miscellaneous as to Roads.*

116. Upon the application of the council of any county the Superintendent may from time to time if it shall seem fit so to do by proclamation appoint that any roads or parts of roads whether within or upon the boundary of such county shall be main roads and every such appointment on the like application from time to time may if it shall seem fit so to do revoke and every such proclamation shall be published in the Provincial Government Gazette. Superintendent to appoint main roads.

117. If any person shall without lawful authority make or cause to be made any dwelling-house or other building or any hedge or other fence at the sides of or on or across any main road in such a manner as to reduce the breadth or confine the limits thereof or to stop or obstruct the same or shall fill up or obstruct any ditch at the side thereof or make any drain gutter sink or watercourse across or otherwise break or injure the surface of such main road or any part thereof or in any other manner obstruct the free passage of such road or of any bridge or shall unlawfully before the commencement of this Ordinance have done any such acts it shall be lawful for the council of the county to cause such dwelling-house or other building hedge fence ditch drain gutter sink or watercourse breaking or injuring the surface or other obstruction to be taken down cleaned filled up made good or removed as the case may be and the expenses of so doing may be recovered from such person in any Court of competent jurisdiction. Obstructions to high way.

118. Every person who shall commit any of the offences enumerated in the last preceding section shall on conviction forfeit and pay for every such offence a penalty not exceeding twenty pounds. Penalty in such cases.

119. If previously to the commencement of this Ordinance any dwelling-house or other building or any hedge or other fence drain or watercourse or any other obstruction whatsoever on or at the sides of any road marked out as a main road shall without breach of any Act or Ordinance then in force relating to roads have been made or placed across such road or in such manner as to reduce the breadth or confine the limits of such road or otherwise to obstruct the same it shall be lawful for the council of the county in every such case if they shall see fit to cause notice to be placed upon such building or fence and in some public and conspicuous place adjacent to any such obstruction and also to be published in the Provincial Government Gazette and twice in some newspaper generally circulating in the county requiring that such building fence or other obstruction shall be removed filled up or made good within ninety days after the date of the first publication of such notice in the Provincial Government Gazette and if such building fence or other obstruction shall not have been effectually removed filled up or otherwise made good within the time limited by such notice it shall be lawful for the council to cause the same to be removed filled up or otherwise made good and the expense of so doing shall be paid to the council by the person having made or caused any such obstruction or to whom the same Obstructions before Ordinance.

shall pertain and in default of payment may be recovered in any Court of competent jurisdiction.

Trees obstructing or injuring road.

120. If the Council shall be of opinion that any main road within the county is obstructed by any tree growing or being on land adjoining thereto it shall be lawful for the council and after notice duly served on the owner and occupier or upon the occupier only if the owner cannot be found of the land on which such tree may be to require the removal of such tree or any part thereof by such owner or occupier as may be obstructing any such road and in default of compliance with such requisition within eight days after a copy thereof shall have been served personally on such owner or occupier such owner or occupier as the case may be shall on conviction forfeit and pay for such default a penalty not exceeding five pounds.

Tramways tramroads &c. may be constructed.

121. It shall be lawful for the council of any county with the consent of two-thirds of the ratepayers in such county to make and construct a wooden or iron or other tramway or tramroad or any railway or railroad in such district in lieu of or in addition to any other sort of road or roads and the provisions of this Ordinance shall so far as the same can be applied be made to extend to any such tramway or tramroad.

Right of making roads &c. reserved to Government.

122. Notwithstanding anything herein contained it shall be lawful for the Superintendent to cause to be made constructed maintained and repaired within any county all such roads and bridges as he shall think fit and also to cause to be constructed and maintained in or through any county any railway canal or any other work whatsoever which shall be authorised by law and for all such purposes as aforesaid such persons as the Superintendent shall appoint shall have all the powers which are hereby vested in the council of such county in the like behalf for the construction maintenance or repair of roads or bridges or for the execution of any permanent work or undertaking.

Certain roads &c. exempted from control of council.

123. Nothing herein shall authorise the interference by any council with any public road railway bridge ferry cemetery market wharf aqueduct public place or building whatsoever not formed constructed or erected by such council which may be excepted from the jurisdiction of such council by any proclamation made or to be made by the Superintendent or respecting which provision shall have been made or shall be made by any Act of the General Assembly or by the Legislature of the Province of Otago: Provided that the Superintendent may by proclamation authorise the council to take upon itself the charge of any such excepted public road railway bridge ferry cemetery market wharf aqueduct public place or building within the limits of the county and in actual use by the people of such county upon such conditions as shall be specified in such proclamation with reference to the amount of compensation to be paid by the council.

(4.) *General Miscellaneous.*

Obstruction &c. of officers.

124. Any person who shall obstruct or attempt to obstruct the council or any person employed by them in the performance of anything which they are respectively empowered or required to do by this Ordinance or any other Ordinance or Act shall upon conviction forfeit and pay for every such offence a penalty not exceeding ten pounds.

Provisions for Sundays and holidays.

125. Whenever any day provided or appointed by or under this Ordinance for any purpose shall in any year happen on Sunday New Year's Day Good Friday or Christmas Day or any day proclaimed as a public holiday then such provision and appointment shall take effect as for the following day.

Certain documents how authenticated by the council.

126. Every order summons notice or other such document requiring authentication by the council shall be sufficiently authenticated if signed by

two members thereof duly authorised in that behalf or by the chairman and clerk of the council and it need not be under the common seal of the body corporate and the same may be in writing or in print or partly in writing and partly in print.

127. In all cases in which any matter or thing is hereby required to be published advertised or inserted by the council in a newspaper generally circulating in the district the said newspaper shall be such newspaper as the council shall from time to time by order have appointed in that behalf or in the Provincial Government *Gazette*.

Council may appoint in what newspaper publication shall be made.

128. Every person who shall object to the valuation of any rateable property included in any rate or in the amount assessed thereon shall deliver to the clerk of the council at any time within one month after such rate is made a statement in writing of the grounds of his objection and all such objections shall be heard at a special meeting of the council to be held after seven days notice by advertisement in some newspaper circulating in the county and also in writing posted to or delivered at such address as the objecting party shall specify in his objection and the council shall amend the valuation or assessment or disallow the objection and no such valuation or assessment shall be quashed or set aside for or on account of any irregularity or error but any such irregularity or error shall and may be amended by the council at the special meeting for hearing objections or any adjournment thereof and every such amended valuation or assessment shall be as valid and effectual as if no such error or irregularity had existed therein or as if no objection had been made thereto.

Objections against rates.

129. In all cases in which no provision or no sufficient provision is in the opinion of the Superintendent made by this Ordinance it shall be lawful for the Superintendent from time to time for the purpose of facilitating or more effectually carrying into execution any of the objects thereof to make and prescribe all such regulations and orders either general or applicable to particular cases only as he shall think fit and such regulations and orders from time to time to revoke or alter as to the Superintendent shall appear to be requisite and all such regulations and orders shall be published in the Provincial Government *Gazette* and being so published shall have the force of law and if any dispute shall arise between the council of any county and the governing body of any county borough city town or place or any other persons or body as to the right to receive tolls or rates or to the possession care or control of any bridge road toll-house or other property the Superintendent shall alone and finally decide the same upon such enquiry as he shall think fit to make and in such manner as he shall think fit: Provided always that a copy of all such regulations and orders shall be laid upon the table of the Provincial Council within seven days after the commencement of the Session next ensuing the publication thereof and in the event of the Provincial Council within twenty-one days thereafter by resolution disallowing the same such resolution shall be published in the Provincial Government *Gazette* and thereupon the regulations or orders so disallowed shall cease to have any force or effect.

Superintendent may make regulations and orders.

130. The Superintendent shall in doing any act matter or thing hereunder or exercising any power conferred on him hereby act by and with the advice and consent of his Executive Council.

Superintendent to act with advice of Executive Council.

131. Every person who acts as a member of a county council being incapacitated under the provisions hereof to be and continue such shall save in cases of incapacity proceeding from unsoundness of mind be liable for every such offence to a penalty of fifty pounds nevertheless all acts as a member of any person incapacitated as aforesaid done previously to the recovery of the penalty shall be as valid as if such person had been capable.

Penalty on person, incapacitated acting as member.

Misnomer &c. not to prejudice.

132. No misnomer or inaccurate description contained in this Ordinance or in any proclamation or order in council made hereunder shall in anywise prevent or abridge the operation of this Ordinance with respect to the subject of such description provided the same shall have been designated so as to be understood: Every proclamation and order in council made hereunder shall be forthwith published in the Provincial Government Gazette and shall take effect upon such publication.

Petitions may be repeated till granted.

133. Petitions for constitution of districts under this Ordinance may be repeated from time to time until granted and the presentation of one petition shall not be deemed to prevent the presentation of another petition having the same or a like prayer.

Annual report.

134. It shall be lawful for the Superintendent to cause a report to be prepared annually by the council of each county on the execution of this Ordinance and to make or direct such enquiries as may seem fit relating thereto and the council shall send a copy of such report to the Superintendent who shall cause the same to be forwarded to the Provincial Council within ten days of the commencement of its next session.

Interpretation.

135. Save where there is something in the context repugnant thereto or inconsistent therewith the following words and expressions shall mean or include the matters following—

The word "cattle" shall include horses asses mules sheep goats and swine :

The word "road" shall mean and include any public highway :

The word "county" shall mean any county constituted under or by virtue of this Ordinance :

The word "council" shall mean the council of any county constituted under or by virtue of this Ordinance :

The word "district" shall mean any road district constituted under or by virtue of the "Otago Roads Ordinance 1871" :

The word "board" shall mean any district road board constituted under or by virtue of the "Otago Roads Ordinance 1871" :

The word "ferry" shall include any punt or floating bridge :

The word "owner" where used with reference to any lands in respect to which any rate is to be paid or work is to be done shall mean the person for the time being entitled to receive or who if the land were let to a tenant at a rack-rent would be entitled to receive the rack-rent from the occupier thereof :

The word "occupier" shall mean the inhabitant occupier of land within the county :

The word "borough" shall mean any borough constituted or to be hereafter constituted under "The Municipal Corporations Act 1867" or under the "Otago Municipal Corporations Ordinance 1865" or any Act or Ordinance constituting Municipal Corporations :

The expression "governing body" where used with reference to any city town or place in the Province of Otago specified in the first column of the first Schedule of "The Municipal Corporations Act 1867" shall mean the persons or body as the case may be having the management or control or government of the local affairs of such city town or place under any of the Acts or Ordinances specified in the said Schedule to "The Municipal Corporations Act 1867."

The word "Superintendent" shall mean the Superintendent for the time being of the Province of Otago :

The expression "order in council" shall mean any order made by the Superintendent by and with the advice of the Executive Council :

The word "Gazette" shall mean the Government Gazette of the Province of Otago :

The expression "rateable value" when used with reference to rateable property shall mean the annual value of any such property appearing in a valuation for the time being in force under this Ordinance and on which value rates made by any council are to be made :

The expression "public highway" shall mean any main road within the county.

FIRST SCHEDULE.

Section 6.

To His Honor the Superintendent of Otago.

WE the undersigned being such number of persons as is required by the sixth section of the "Counties Ordinance 1872" respectfully request that your Honor will under the provisions of the said Ordinance constitute the district described in the Schedule hereto a County under the said Ordinance.

And your Petitioners will ever pray &c.

SECOND SCHEDULE.

Section 7.

PROXY PAPERS.

To A.B. of [giving description and place of abode]

By virtue of the provisions of the "Counties Ordinance 1872" I C.D. of [state residence and description] being enrolled on the electoral roll for the district of in respect of [state what property] hereby authorise you to sign my name for me and on my behalf to a petition for the constitution of the district specified in the Schedule hereto into a County under the said Ordinance.

Dated this day of 187

Signed before me at this day of C.D.
J.P.

THIRD SCHEDULE.

Section 50.

Form of Rate.

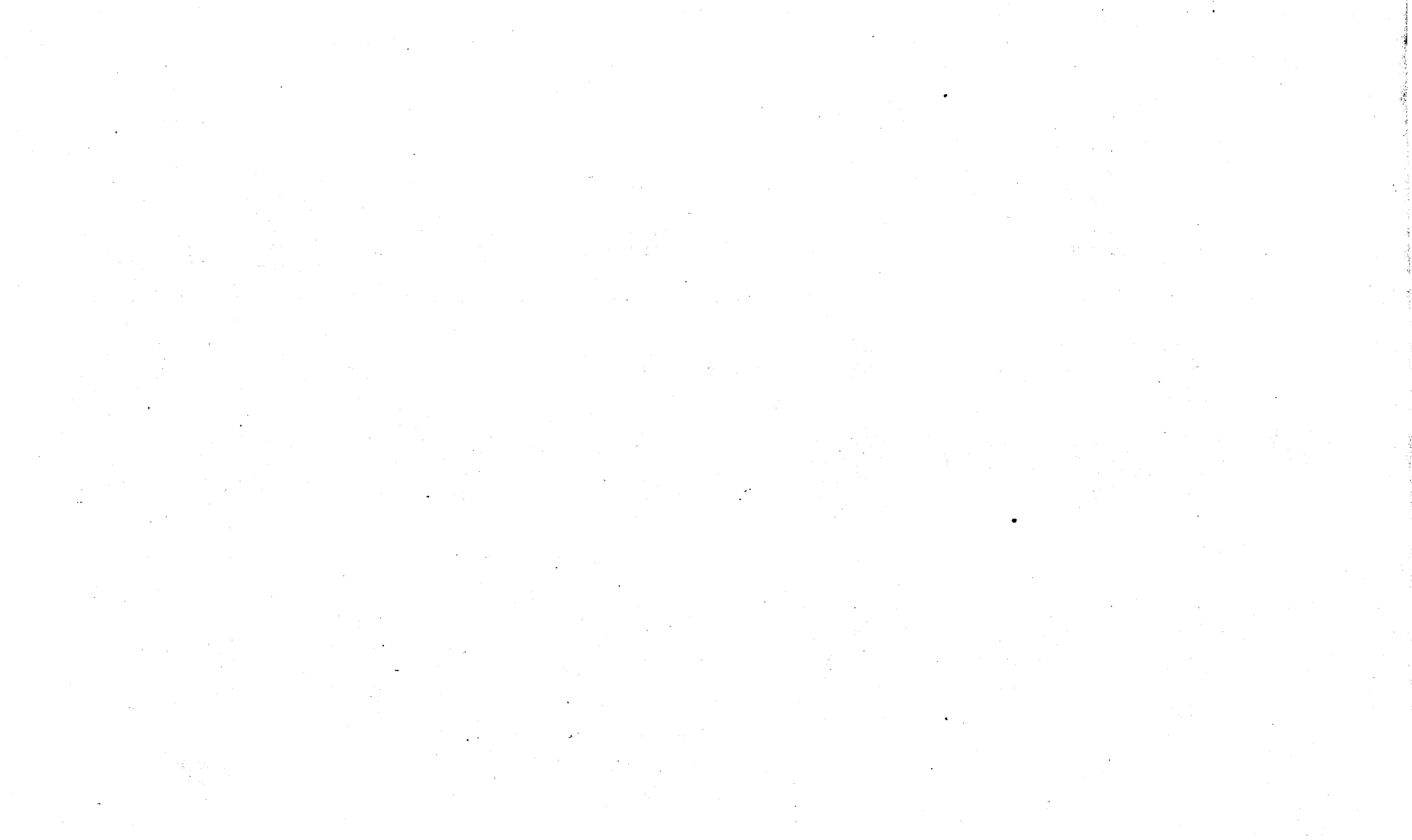
An Assessment to the County Rate made this day of in the year of our Lord 18 after the rate of pence in the pound by virtue of the "Counties Ordinance 1872."

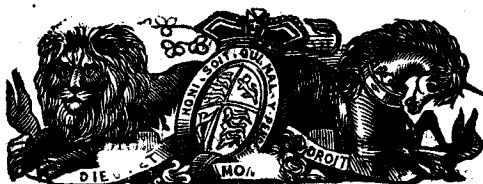
No. on the Rate.	Surname of Person rated.	Christian names of Person rated.	Trade or Occupation	Name of Owner of rateable Property.	Description and Situation of rateable Property.	Riding of County [where divided into Ridings.]	Annual Value.	Rate at d. in the Pound.

Signed by us this day of in the year of our Lord 18

A.B. }
C.D. } Members of the Council of the County of
E.F. }

DUNEDIN, NEW ZEALAND :





ROADS DIVERSION ORDINANCE 1872.

IN THE THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXX. No. 390.

ANALYSIS:

- | | |
|---|--|
| <p>Title.
Preamble.
1. Short Title.
2. Superintendent authorised to stop up certain portions of roads.
3. Sixty days notice of intention to stop up to be given &c.
4. After expiration of notice Superintendent to determine whether the road shall be stopped up.</p> | <p>5. Superintendent authorised to contract for the sale &c. of land over which stopped up portions of road passed.
6. Superintendent empowered to exchange land.
7. Map of road to be deposited.
8. Interpretation.
Schedule.</p> |
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AN ORDINANCE *to authorise and empower the Superintendent of Otago to stop up certain roads and portions of roads in the Province of Otago and to sell exchange or otherwise dispose of the lands over which such roads or portions of roads passed.* Title.

[RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON, 31ST MAY 1872.]

WHEREAS by an Act of the General Assembly of New Zealand intitled "The Highways and Watercourses Diversion Act 1858" it is enacted that it shall be lawful for the Superintendent of any Province with the advice and consent of the Provincial Council thereof by any law or Ordinance to be made or ordained for that purpose to authorize and empower the Superintendent to stop up any public street road highway or thoroughfare in any such Province and also to sell exchange or otherwise dispose of the land over which such public street road highway or thoroughfare so stopped up was laid out or passed: And whereas in making the roads in the said Province of Otago it has been found that certain of the roads and certain portions of the roads are either from their situation or other causes unsuitable for the proper construction of good roads: And whereas other roads on the Maps hereinafter mentioned have been surveyed laid out and opened to the public in lieu of such roads or portions of roads so found to be unsuitable: And whereas in consequence of the permanent roadway having been laid out over other lands the roads and the portions of the roads so found to be unsuitable for good roads as aforesaid have become disused as public roads or thoroughfares and it is expedient that such roads and such portions of roads so disused should be stopped up and should cease to be public roads and thoroughfares and it is also expedient that the Superintendent should be empowered to sell exchange or otherwise dispose of the lands over which such roads or portions of roads passed: 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 :—

Short Title.

1. This Ordinance may be cited and referred to as the "Roads Diversion Ordinance 1872."

Superintendent authorised to stop up certain portions of roads.

2. It shall be lawful for the Superintendent of Otago and he is hereby authorised and empowered to stop up all or any of such of the roads and all or any of such portions of the roads as are particularly described with regard to their situation courses boundaries and admeasurements in the Schedule to this Ordinance annexed and are delineated on the Maps and are therein colored red : Provided that such power shall be exercised within twelve months from and after the time when this Ordinance shall receive the Governor's assent.

Sixty days notice of intention to stop up to be given &c.

3. Before any of the roads or any portions of the roads are stopped up by the Superintendent he shall cause a notice to be inserted in the Government *Gazette* of the Province of Otago or in at least one newspaper published in Dunedin or elsewhere in the said Province referring to the maps and describing in general terms the situation length and course of the road or portions of road intended to be stopped up and calling upon all persons objecting to the stopping up of such road or portions of road to state in writing any well-grounded objections they may have to the stopping up of such road or portions of road and to leave within sixty days from the first publication of such notice such statement addressed to the Superintendent at his office in Dunedin and on or before the day of the publication of the said notice a copy of the maps shall be deposited at one or more of the public schools in the road district or road districts in which such road or portions of road intended to be stopped up is or are situated or pass or if there be no such public school in such road district or road districts then at any one or more of the public schools in the nearest adjoining road district or road districts in which there shall be established a public school or public schools and there shall be printed written or lithographed on the said copy a notice intimating the last day for lodging such objections : Provided that if the delineation of the road intended to be stopped up in any road district is not contained in a map of a single sheet but is contained in a map of more sheets than one it shall be sufficient to deposit at such school or schools the sheet or sheets of such map on which are delineated the road or portions of road intended to be stopped up or copies thereof respectively.

After expiration of notice Superintendent to determine whether the road shall be stopped up.

4. At the expiration of the said sixty days' notice if no objections have been made or if the Superintendent upon consideration of the objections made shall determine nevertheless that such portions ought to be stopped up the Superintendent shall declare by proclamation in the Government *Gazette* of the said Province that such road or portions of road shall thenceforth cease to be a public road or thoroughfare and shall no longer form part of the roads and the Superintendent may thereupon take such proceedings as he may think fit for stopping up such road or portions of road.

Superintendent authorised to contract for the sale &c. of land over which stopped up portions of road passed.

5. It shall be lawful for the said Superintendent and he is hereby authorised and empowered to contract with any person or persons or body or bodies corporate for the sale exchange or disposal in any way he may think fit of the land over which any of the roads or portions of the roads stopped up under the provisions of this Ordinance passed.

Superintendent empowered to exchange land.

6. It shall be lawful for the Superintendent to exchange any of the said lands over which any of the roads or portions of the roads stopped up under the provisions of this Ordinance passed for any other lands and to complete and perform any contracts heretofore entered into for the exchange of such

lands for other lands over which new roads have been made in lieu of the roads or the portions of the road stopped up under the provisions of this Ordinance so soon as the lands over which such new roads have been made shall have been conveyed to the Superintendent in exchange for any lands over which the stopped-up roads or portions of roads passed and the lands so conveyed in exchange to the Superintendent shall be by the Superintendent dedicated to the public as a public highway and thoroughfare and the fee simple shall be vested in Her Majesty her heirs and successors for ever subject to the rights of the public to use the surface thereof as public highways.

7. At all times after the passing of this Ordinance maps of the roads referred to in this Ordinance and which are particularly described in the Schedule hereto shall be kept at the office of the Superintendent of Otago for the time being in Dunedin and be at all convenient times open for public inspection and all persons may at all convenient times examine gratis at such office such maps. Map of road to be deposited.

8. The terms hereinafter mentioned shall for the purpose of construing this Ordinance have the force and signification hereby attached to them that is to say: The term "the maps" shall mean the map or maps or plan or plans bearing an inscription signed by the Speaker of the Provincial Council referring to this Ordinance and which map or maps or plan or plans are hereafter to be deposited in the office of the Superintendent of the Province of Otago: The term "the roads" shall mean the roads mentioned in the Schedule to this Ordinance and particularly delineated in the maps certified by the Speaker of the Provincial Council and deposited at the office of the Superintendent of Otago. Interpretation.

SCHEDULE.

1. Akatore Road District 2. Beaconsfield " 3. Chelsea " 4. Cranbourne " 5. Flagstaff " 6. Goodwood " 7. Highcliffe " 8. Kaikorai " 9. Lovellsbrook " 10. Milburn " 11. Milton " 12. N. E. Valley "	13. Popotunoa Road District 14. Portobello " 15. Tuakitoto " 16. Tomahawk " 17. Totara " 18. Waiholo West " 19. Waipahae Survey District 20. Wakari Road District 21. West Taieri " 22. Road Line at Botanical Gardens 23. Lawrence Road District	24. Roslyn Road District 25. North Molyneux " 26. Jacob's River " 27. Block VIII., New River Hundred 28. Anderson's Bay Road District 29. Meadowbank " 30. Puerua " 31. Sandymount " 32. Coombe Hay " 33. Harewood "
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1. Akatore Road District.

(1.) All that area in the Province of Otago containing by admeasurement 3a 2r 18p more or less being a road line situate in the Akatore Survey District bounded towards the north-east by sections numbered 30 31 and 32 block III seven thousand one hundred and sixty (7160) links more or less and towards the south south-west and west by other part of said sections 30 31 and 32 seven thousand three hundred (7300) links more or less.

2. Beaconsfield Road District.

(1.) All that area in the Province of Otago containing by admeasurement 2a 1r 8p more or less being a road line situate in the Waikouaiti Survey District bounded towards the north-east by section numbered 3 block I two thousand five hundred (2500) links more or less and towards the south-west by section numbered 3 block I two thousand one hundred (2100) links more or less.

(2.) All that area in the Province of Otago containing by admeasurement 3a 0r 6p more or less being a road line situate in the Waikouaiti Survey District bounded towards the east by sections numbered 4 and 5 block I three thousand two hundred (3200) links more or less and towards the west by sections numbered 4 and 5 block I three thousand one hundred (3100) links more or less.

(3.) All that area in the Province of Otago containing by admeasurement 1a 3r 16p more or less being a road line situate in the Waikouaiti Survey District bounded towards the north-west by section numbered 33 block I and section 60 block II two thousand (2000) links more or less and towards the south-east by section numbered 33 block I one thousand seven hundred (1700) links more or less.

(4.) All that area in the Province of Otago containing by admeasurement 2a more or less being a road line situate in the Waikouaiti Survey District bounded towards the north and north-west by sections numbered 34 35 and 38 block I four thousand two hundred (4200) links more or less and towards the south and south-east by section numbered 35 and part 39 block I four thousand (4000) links more or less.

(5.) All that area in the Province of Otago containing by admeasurement 2a 3r 32p more or less being a road line situate in the Waikouaiti Survey District bounded towards the north by sections numbered 36 38 and 39 block I five thousand three hundred and fifty (5350) links more or less and towards the south by sections numbered 37 38 and 39 block I five thousand four hundred and fifty (5450) links more or less.

3. Chelsea Road District.

(1.) All that area in the Province of Otago containing by admeasurement 3a 2r 36p more or less being a road line situate in the Otepopo Survey District bounded towards the east by sections numbered 51 52 and 42 block IV seven thousand four hundred and fifty (7450) links more or less and towards the west by sections numbered 47 and 48 block IV seven thousand four hundred and fifty (7450) links more or less.

4. Cranbourne Road District.

(1.) All that area in the Province of Otago containing by admeasurement 1a 2r 39p more or less being a road line situate in the Hawksbury Survey District bounded towards the east by section 40 block II three thousand five hundred (3500) links more or less and towards the west by section numbered 1 of 13 and 2 of 13 block III three thousand four hundred and eighty (3480) links more or less.

5. Flagstaff Road District.

(1.) All that area in the Province of Otago containing by admeasurement 1a 2r 12p more or less being a road line situate in the Dunedin and East Taieri Survey District bounded towards the north-west by sections numbered 20 and 24 block IV three thousand two hundred (3200) links more or less and towards the south-east by part of section numbered 51 block IV three thousand one hundred (3100) links more or less excepting that portion which is crossed by the new district road.

6. Goodwood Road District.

(1.) All that area in the Province of Otago containing by admeasurement 3a 0r 24p more or less being a road line situate in the Hawksbury Survey District bounded towards the north-east by sections numbered 28 31 and 33 block I six thousand three hundred (6300) links more or less and towards the south-west by other part of said sections 28 31 and 33 six thousand three hundred (6300) links more or less.

7. Highcliffe Road District.

(1.) All that area in the Province of Otago containing by admeasurement 6a 2r more or less being a road line situate in the Otago Peninsula Survey District bounded towards the north-east by parts of sections numbered 35 39 50 and 51 block I thirteen thousand (13000) links more or less and towards the south-west by other parts of said sections 35 39 50 and 51 block I thirteen thousand (13000) links more or less excepting those portions which are crossed by the district roads.

(2.) All that area in the Province of Otago containing by admeasurement 0a 2r 0p more or less being a road line situate in the Otago Peninsula Survey District bounded towards the north-west by part of section numbered 39 block I five hundred (500) links more or less and towards the south-east by other part of said section numbered 39 block I five hundred (500) links more or less.

8. Kaikorai Road District.

(1.) All that area in the Province of Otago containing by admeasurement 2a 0r 36p more or less being a road line situate in the Dunedin and East Taieri Survey District bounded towards the north-east by section numbered 1 of 49 and 2 of 49 block VI four thousand four hundred and fifty (4450) links more or less and towards the south-west by section numbered 48 and 2 of 49 block VI four thousand four hundred and fifty (4450) links more or less.

(2.) All that area in the Province of Otago containing by admeasurement 0a 2r 8p more or less being a road line situate in the Lower Kaikorai Survey District bounded towards the north-west and north-east by section numbered 1 Lower Kaikorai and section 10 block IV Upper Kaikorai Survey District nine hundred and ninety (990) links more or less and towards the south-east and south-west by section numbered 1 Lower Kaikorai Survey District eight hundred and sixty (860) links more or less.

9. Lovell's Brook Road District.

(1.) All that area in the Province of Otago containing by admeasurement 0a 2r 30p more or less being a road line situate in the North Tuakitoto Survey District bounded towards the north-west by sections 5 and 6 block VII one thousand one hundred and fifty (1150) links more or less and towards the south-east by section 5 block VI one thousand one hundred and fifty (1150) links more or less.

10. Milburn Road District.

(1.) All that area in the Province of Otago containing by admeasurement 4a 3r 27p more or less being a road line situate in the Table Hill Survey District bounded towards the south-east by section numbered 34 block I four thousand eight hundred and forty (4840) links more or less and towards the north-west by sections numbered 20 21 and 22 block I five thousand (5000) links more or less.

(2.) All that area in the Province of Otago containing by admeasurement 3a 1r 4p more or less being a road line situate in the Table Hill Survey District bounded towards the south-east by sections numbered 4 5 and 6 block I Waihola five thousand four hundred and sixty (5460) links more or less and towards the north-west by section numbered 34 block I Table Hill five thousand four hundred and sixty (5460) links more or less.

11. Milton Road District.

(1.) All that area in the Province of Otago containing by admeasurement 2a 2r more or less being a road line situate in the Tokomairiro Survey District bounded towards the north by the Tokomairiro river four thousand one hundred and eighty (4180) links more or less and towards the south by sections numbered 6 and 7 block XXX four thousand one hundred and eighty (4180) links more or less.

12. North-East Valley District.

(1.) All that area in the Province of Otago containing by admeasurement 0a 1r 06p more or less being a road line situate in the North-East Valley Survey District bounded towards the north-east by part of section numbered 78 six hundred (600) links more or less and towards the south-west by part of section numbered 76 five hundred and sixty (560) links more or less.

13. Popotunoa Road District.

(1.) All that area in the Province of Otago containing by admeasurement 2a 1r 08p more or less being a road line situate in the Pomahaka Survey District bounded towards the east and north-east by sections numbered 24 and 25 block IX Pomahaka and 2 block XI Clinton two thousand three hundred (2300) links and towards the west and south-west by part of sections numbered 25 block IX Pomahaka and 1 block XI Clinton two thousand three hundred (2300) links more or less.

(2.) All that area in the Province of Otago containing by admeasurement 3r 04p more or less being a road line situate in the Pomahaka Survey District bounded towards the north by part of section 13 block XI one thousand five hundred (1500) links more or less and towards the south by section 52 and part of 8 block XI one thousand six hundred (1600) links more or less.

(3.) All that area in the Province of Otago containing by admeasurement 1a 1r 08p more or less being a road line situate in the Pomahaka Survey District bounded towards the north by part of section 72 block IX one thousand six hundred (1600) links more or less and towards the south by other part of said section 72 block IX one thousand (1000) links more or less.

(4.) All that area in the Province of Otago containing by admeasurement 1a 0r 22p more or less being a road line situate in the Pomahaka Survey District bounded on the north-east by section numbered 26 block IX 2300 links more or less and on the south-west by section numbered 26 block IX 2250 links more or less.

(5.) All that area in the Province of Otago containing by admeasurement 1a 1r 0p more or less being a road line situate in the Pomahaka Survey District bounded towards the north by section numbered 44 block IX 2550 links more or less and on the south by sections numbered 44 and 78 block IX 2500 links more or less.

(6.) All that area in the Province of Otago containing by admeasurement 3a 2r 16p more or less being a road line situated in the Pomahaka Survey District bounded towards the north by parts of sections numbered 87 88 89 and 1 of 50 block IX seven thousand two hundred (7200) links more or less and towards the south by other parts of said sections numbered 87 88 89 and 1 of 50 block IX seven thousand two hundred (7200) links more or less.

(7.) All that area in the Province of Otago containing by admeasurement 4a 1r 32p more or less being a road line situate in the Pomahaka Survey District bounded towards the north by sections numbered 19 20 and 21 block VIII eight thousand nine hundred (8900) links more or less and towards the south by other part of said sections numbered 19 20 and 21 block VIII eight thousand nine hundred (8900) links more or less.

(8.) All that area in the Province of Otago containing by admeasurement 7a 2r 16p more or less being a road line situate in the Pomahaka Survey District bounded towards the north and east by sections 21 23 24 25 and 26 block VIII fifteen thousand two hundred (15200) links more or less and towards the south and west by sections numbered 37 38 39 40 22 21 block VIII and 47 block IX fifteen thousand two hundred (15200) links more or less.

(9.) All that area in the Province of Otago containing by admeasurement 1a 2r 20p more or less being a road line situate in the Pomahaka Survey District bounded towards the east by sections 45 59 60 and 64 block VIII three thousand five hundred (3500) links more or less and towards the west by other parts of said sections 45 59 60 and 64 block VIII three thousand five hundred (3500) links more or less except such parts of the said area as are intersected by the Main South Road and a District Road.

14. Portobello Road District.

(1.) All that area in the Province of Otago containing by admeasurement 2a 1r 32p more or less being a road line situate in Portobello Bay Survey District bounded towards the north-east by part of sections numbered 1 2 5 and 6 block II and 20 22 24 26 and 28 block V five thousand three hundred (5300) links more or less and towards the south-west by part of sections numbered 1 2 5 and 6 block II and 25 27 and 29 block V four thousand three hundred (4300) links more or less except that part of said area which is crossed by the new District Road.

15. Tuakitoto Road District.

(1.) All that area in the Province of Otago containing by admeasurement 28a 3r 18p more or less being a road line situate in the Kaitangata Survey District bounded towards the north-east by sections numbered 23 21 and 17 block VIII 35 34 21 37 16 and part 2 block V twenty-eight thousand eight hundred and sixty (28860) links more or less and towards the south-west by sections numbered 1 2 3 4 5 6 7 and 8 block II 1 2 3 4 5 and 6 block III 1 2 3 4 5 6 7 and 8 block IV and 1 2 3 4 and part 5 block V South Tuakitoto District twenty-eight thousand eight hundred and seventy (28870) links more or less excepting such parts of the said area which are intersected by district roads.

(2.) All that area in the Province of Otago containing by admeasurement 2a 3r 25p more or less being a road line situate in the Tuakitoto Survey District bounded towards the north-west by section numbered 1 block VI four thousand eight hundred and forty (4840) links and towards the south-west by section 8 block V four thousand eight hundred and sixty (4860) links more or less.

(3.) All that area in the Province of Otago containing by admeasurement 3a 0r 27p more or less being a road line situate in the Tuakitoto Survey District bounded towards the north-west by section numbered 1 block V five thousand two hundred and eighty (5280) links more or less and towards the south-east by section numbered 8 block IV five thousand three hundred (5300) links more or less.

(4.) All that area in the Province of Otago containing by admeasurement 2a 2r 15p more or less being a road line situate in the Tuakitoto Survey District bounded towards the north-west by section numbered 1 block IV four thousand three hundred and thirty (4330) links more or less and towards the south-east by section numbered 6 block III four thousand three hundred and twenty (4320) links more or less.

(5.) All that area in the Province of Otago containing by admeasurement 3a 1r 05p more or less being a road line situate in the Kaitangata Survey District bounded towards the north by section numbered 16 block V three thousand two hundred and ninety (3290) links more or less and towards the south by section numbered 37 block V three thousand two hundred and eighty-three (3283) links more or less.

(6.) All that area in the Province of Otago containing by admeasurement 4a 0r 18p more or less being a road line situate in the Kaitangata Survey District bounded towards the north and west by section numbered 37 block V four thousand and seventy (4070) links more or less and towards the south and east by sections numbered 20 and 21 block V four thousand one hundred and sixty (4160) links more or less.

16. Tomahawk Road District.

(1.) All that area in the Province of Otago containing by admeasurement 1r 24p more or less being a road line situate in the Otago Peninsula Survey District bounded towards the north-east by section numbered 1 block I Tomahawk District eight hundred (800) links more or less and towards the south-west by section 19 block VII Otago Peninsula Survey District eight hundred (800) links more or less.

17. Totara Road District.

(2.) All that area in the Province of Otago containing by admeasurement 5a 1r 22p more or less being a road line situate in the Oamaru Survey District bounded towards the north and north-west by section 9 block VI and 37 block VII and the Kakanui River ten thousand seven hundred and seventy-eight (10778) links more or less and towards the south and south-east by section 10 block VI and 37 block VII ten thousand seven hundred and seventy-eight (10778) links more or less.

18. Waihola West Road District.

(1.) All that area in the Province of Otago containing by admeasurement 5a 1r 14p more or less being a road line situate in the Waihola Survey District bounded towards the north-east and north-west by part of sections numbered 1 2 and 3 block IX and 1 2 and 3 block XVIII eight thousand nine hundred and fifty (8950) links more or less and towards the south-east and south-west by section numbered 46 block VII and 58 block VIII Waihola and part of 1 of 22 block III Clarendon eight thousand eight hundred and fifty (8850) links more or less.

19. Waipahee Survey District.

(2.) All that area in the Province of Otago containing by admeasurement 4a 1r 24p more or less being a road line intersecting Pre-emptive Right on Run No. 167A under Application No. 5830 Waipahee District bounded towards the north by Application No. 5830 four thousand five hundred and fifty (4550) links more or less and towards the south by other part of said Application No. 5830 four thousand two hundred and fifty (4250) links more or less.

20. Wakari Road District.

(1.) All that area in the Province of Otago containing by admeasurement 0a 2r 28p more or less being a road line situate in the Upper Kaikorai Survey District bounded towards the north by sections 13 and 14 block I one thousand two hundred (1200) links more or less and towards the south by other part of the said sections 13 and 14 block I and section 8 block II one thousand five hundred (1500) links more or less.

21. West Taieri Road District.

(1.) All that area in the Province of Otago containing by admeasurement 12a 3r 15p more or less situate in the Maungatua Survey District bounded towards the north-east by part of section numbered 29 block VII twelve thousand eight hundred and fifty (12850) links more or less and towards the south-west by other part of said section 29 block VII twelve thousand nine hundred (12900) links more or less.

22. Road Line at Botanical Gardens.

(1.) All that area in the Province of Otago containing by admeasurement 0a 3r 35p more or less being a road line situate at the Water of Leith and intersecting the Botanical Gardens bounded towards the north-west by the Town Belt of Dunedin seven hundred and fifty (750) links and a road line three hundred and ninety (390) links more or less towards the south-east by other portion of the said Town Belt one thousand two hundred and twenty-five (1225) links more or less and towards the west by the Water of Leith one hundred and forty (140) links more or less.

23. Lawrence.

(1.) All that area in the Province of Otago containing by admeasurement 0a 1r 34p more or less being a road line situate in the Township of Lawrence bounded towards the north by section 18 block VIII and block LI four hundred and thirty-six (436) links towards the north-east by Harrington street one hundred and twenty and eight-tenths (120.8) links towards the south by the Hospital Reserve five hundred (500) links and towards the west by Whitehaven street one hundred (100) links.

(2.) All that area in the Province of Otago containing by admeasurement 0a 1r 27p more or less being a road line situate in the township of Lawrence bounded towards the west by the Hospital Reserve five hundred (500) links towards the north east by Harrington Place one hundred and eighty-nine and two-tenths (189.2) links towards the east by block LII three hundred and forty-one and six-tenths (341.6) links and towards the south by Harrington street one hundred (100) links.

(3.) All that area in the Province of Otago containing by admeasurement 0a 3r 39p more or less being a road line situate in the township of Lawrence bounded towards the north by sections numbered 1 2 3 and 4 block XV and 1 and 16 block XIV nine hundred and eighty (980) links towards the north-east by Peel street one hundred and ten (110) links towards the south by sections numbered 1 2 3 and 4 block XVIII and 1 and 23 block XIX one thousand one hundred and seven (1107) links and towards the west by Ardrossan street one hundred (100) links.

(4.) All that area in the Province of Otago containing by admeasurement 2a 0r 16p more or less being a road line situate in the township of Lawrence bounded towards the west by sections numbered 14 15 16 17 18 19 20 and 1 block XVIII and 14 15 16 17 18 19 20 and 1 block XV and Harrington street two thousand one hundred (2100) links towards the north by Stranraer street one hundred (100) links towards the east by sections numbered 1 2 3 4 5 6 7 8 9 and 10 block XIV and 1 2 3 4 5 6 7 8 9 and 10 block XIX and Harrington street two thousand one hundred (2100) links and towards the south by Thurso street one hundred (100) links.

(5.) All that area in the Province of Otago containing by admeasurement 3a 0r 17p more or less being Carsewall street and part of Harrington street town of Lawrence bounded towards the north by block XV said town of Lawrence five hundred (500) links by Stranraer street one hundred (100) links and by block XIV four hundred and ninety-eight (498) links towards the north-east by Peel street one hundred and two (102) links towards the east by block XIV one thousand (1000) links and by block XIX one thousand (1000) links towards the south by block XIX five hundred and seventeen (517) links by Thurso street one hundred (100) links and by block XVIII five hundred (500) links and towards the west by block XVIII one thousand (1000) links by Ardrossan street one hundred (100) links and by block XV one thousand (1000) links.

24. Roslyn Road District.

(1.) All that area in the Province of Otago containing by admeasurement 2a 0r 17p more or less being a road line situate in the Upper Kaikorai Survey District bounded towards the north-west by sections numbered 10 11 12 13 14 15 and part of 16 block IV three thousand five hundred (3500) links more or less and towards the south-east by sections numbered 9 8 7 6 5 4 3 and part of 2 block IV three thousand five hundred and forty (3540) links more or less.

25. North Molyneux Road District.

(1.) All that area in the Province of Otago containing by admeasurement 2a 2r 03p more or less being a road line situate in the North Molyneux Survey District bounded towards the east by section 8 block XI four thousand two hundred and three (4203) links more or less and towards the west by section 6 block XIV four thousand two hundred and three (4203) links more or less.

(2.) All that area in the Province of Otago containing by admeasurement 3a 1r 16p more or less being a road line situate in the North Molyneux Survey District bounded towards the east by section 7 block XII five thousand five hundred and eighty-eight (5588) links more or less and towards the west by section 1 block XIII five thousand five hundred and eighty-eight (5588) links more or less.

(3.) All that area in the Province of Otago containing by admeasurement 2a 3r 1p more or less being a road line situate in the North Molyneux Survey District bounded towards the north-east by section 1 block X four thousand six hundred (4600) links more or less and towards the south-west by section 8 block VI four thousand six hundred (4600) links more or less.

(4.) All that area in the Province of Otago containing by admeasurement 2a 3r 2p more or less being a road line situate in the Hillend Survey District bounded towards the east by section 42 block I five thousand five hundred (5500) links more or less and towards the west by section 44 block I five thousand five hundred and sixty (5560) links more or less.

26. Jacob's River Road District.

(1.) All that area in the Province of Otago containing by admeasurement 4a 2r 0p more or less being a road line situate in the Jacob's River Survey District bounded towards the north-east by section numbered 10 block IX four thousand five hundred (4500) links more or less and towards the south-west by section numbered 54 block IV four thousand five hundred (4500) links more or less.

27. *Block VIII New River Hundred.*

(1.) All that area in the Province of Otago containing by admeasurement 1a 3r 34p more or less being a road line situate in the New River Hundred bounded towards the north-west by parts of sections numbered 35 and 36 block VIII three thousand eight hundred (3800) links more or less and towards the north-east by other parts of said sections 35 and 36 block VIII three thousand eight hundred and twenty-five (3825) links more or less.

28. *Anderson's Bay Road District.*

(1.) All that area in the Province of Otago containing by admeasurement 1a 1r 0p more or less being a road line situate in the Anderson's Bay Road District bounded towards the north by sections numbered 13 14 15 and 16 block V two thousand three hundred (2300) links more or less and towards the south by section numbered 12 two thousand three hundred (2300) links more or less.

29. *Meadowbank Road District.*

(1.) All that area in the Province of Otago containing by admeasurement 1a 3r 16p more or less being a road line situate in the Moeraki Survey District bounded towards the north-west by parts of sections 40 and 41 block X one thousand eight hundred (1800) links more or less and towards the south-east by other parts of sections 41 and 42 one thousand nine hundred (1900) links more or less.

(2.) All that area in the Province of Otago containing by admeasurement 16p more or less being a road line situate in the Moeraki Survey District bounded towards the west by part of section 41 block X ninety (90) links more or less and towards the east by other parts of said section 41 one hundred and ten (110) links.

30. *Puerua Road District.*

(1.) All that area in the Province of Otago containing by admeasurement 2a 0r 16p more or less being a road line situate in Glenomaru Survey District bounded towards the north-east by section numbered 2 block XIV Clutha three thousand five hundred (3500) links more or less and towards the south-west by section numbered 2 of 4 part of 1 of 4 block II Glenomaru three thousand five hundred (3500) links more or less.

31. *Sandymount Road District.*

(1.) All that area in the Province of Otago containing by admeasurement 1a 1r 11p more or less being a road line situate in the Otago Peninsula Survey District bounded towards the north-west by sections numbered 26 and part of 27 block III two thousand seven hundred and fifty (2750) links more or less and towards the south-east by other part of said sections numbered 26 and 27 block III two thousand seven hundred and fifty (2750) links more or less.

32. *Coomb Hay Road District.*

(1.) All that area in the Province of Otago containing by admeasurement 9a 0r 8p more or less being a road line situate in the Kaitangata Survey District bounded towards the north-east by sections numbered 4 5 6 7 and 8 block XXVIII nine thousand and fifty (9050) links more or less and towards the south-west by sections numbered 19 20 and 33 block I nine thousand and fifty (9050) links more or less.

(2.) All that area in the Province of Otago containing by admeasurement 3a 0r 8p more or less being a road line situate in the Kaitangata Survey District bounded towards the south-east by sections numbered 20 and 21 block I six thousand one hundred (6100) links more or less and towards the north-west by sections numbered 31 32 and 33 block I six thousand one hundred (6100) links more or less.

(3.) All that area in the Province of Otago containing by admeasurement 17a 3r 0p more or less being a road line situate in Kaitangata Survey District bounded towards the south-east by sections numbered 15 16 17 18 and 19 block I seventeen thousand nine hundred (17900) links more or less and towards the north-west by sections numbered 20 21 22 23 block I seventeen thousand six hundred (17600) links more or less.

33. *Harewood.*

(1.) All that area in the Province of Otago containing by admeasurement 1a 3r 25p more or less being part of original section 28 block I Invercargill Hundred and now known as a portion Avenal Road Township of Harewood bounded towards the north by the remaining part of section 28 block I aforesaid one thousand and fifty (1050) links and nine hundred and twenty (920) links towards the east by the other part of Avenal Road ninety-seven (97) link towards the south by the other part of section 28 block I aforesaid nine hundred (900) links and one thousand and seventy (1070) links and towards the west by High Water mark one hundred (100) links be all the aforesaid linkages more or less and intersected by the Oreti Railway Reserve.

DUNEDIN, NEW ZEALAND:

ORDINANCES

OF THE

PROVINCE OF OTAGO, N.Z.

IN THE THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.



SESSION XXX, 1872.

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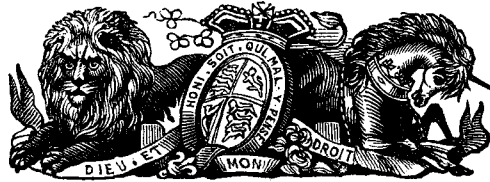
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OTAGO ROADS ORDINANCE AMENDMENT ORDINANCE 1872.

IN THE THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXX. No. 364.

ANALYSIS:

<p>Title. Preamble. 1. Short Title. 2. Repeal of sections in previous Ordinance. 3. Property rateable. 4. Qualification of member of board. To stand in lieu of Section 13 of Roads Ordinance 1871.</p>	<p>5. Qualification for one vote. 6. Interpretation of words. 7. Roll for first election in districts where there was assessment roll. 8. Proceedings to be summary. 9. Ordinance to be part of previous Ordinance.</p>
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AN ORDINANCE to amend the "Otago Roads Ordinance 1871." Title.
[31ST MAY, 1872.]

WHEREAS an Act was passed in the last Session of the General Preamble.
Assembly intituled "The Highway Boards Empowering Act 1871" and whereas it is expedient that any provisions contained in the "Otago Roads Ordinance 1871" not in conformity with the provisions of the said Act should be altered or repealed and that the said Ordinance should be amended in certain particulars :

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. This Ordinance may be cited and referred to as the "Otago Roads Short Title.
Ordinance Amendment Ordinance 1872."

2. Sections numbered thirteen twenty-five thirty-nine forty-two and Repeal of sections in
one hundred and ninety-nine of the "Otago Roads Ordinance 1871" are previous Ordinance.
hereby repealed.

3. All lands tenements and hereditaments not being Crown Lands or Property rateable.
land over which the native title has not been extinguished shall be rateable property within the meaning of the said Ordinance save as is next hereinafter excepted that is to say except land used for public purposes and land in the occupation of hospitals benevolent institutions and buildings used exclusively for public charitable purposes churches chapels and other buildings used exclusively for public worship dwellings of ministers of any religious denomination and buildings used as schools or as residences of schoolmasters or schoolmistresses provided they be inhabited only by the master or mistress of such schools or his or her family and burial grounds and unoccupied land

vested in the Superintendent of the Province or any corporation commissioners or other persons or body under "The Public Reserves Act 1854" or "The Public Reserves Act Amendment Act 1862" or any other Act of the General Assembly or Ordinance of the Province of Otago passed in pursuance of the said two last-mentioned Acts or either of them: Provided that nothing herein contained shall exempt from being rated hereafter any land made liable to be rated under "The Highway Boards Empowering Act 1871" in the event of the said Act being extended to the road districts within the said Province of Otago or any of them.

Qualification of member of board. To stand in lieu of Section 13 of Roads Ordinance 1871.

4. In order that any person may be qualified to be a member of the Board of any district he must have been entitled either under the "Otago Roads Ordinance 1865" or under the "Otago Roads Ordinance 1871" upon the twentieth day of March which shall for the time being have been last past to have been enrolled and must during the whole time for which he is elected continue to be entitled to be enrolled in respect of property of rateable value whether of one or more tenements amounting to Ten Pounds a year at the least on the assessment or voters' roll for the time being in force for such district: Provided that for the first election under the "Otago Roads Ordinance 1871" in any district in which no assessment roll or voters' list shall be in force any person may be qualified to be a member of the board of any district if he be the owner of property within the district which would entitle him to be enrolled on some electoral roll for the district under the provisions of "The Registration of Electors Act 1866" or any Act amending the same.

Qualification for one vote.

5. Instead of the rateable value specified in the twenty-first section of the "Otago Roads Ordinance 1871" entitling the owner or occupier to have one vote the following shall be the rateable value for one vote that is to say a rateable value of not less than ten pounds and less than fifty pounds and any provision to the contrary in the said section contained is hereby repealed.

Interpretation of words.

6. The word "person" and all words importing the masculine gender only contained in the said "Otago Roads Ordinance 1871" shall include females unless the contrary is expressly provided.

Roll for first election in districts where there was assessment roll.

7. For the first election of members of the District Board in every district in which an Assessment Roll shall have been in force under the provisions of the "Otago Roads Ordinance 1865" those persons whose names are entered on such Assessment Roll as rated or liable to be rated and who upon the day of such election shall still hold the same property for which they were rated or liable to be rated and no other person shall on such day as the Superintendent shall appoint not being less than forty days after the same shall have become such district and in manner mentioned in the "Otago Roads Ordinance 1871" elect from the persons capable of being such members the whole number of members assigned to such district.

Proceedings to be summary.

8. All proceedings for offences against the provisions of the "Otago Roads Ordinance 1871" or of any bye-law hereafter legally made by any District Board and all penalties thereby imposed shall be recoverable in a summary way.

Ordinance to be part of previous Ordinance.

9. This Ordinance shall be taken read and interpreted as part of and incorporated with the "Otago Roads Ordinance 1871."

DUNEDIN, NEW ZEALAND:

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IMPOUNDING ORDINANCE 1872.

IN THE THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXX., No. 365.

ANALYSIS :

- | | |
|---|---|
| <p>Title.
Preamble.
1. Short Title.
2. Ordinances repealed.
3. Superintendent to establish Pounds.
4. And to appoint poundkeepers.
5. Poundkeeper to give security.
6. Pounds to be kept secure clean and supplied with water.
7. Poundkeepers' fees and charges.
8. To be demanded received and accounted for by poundkeeper.
9. Rates of ordinary damage.
10. Cattle trespassing may be impounded on his own ground by the owner or occupier of land trespassed on.
11. Or at once taken to the public pound.
12. Notice of impounding to be left at nearest Police Station.
13. Penalty for otherwise impounding.
14. Poundkeeper to keep a copy of this Ordinance and board of pound fees and charges displayed.
15. And also a pound book.
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17. Poundkeeper responsible for safe custody of cattle impounded.
18. Keeper of pound to post thereon description of cattle impounded.
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21. Cattle not released to be sold by auction.
22. When the issuing of the order of sale is deferred poundkeeper to give notice of new.
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32. Entire animals wandering at large.
33. Occupants of runs may impound.
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40. Present pounds and poundkeepers excepted.
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42. When feed is chargeable.
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45. Powers of Superintendent to be vested in President of City Council.
46. Publicans not to be poundkeepers.
47. District road boards and wardens may appoint officers.
48. When fees are chargeable.
Schedules 1 to 7.</p> |
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AN ORDINANCE to amend and consolidate the law relating to the Impounding Title.
of Cattle in the Province of Otago. [31ST MAY, 1872.]

WHEREAS it is expedient to amend and consolidate the law relating to Preamble.
the Impounding of Cattle 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. The short title of this Ordinance shall be the "Impounding Short Title.
Ordinance 1872."

2. The several Ordinances of the Superintendent and Provincial Council Ordinances repealed
of the late Province of Southland specified in the first schedule hereto and

the several Ordinances of the Superintendent and Provincial Council of the Province of Otago specified in the second schedule hereto shall be and the same are hereby repealed.

Superintendent to establish pounds.

3. It shall be lawful for the Superintendent to appoint convenient places within the said Province for establishing erecting and maintaining Public Pounds and from time to time whenever it may seem expedient to abolish any Pounds already established or to be established under this Ordinance and establish other Pounds.

And to appoint poundkeepers.

4. It shall be lawful for the Superintendent from time to time to appoint some fit and proper person to be keeper of any such pound and to remove any such poundkeeper and appoint a fit and proper person in his place: Provided that until such appointments respectively all pounds and poundkeepers established and appointed at the passing of this Ordinance shall be deemed to be pounds and poundkeepers established and appointed under this Ordinance and subject to the provisions hereof.

Poundkeeper to give security.

5. Every poundkeeper shall give security for the due performance of the duties of his office by bond to the amount of fifty pounds by himself and two sureties being substantial householders of the Province.

Pounds to be kept secure clean and supplied with water.

6. Every such pound shall be properly fenced and adapted as far as may be for keeping cattle infected with any contagious disease separate from those in health and if any poundkeeper shall knowingly keep or permit to be kept any cattle infected with any contagious disease in the same enclosure with cattle not so infected or shall fail to keep the said pound clean or in good order or the cattle which shall be impounded therein supplied with sufficient wholesome food and water every such poundkeeper shall for every such neglect forfeit and pay any sum not exceeding twenty pounds

Poundkeepers' fees and charges.

7. The fees to be taken and charged by any poundkeeper as and for pound fees and the price to be charged and paid for the sustenance of cattle impounded shall be those specified in the third schedule hereunto annexed: And it shall be lawful for the Superintendent from time to time by notification in the Provincial Government *Gazette* to fix all such other reasonable fees as shall be taken and charged by any poundkeeper for any matter or thing required to be done by him or others under or by virtue of this Ordinance and not herein specially provided for: Provided always that it shall also be lawful for the Superintendent by notification as aforesaid to increase reduce or otherwise vary all or any of the said fees and charges as occasion may require.

To be demanded received and accounted for by poundkeeper.

8. It shall be lawful for the keeper of any public pound to demand and receive for the impounding of any cattle of the several descriptions which shall be impounded therein and for feeding and maintaining the same whilst impounded and for giving notice thereof to the owner and for all other matters and things which are by this Ordinance required to be done all such fees and charges as are hereby authorised or as shall at any time be authorised to be taken and charged as herein provided and such fees and charges shall be duly and faithfully accounted for and paid over by such poundkeeper once in every quarter of a year on or before the first day of January April July and October respectively to the Provincial Treasurer to be applied to the public uses of the Province and the poundkeeper shall submit his accounts to the officer in charge of the nearest police station to be audited by him and shall make an affidavit or declaration before the nearest magistrate to the correctness of his account quarterly: Provided always that it shall be lawful for the Superintendent unless the Provincial Legislature shall otherwise appoint from time to time to appoint and declare that such fees and charges or any proportion thereof shall go and be applied by any such poundkeeper in full payment or to account of salary and remuneration.

9. The rates specified in the fourth schedule hereto annexed may be legally claimed and obtained by the owner or occupier of any lands for the trespass of any cattle thereon without proof of special damage. Rates of ordinary damage.

10. It shall be lawful for the owner or occupier of any land enclosed by a substantial fence upon which land any cattle the owner whereof shall be known to him shall be found trespassing to impound and detain the same in any convenient place upon his lands if he shall think fit so to do provided that he shall within twenty-four hours of such impounding give or cause to be given to the owner of the said cattle the like notice as is hereinafter required to be given to the keeper of any public pound by any person sending cattle thereto: Provided also that he shall keep and maintain the said cattle whilst so impounded and shall not keep them so impounded longer than three whole days of twenty-four hours each but shall at the expiration of such three days if not sooner released upon payment of his lawful charges drive or send the said cattle to the public pound nearest or most convenient to the said land and cause them to be lodged therein: And provided further that any person impounding cattle on his own land as aforesaid shall not be entitled to demand or receive any compensation for damage done by the said cattle save and except for such damage as was done before the first mentioned impounding or any fee or charge for impounding except at such rate as shall by law be chargeable by the keeper of the nearest public pound for feeding and maintaining the same: Provided also that nothing herein contained shall be deemed to bar or defeat any claim demand action or complaint for the recovery at common law of damages for trespass or trespasses made done or committed upon lands or hereditaments not fenced or otherwise enclosed within the meaning of this Ordinance or any other Ordinance for the time being in operation regulating the Impounding of Cattle. Cattle trespassing may be impounded on his own ground by the owner or occupier of land trespassed on.

11. It shall also be lawful for such owner or occupier upon whose land so enclosed any cattle shall be found trespassing to drive or send the said cattle to the public pound nearest or most convenient to the said land and he shall in a written memorandum specify to the keeper of the pound the number and kinds of the cattle impounded and the name of the owner if he be known or supposed owner or otherwise state that the owner is wholly unknown to him the place where the said cattle were trespassing and the amount of the damage claimed for the trespass. Or at once taken to the public pound.

12. Every person driving or sending cattle to the public pound under the authority of either of the two immediately preceding sections of this Ordinance shall in writing give notice at the police station nearest to the said pound of the number and description of such cattle and such notice may be sent by post in a letter registered in terms of the regulations of the post office in force at the time. Notice of impounding to be left at nearest police station.

13. If any owner or occupier of land or other authorised person wilfully and maliciously shall impound any cattle in any pound or place not authorised by this Ordinance or in any manner contrary to the provisions hereof every person so offending shall forfeit and pay a fine not less than five pounds and not exceeding twenty pounds for every such offence. Penalty for otherwise impounding.

14. The keeper of every public pound shall have and preserve at or near to the said pound a copy of this Ordinance and also erect and maintain in some conspicuous part of the pound under his charge a white board having painted thereon in legible black letters a table of all such fees and charges as he may be authorised to demand and receive and if he shall fail or neglect to maintain the same or shall permit any false statement to appear thereon he shall be liable to a fine of five shillings for every day during which he shall fail or neglect to maintain the same or shall permit any false statements to appear thereon. Poundkeeper to keep a copy of this Ordinance and board of pound fees and charges displayed.

And also a pound book.

15. Every such poundkeeper shall also keep a pound-book ruled marked and divided into columns as near as may be in the form in the sixth Schedule to this Ordinance annexed and shall enter in the said book in a legible hand the particulars of all cattle lodged in the pound specifying the day and hour as near as may be when and the cause for which and by whom the same were respectively impounded the time and mode of giving notice of the said impounding as by this Ordinance required and also when and in what manner the same were released and by whose order and to whom delivered and the particulars of all sales and of the proceeds thereof and the said entries shall be made at the time the said acts were respectively done or as soon after as possible but not after any dispute concerning such entry shall have arisen and if any poundkeeper shall wilfully delay making any entry or shall knowingly make any false entry in the said pound-book or shall wrongfully erase or destroy any entry previously made therein he shall forfeit and pay for every such offence a sum not exceeding twenty pounds: The pound-book shall be audited and certified to by the officer in charge of the nearest police station at the time the poundkeeper's quarterly account is audited as before provided.

And to permit inspection thereof.

16. The copy of this Ordinance and the table of fees charges and rates required to be kept by every keeper of a public pound as aforesaid and his said pound-book shall at all reasonable times be produced by him and be open for the inspection of any person desiring to see the same without fee and the said poundkeeper if required shall grant extracts signed by himself from the said pound-book upon payment of one shilling for every such extract not exceeding one hundred words and sixpence for every subsequent number of words not exceeding one hundred and if any poundkeeper shall neglect or refuse to allow such inspection or to grant such extracts upon his lawful fee for the same being first paid or offered he shall forfeit and pay for every such default a sum not exceeding five pounds.

Poundkeeper responsible for safe custody of cattle impounded.

17. The keeper of every public pound shall receive and detain in his custody any cattle lodged in such pound and shall be responsible to the owner thereof for every loss or damage sustained by the wilful act or the neglect of such poundkeeper or his servants and the said poundkeeper shall and may detain all cattle so impounded until the sum for which the same were impounded together with the lawful fees and charges shall be paid or tendered or until he shall receive notice of the decision or order of a Court of competent jurisdiction or the written order of the person impounding such cattle to deliver the same on payment being made of the lawful fees and charges exclusive of any damages that may be claimed.

Keeper of pound to post thereon description of cattle impounded.

18. The keeper of every such pound shall also whenever and so often as any cattle shall be impounded immediately post a written notice on the gate or some other conspicuous part of the pound setting forth a description of such cattle and such notice shall remain so posted until the said cattle shall have been claimed or otherwise disposed of by due course of law and every such poundkeeper who shall neglect within twenty-four hours of the impounding to post such notice and every person who shall when any such notice has been posted remove the same while effective without the authority of the poundkeeper shall for every such offence forfeit and pay any sum not exceeding five pounds.

Notice to be given to owner of cattle impounded.

19. When any impounded cattle shall not be followed to the pound or immediately claimed by the owner thereof or by some one on his behalf the keeper of the said pound shall within twenty-four hours of the impounding send notice in writing to the owner if he be known which notice shall be delivered to such known owner or his agent or overseer personally or left at the usual place of residence of such owner agent or overseer provided the known owner agent or overseer reside within three miles of the said pound

and if the said known owner shall reside at a greater distance and have no known agent or overseer residing within three miles such notice may be sent through the Post Office by registered letter to the place of residence of such owner his agent or overseer and every such notice shall contain the same particulars as are required to be given to the poundkeeper by the person impounding the same and shall also contain notice of the time when and the place where the said cattle will be sold if not sooner released from the said pound and also the sum of money for which the same were impounded ; And if neither owner nor agent nor overseer be known to the said poundkeeper he shall cause the like notice to be posted at the nearest police station and a notice in the form or to the effect in the seventh Schedule hereunto annexed to be inserted in the Provincial Government *Gazette* and a newspaper in circulation within the Province which shall severally be published next after the expiration of the said twenty-four hours and in which it shall be possible to cause the same to be inserted : Provided that when the cattle impounded under the provisions of this Ordinance shall consist of sheep goats swine or calves and be not more than two in number it shall not be necessary to give any other notice of such impounding than by affixing notice thereof on the pound and at the nearest police station in manner hereinbefore directed.

20. When any cattle are impounded the owner of which is unknown if such cattle be branded with any brands or marks it shall be the duty of the keeper of the pound wherein they have been lodged within twenty-four hours thereafter to use all necessary means for ascertaining whether the said brands or marks are registered in the register of brands and if so registered the said poundkeeper shall immediately deliver or cause to be delivered to the person in whose name it shall appear that any such brand or mark is so registered or to his known agent or overseer or leave or cause to be left at the usual place of abode of such person his agent or overseer provided such person his agent or overseer reside within three miles of the pound a like notice to that posted at the police station and if such person his agent or overseer reside at a greater distance than three miles such notice may be sent through the post office by registered letter to the place of residence of such person his agent or overseer.

If the cattle be branded and the brand registered and the owner otherwise unknown a notice to be sent to the person so registering.

21. If any impounded cattle shall not be released from the pound within seven clear days after notice shall have been served as aforesaid or within fourteen clear days after such notice shall have been posted as aforesaid it shall be lawful for the poundkeeper to fix a day for the sale of such cattle and to sell the same as hereinafter provided.

Cattle not released to be sold by auction.

22. The said poundkeeper shall give notice of such sale to the owner registered person agent or overseer personally or at his usual place of abode or through the post-office or by such public notice as aforesaid as the case may require and as hereinbefore provided for giving the original notice of impounding in such cases respectively : Provided always that when any delay and suspension of sale shall be necessary in consequence of the neglect of the said poundkeeper the costs of all further proceedings and notice as well as of the future feeding and maintaining of the said cattle shall be borne by the said poundkeeper.

When the issuing of the order of sale is deferred poundkeeper to give notice of new.

23. All sales shall take place at the public pound at the hour of noon of the day named in the *Gazette* under the nineteenth section and shall be by auction to the highest bidder and may be conducted by the poundkeeper notwithstanding that he shall not have taken out a license as an auctioneer and not more than ten head of sheep or goats or two pigs or one horse or one head of any other cattle shall be put up for sale in one lot and neither the person who impounded the said cattle nor the keeper of the said pound shall either personally or by any other person purchase any of the said cattle

Place time and mode of sale.

or any interest therein upon pain that every person so offending shall forfeit and pay for every such purchase contrary to the true intent and meaning hereof the sum of five pounds to be recovered in a summary way over and above restitution of the animals so purchased: Provided that if it shall appear to the poundkeeper that the proceeds of the sale of any cattle impounded may not be sufficient to satisfy the lawful fees and charges due to the poundkeeper if such cattle shall be maintained in the pound until the day of sale as hereinbefore provided it shall be lawful for such sale to take place upon any day he shall think fit earlier than the day of sale hereinbefore directed provided that a notice of such earlier sale shall have been published in a local paper.

Poundkeeper may order sale of cattle sooner.

Poundkeeper may fix upset price at auction sale of impounded cattle.

24. It shall be lawful for the keeper of any pound conducting a sale by auction of any impounded cattle to fix an upset price for such cattle not exceeding the amount of the fees and charges due to himself in respect thereof and to offer such cattle for sale at such upset price and if at such auction no higher bid shall be made for such cattle than the upset price at which the same shall be put up such cattle shall thereupon become and be the absolute property of the keeper of the pound at such upset price.

Proceeds of sale how to be applied.

25. It shall be lawful for every such poundkeeper to receive the price of any impounded cattle sold as aforesaid and to apply the same first in the payment of all lawful fees and charges due to himself secondly in the payment of the sum if any due to the party at whose instance the same were impounded and the residue he shall pay over to the owner of the cattle sold when he is known or to his known agent or overseer upon the same being demanded and take receipt for all payments made by him and if the owner of the cattle shall be unknown and have no known agent or overseer the said poundkeeper shall at the end of the quarter and when he makes his quarterly returns as provided for in section eight after the sale pay such residue into the hands of the Provincial Treasurer in trust for the party entitled thereto and the receipt of the said Treasurer shall be the legal discharge of the said poundkeeper for the amount named therein and in case no claim to the same shall be duly made within two years next after the said money shall have been so paid into the hands of the said Treasurer such money shall be subject to be appropriated to the public uses of the said Province by the local legislature thereof.

Instead of impounding cattle party aggrieved may sue for damages.

26. For the purpose of avoiding as far as may be the impounding of cattle it shall be lawful for any person upon whose land substantially fenced as aforesaid any cattle shall be found trespassing to take drive or send such cattle to their owner or his known agent or overseer and such owner agent or overseer is hereby required to pay the rates of damage specified in the said fourth Schedule as and for a satisfaction of the said trespass and if the owner of such cattle or some person on his behalf shall not pay the amount of such rates of damage upon the same being demanded it shall be lawful for the party aggrieved by such trespass instead of impounding the cattle to sue for such rates of damage and recover the same in any court of competent jurisdiction.

Or may waive assessed damages and proceed for special damages.

27. Nothing herein contained shall extend or be construed to prevent the owner or occupier of any land trespassed upon and being substantially fenced from waiving the ordinary damages herein provided and claiming in any competent court full satisfaction for any special damage sustained by him in consequence of any trespass.

Penalties for rescue or commission of pound breaches.

28. If any person shall rescue or attempt to rescue any cattle which shall have been lawfully seized for the purpose of being impounded or shall break down injure or destroy any pound legally erected whether any cattle shall be impounded therein or not or shall commit any pound breach or

rescue whereby any cattle of any description shall escape or be enlarged from any such pound every such person shall upon conviction of such offence be liable to suffer fine not exceeding twenty pounds and imprisonment with or without hard labour for any period not exceeding four calendar months.

29. Any poundkeeper may send any cattle which may have been impounded out of such pound at such times and to such places near to such pound as he may see fit for the purpose of feeding grazing or watering any such cattle or suitably keeping them when such pound is too small conveniently to hold the number of cattle required to be impounded therein provided all such cattle shall be placed and kept in some secure enclosure near the said pound and every such poundkeeper shall be personally responsible for the custody of such cattle in the same manner and shall be entitled to the same fees as if such cattle were lodged or kept in the pound.

Poundkeeper may use any adjoining place when necessary for feeding watering or keeping cattle.

30. If any poundkeeper shall take or demand any greater sum for the impounding of any cattle or for pound fees or for damages or for sustenance or for doing any matter or thing than such poundkeeper shall be authorised to take or shall fail to pay to the person impounding any cattle any damages such poundkeeper may have received from the owner of such cattle on account of any such impounding or shall neglect or fail to provide proper and sufficient sustenance for any cattle impounded or to take care thereof respectively or shall ride or use any cattle or if any such poundkeeper shall fail to comply with or shall offend against any of the provisions of this Ordinance for which a penalty is not expressly named or shall otherwise misconduct himself as a poundkeeper every such poundkeeper so offending shall on conviction forfeit and pay a penalty not exceeding twenty pounds besides being liable in any damages that may be justly due to the party injured by such misconduct.

Penalty for neglect of duty on part of poundkeeper.

31. It shall not be lawful for any person to drive any cattle from the land and out of the herds of any other person without first giving notice to such last mentioned person his agent or overseer of the time he intends to drive away such cattle and any person who shall fail to give such notice as hereby required or who shall enter upon any other person's lands for the purpose of driving any cattle or shall attempt to drive any cattle without giving such notice or who shall drive away any cattle other than his own or his master's or employer's from the land and out of the herds of any other person shall on conviction of every such offence forfeit and pay any sum not exceeding fifty pounds.

Stray cattle not to be taken away without notice to occupier of land they are on.

32. If any entire horse ass or mule shall be found wandering at large on land not being in the lawful occupation of the owner of such animal or if any bull shall be found wandering at large on land without the limits of a Hundred not being in the lawful occupation of the owner thereof such animal shall be liable to be impounded under the provisions of this Ordinance and the owner thereof shall be further liable to a penalty of not more than twenty pounds: Provided always that this shall not apply to such animals grazing within Hundreds the owners whereof have permission from the proper authority for animals over six months old.

Entire animals wandering at large.

33. Any person in occupation of land by lease or license granted by or on behalf of the Crown for pastoral purposes only is hereby empowered to impound any cattle trespassing thereon: Provided that it shall not be lawful for any occupier of any such land that is not enclosed with a substantial fence to impound any sheep unless such sheep be thereon contrary to the provisions of the "Sheep Ordinance 1867" or any Ordinance amending the same nor to impound any other cattle of any person who may be travelling therewith along any public road or thoroughfare passing through

Occupants of runs may impound.

such land or who may stop upon such land during one night or day for necessary rest provided that such cattle shall not be at a greater distance from such road or thoroughfare than three quarters of a mile and shall not be affected with any infectious disease: Provided also that nothing herein contained shall be held to affect any of the provisions of the said "Sheep Ordinance 1867" or any Ordinance amending the same.

Cattle trespassing to be impounded and not to be released except on payment of expenses and penalty.

34. Every constable is hereby empowered to impound any cattle found trespassing in breach of any law in force within towns or municipalities in the Province and such cattle shall be received into and kept in the pound to which they shall have been driven until released or sold under this Ordinance: Provided that if any cattle so impounded shall be claimed before the time of such sale by the owner thereof such cattle shall be released on payment of the expenses of driving in impounding and keeping such cattle together with any penalty that may have been inflicted in any Court of competent jurisdiction.

Sufficient fence.

35. For the purposes of this Ordinance a sufficient fence shall be deemed to be any fence of the description in the schedule annexed to any Fencing Ordinance in force in the Province of Otago.

Cattle trespassing in towns.

36. If any cattle shall be found wandering at large within the limits of any town the owner thereof shall be liable to a fine of not less than five shillings nor more than one pound for every head of cattle so trespassing and it shall be lawful for any one thereupon to impound such cattle and if such cattle shall do any damage to any property within the limits of such town the person suffering such damage may recover from the owner of such cattle either "ordinary damages" or "special damages" as he shall think fit to sue for.

Cattle tethered in towns.

37. If any cattle shall be found tethered in any street thoroughfare or other public place within the limits of any town also immediately adjoining to such street thoroughfare or public place so as to obstruct the same it shall be lawful for any person to impound such cattle and the owner thereof shall be liable to a fine of not less than five shillings nor more than one pound for every head of cattle so tethered.

Maximum penalty.

38. No penalty to be imposed in any one conviction under the provisions of this Ordinance shall exceed the sum of one hundred pounds.

Fines to be recoverable in a summary way.

39. All fines and penalties imposed under the authority of this Ordinance shall be recoverable in a summary way.

Present pounds and poundkeepers excepted.

40. Until further proceedings in that behalf in pursuance of this Ordinance as hereinbefore provided the public pounds at present by law established shall be taken and deemed to be public pounds and the poundkeepers thereof to be poundkeepers within the meaning and under the authority of this Ordinance.

Interpretation of terms used in this Ordinance.

41. In the construction and for the purposes of this Ordinance if not inconsistent with the context or subject matter the following terms shall have the respective meanings hereby assigned to them that is to say—

The term "cattle" shall be deemed and taken to mean and to include horses mares geldings colts fillies asses mules bulls cows oxen heifers steers calves rams ewes sheep lambs goats and swine: And the word "sheep" shall mean and include rams ewes wedders and lambs and the said terms shall be deemed and taken to apply to any one animal of the said several kinds.

The words "owner of cattle" shall be taken to mean the person having the lawful charge control and management of such cattle.

The word "town" shall be taken to mean any municipality or borough established under the "Otago Municipal Corporations Ordinance 1865" or under the "Municipal Corporations Act 1867" or any other Ordinance or Act establishing municipal corporations and the towns and townships established by the authority of the Provincial Government or by any private person who shall have deposited a plan thereof with the Registrar of Deeds.

The words "ordinary damages" shall be deemed to be the amount of damages in every case respectively according to the scale set forth in the fourth schedule annexed hereto.

The word "residence" of the owner of any cattle shall be taken to mean the nearest known residence or homestead in use by the owner of such cattle.

The word "occupier" of any land shall be taken to mean the person having the use or occupation of such land or holding a license from the owner for the depasturing cattle thereupon or the agent bailiff or servants of such person.

The term "poundkeeper" shall mean and include any person who may have the authorised charge of any pound whether such poundkeeper shall be gazetted as such poundkeeper or not or whether such poundkeeper shall hold any other office or have any other designation or not.

42. Any cattle which may be impounded shall not be liable for feed charges until they shall have been eight hours in the pound. When feed is chargeable

43. Every poundkeeper shall be furnished with a copy of the brand book in force for the time being in the district in which the pound under his charge is situated. Poundkeeper to have brand book.

44. No poundkeeper shall receive or allow any cattle to be impounded from sunset to sunrise unless they have been driven from a distance of at least five miles. Time of impounding restricted.

45. All powers vested by this Ordinance in the Superintendent shall upon the establishment of any county under the "Counties Ordinance" vest in and be exercised by the president of such County Council in so far as regards such county. Powers of Superintendent to be vested in President of City Council.

46. No person who is licensed as a publican shall be appointed a poundkeeper. Publicans not to be poundkeepers.

47. It shall be lawful for wardens of hundreds and district road boards to appoint officers who shall have power to seize and drive to the nearest pound all cattle found straying on hundreds or on roads: Provided always that in every such case of impounding the same procedure shall be followed as is before described in the case of impounding by private persons. District road boards and wardens may appoint officers.

48. It shall not be lawful for rangers of hundreds or other Government salaried officers to charge fees for driving except when assistance is required and the sum to be charged for such assistance shall not exceed twenty shillings per day and shall be regulated in terms of the Fifth Schedule annexed hereto. When driving fees are chargeable.

THE FIRST SCHEDULE.

Short Title of Ordinance.	Session and Number.	Date.
Cattle Trespass Ordinance 1866	29° Vict. No. 72	1866
Cattle Trespass Ordinance 1866 Amendment Ordinance 1867	30° Vict. No. 82	1867

THE SECOND SCHEDULE.

Short Title of Ordinance.	Session and Number.	Date
Impounding Ordinance 1862	26° Vict. No. 112	1862
Impounding Ordinance 1862 Amendment Ordinance 1865 ...	28° Vict. No. 200	1865
Impounding Ordinance Amendment Ordinance 1870 ...	33° Vict. No. 304	1870

THE THIRD SCHEDULE.

POUNDAGE FEES.

	s.	d.
For each Entire Horse above the age of 12 months	2	6
" Mare, Gelding, Colt, Filly, Foal, Mule, Ass, Goat, or Pig ...	1	0
" Bull, above the age of 12 months	2	6
" Ox, Cow, Steer, Heifer, or Calf, for the first ten	0	6
" Ditto ditto the next ten	0	4
" Ditto ditto the next thirty	0	3
" Ditto ditto above fifty	0	2
" Ram, above the age of 9 months	1	0
For each Ewe, Wether, or Lamb, for the first twenty	0	2
" Ditto ditto the next thirty	0	1½
" Ditto ditto the next fifty	0	1
" Ditto ditto above 100	0	0½

The above Fees to be paid for each day, or part of a day, during which the animal is kept in Pound.

CHARGES FOR FOOD.

	s.	d.
For every Entire Horse, and every Bull	3	0
" Mare, Gelding, Mule, Ass, Colt, Filly, or Foal	2	0
" Cow, Ox, Steer, or Heifer	1	0
" Sheep or Lamb	0	3
" Goat	0	4
" Boar, Sow, or other Pig	1	0

The above charges to be paid for each day of 24 hours, or part of a day, during which the animal is supplied with food and water by the poundkeeper, but the owner may supply food and water, in which case these charges are not to be made.

THE FOURTH SCHEDULE.

RATES OF ORDINARY DAMAGES TO BE CHARGED FOR CATTLE TRESPASSING.

Description of Cattle, &c., Trespassing.	In any paddock of grass or stubble enclosed by a substantial fence.	In any garden, uncut meadow, growing crop of any kind enclosed by a substantial fence.
	s. d.	s. d.
For every Entire Horse, Mule, Ass, or Bull	5 0	15 0
„ Mare, Gelding, Filly, Cow, Ox, Steer, or Heifer ...	2 0	4 0
„ Sheep or Lamb	0 4	0 8
„ Pig	2 0	4 0
„ Goat	1 0	2 0
„ Calf	1 0	2 0

THE FIFTH SCHEDULE.

DRIVING FEES.

No charge to be made within three miles.
 No salaried officer of the Government to be allowed charges on his own account for driving.
 No charge to exceed, in the aggregate for driving, twenty shillings per day for man and horse.

SIXTH SCHEDULE.

FORM OF POUNDKEEPER'S BOOK.

Date.	Time.	Particulars of Cattle impounded.	Brands. Marks.	Owner.	By whom impounded	For what cause impounded.	Time and mode of giving notice.	How disposed of.	Time when released or sold.	Particulars of release or sale.

SEVENTH SCHEDULE.

FORM OF ADVERTISEMENT IN THE GOVERNMENT "GAZETTE."

Impounded on the _____ day of _____ 18 ____ by [here state the name and address of the party impounding, and the number, description, and brands of the cattle impounded] supposed to belong to [here describe the land where the cattle or other animals were trespassing] for which [here state the damage claimed] and in default of being released the above cattle will be sold at the Public Pound at _____ on the day of _____ 18 ____, at twelve o'clock noon.

A. B.,
 Poundkeeper of the _____ Pound.

DUNEDIN, NEW ZEALAND:



FENCING ORDINANCE 1872.

IN THE THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXX. No. 366.

ANALYSIS :

- | | |
|---|--|
| <p>Title.
Preamble.
1. Short Title.
2. Repeal of Ordinances.
3. Fences described in the Schedule to be deemed a sufficient fence.
4. Notice must be given to fence.
5. Notice how given. Notice how proved.
6. If parties cannot agree fence may be made.
7. If default made by one party other may fence and recover one half of factual cost.</p> | <p>8. Occupier may recover from owner. In certain cases occupier not to recover. Existing agreement.
9. Half of dividing fence may be on adjoining land. Posts may be placed on boundary line.
10. Owner or occupier of land to keep road clear of young gorse plants.
11. A boundary fence may be made of thorns and the adjoining proprietor shall be liable for half of the value of it.
12. Half the cost of repairing fence to be paid by adjoining owner or occupier.
13. Not a sheep fence. Shall be made a sheep fence.
14. Limitation of amount to be recovered.
Schedules A B and C.</p> |
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AN ORDINANCE *to Consolidate and Amend the laws relative to Fences.* Title.
[31ST MAY, 1872.]

WHEREAS it is expedient to consolidate and amend the Laws now in Preamble.
force in the Province of Otago relative to the fencing of land :

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. This Ordinance may be cited and referred to as the “Fencing Short Title.
Ordinance 1872.”

2. Except as hereinafter mentioned the Ordinances in Schedule A Repeal of Ordinances
hereto annexed shall be and the same are hereby repealed : Where before the coming into operation of this Ordinance any notices have been given or any liability incurred under any of the Ordinances mentioned in the said Schedule or any matter or thing done before the coming into operation of this Ordinance has accrued or any action suit or other proceeding in respect of such matter or thing has been commenced every such notice matter or thing shall be of the same force and effect and every such liability shall continue and every such action suit or other proceeding shall be prosecuted continued and defended as if such Ordinances were not repealed.

3. In the construction of this Ordinance and any other Ordinance in Fences described in
force in any part of the Province of Otago the term “sufficient fence” or the Schedule to be
“substantial fence” shall be taken to include all fences of the description deemed a sufficient
fence.

in Schedule B hereto annexed : Provided always that no person shall be entitled to erect any such fence as is described in Clauses Nos. 1 and 14 and 17 of Schedule B within the limits of a town and that the fence described in the said Clauses Nos. 14 and 17 shall only be a sufficient fence in the case of a dividing fence between the lands comprised in a pastoral lease and any adjoining land : And provided also that where a sufficient fence has already been erected under the provisions of the Ordinances hereby repealed it shall not be necessary that any such fence should until its re-erection be made a sufficient fence within the meaning of this Ordinance.

Notice must be given
to fence.

4. Before any person shall erect or make a sufficient fence dividing his land from land adjoining thereto such person is hereby required to give to the occupier or if there be no occupier to the owner of such adjoining land or if the owner be absent from the Province or Colony then by delivering the same to or leaving the same at the residence or place of business of his known agent resident in the Province a notice in writing in the form or to the effect of that contained in Schedule C hereunto annexed of such person's intention to erect or make such sufficient fence : And if such person shall erect such fence without giving notice as aforesaid the occupier or owner as the case may be of such adjoining land shall not be liable to pay any portion of the value of such fence : Provided also that in the event of any adjoining lands being Crown lands at the time of the erection of any fence within the meaning of this Ordinance the purchaser occupier or Crown lessee of such adjoining lands shall not later than six calendar months after the time of his becoming the purchaser occupier or lessee upon notice being given as aforesaid pay to the owner occupier or Crown lessee who has erected the fence one-half of the then value of such fence.

Notice how given.

5. Every such notice may be served upon such occupier or owner either personally or by leaving the same with some adult inmate at his usual residence or if such owner shall be absent from the Province then by delivering the same to or leaving the same at the residence of his known agent in the same manner and if there shall be no such agent resident in the Province then it shall be sufficient to insert such notice at least three consecutive times in the *Government Gazette* of the Province : Provided always that the burden of proving the due service or publication of every such notice shall rest with the giver of the notice.

Notice how proved.

If parties cannot agree
fence may be made.

6. If within two months after the service of such notice or publication thereof as hereinbefore provided the giver and receiver thereof do not enter into an agreement as to the nature of the fence to be made and the cost thereof and the mode and time of making the same the person giving such notice may proceed to erect a sufficient fence within the meaning of this Ordinance and the owner or occupier of such adjoining land to whom such notice shall have been given shall be liable for and shall pay to such person or any other in his right within three months after a demand made upon him personally or at his dwelling-place if within the Province or upon or at the residence of his known agent if absent from the Province or 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 one month from the time of so availing himself of it one-half of the original value of such fence as divides the said several properties.

If default made by
one party other may
fence and recover one
half of actual cost.

7. If either party shall neglect or fail for the space of one month to perform his part of any such agreement which may be so made the other party may thereupon or at any time within six months thereafter make a fence of the kind or description so agreed upon or may at his discretion make any other sufficient fence within the meaning of this Ordinance and may immediately thereupon or at any time thereafter recover from the defaulting party one half of the actual cost of making such fence.

8. Any occupier shall be entitled at the expiration of the time for which he shall hold the land fenced under this Ordinance to recover from the owner thereof the half of the then value of any fence made under this Ordinance: Provided that where the occupancy is for a term of which less than two years shall be unexpired at the time of the making of the fence it shall not be lawful for the occupier of any land to recover from the owner thereof the value of any such fence unless he shall previously to the making thereof have received notice from an adjoining occupier to make such fence or unless he shall have obtained the consent in writing of the owner of such land to the making thereof: Provided always that nothing herein contained shall make void or affect any covenant or agreement relative to fencing which shall be now subsisting or shall be hereafter entered into between adjoining occupiers or owners or between landlord and tenant under any lease or by implication of law or otherwise.

Occupier may recover from owner.

In certain cases occupier not to recover.

Existing agreement.

9. The owner or occupier of any land in the Province of Otago not being within the limits of any town may in making a fence of the description No. 1 Schedule B dividing his land from the land thereto adjoining make a ditch on such adjoining land and use the soil taken therefrom towards the making of a bank and he may also place the half of the bank on 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 gorse or broom may have been planted and kept in good thriving condition thereon so as to disturb or injure such hedge without the consent of the owner or occupier of such land first obtained: And where a dividing fence is made of the description No. 2 of Schedule B the posts of such fence shall be placed on the boundary line.

Half of dividing fence may be on adjoining land.

Posts may be placed on boundary line.

10. The owner or occupier of any land fenced with a gorse fence running along any road shall be held liable to keep the road in front of the said fence clear of young gorse plants and should he fail to do so the district road board shall on the complaint of any two proprietors or occupiers of land within the said district cause the work to be done at the expense of the owner or occupier of the said land the amount to be recovered in a summary way: Provided always that the road board shall give one calendar month's previous notice in writing to the owner or occupier of such land.

Owner or occupier of land to keep road clear of young gorse plants.

11. It is hereby specially provided that where a proprietor tenant or occupier shall plant a hedge of white thorns on the boundary between his own lands and those of an adjoining proprietor tenant or occupier he may make fences sufficient for their protection and one of such fences may be placed on the adjoining land: Provided always that no adjoining proprietor tenant or occupier shall be liable to pay as his half of the value of such hedge and protecting fences a greater sum than thirty shillings per chain for it and them: Provided also that where a boundary fence has been erected for three years any person may elect to plant a hedge of white thorns on such boundary the adjoining proprietor tenant or occupier shall in like manner be liable to pay as half his half of the value of such hedge and protecting fences a sum not exceeding fifteen shillings per chain.

A boundary fence may be made of thorns and the adjoining proprietor shall be liable for the half of the value of it.

12. When any sufficient dividing fence shall require cutting trimming cleansing or repairs or shall become insufficient the same shall be cut trimmed cleansed and repaired at the joint expense of the owner and occupier of the adjoining land and any owner or occupier of land adjoining such fence (having given notice in writing to the other owner or 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 person for the space of one month to contribute one-half of such expense cause the same to be cut trimmed cleansed or repaired and made a sufficient fence and shall thereupon be entitled to recover from such adjoining owner or occupier one-half the cost of so cutting trimming cleansing or repairing such fence.

Half the cost of repairing fence to be paid by adjoining owner or occupier.

Not a sheep fence.

13. It is hereby specially provided that Clause 5 of Schedule B hereto annexed is only applicable as a fence under this Ordinance where both proprietors or occupiers do not keep sheep but should any proprietor or occupier after such fence shall have been erected elect to keep sheep the fence shall be constructed as provided for in Clause 6 of Schedule B hereto annexed and the adjoining proprietor or occupier shall after having received one month's notice in writing of the fence having been so constructed pay one-half of the cost of such construction.

Shall be made a sheep fence.

Limitation of amount to be recovered.

14. No greater sum shall be recovered under the provisions of this Ordinance in respect of the making of any fence than the sum of thirty shillings per chain in country districts and forty shillings per chain in the towns of the Province of Otago for the half cost of any fence.

SCHEDULE A.

Fencing Ordinance 1855, No. 21A.

Fencing Ordinance 1856, No. 2.

Fencing Ordinance 1856, Amendment Ordinance 1865, No. 216.

Fencing Ordinance 1867, Amendment Ordinance 1871, No. 346.

SCHEDULE B.

1. A bank or dyke not less than four feet six inches high substantially formed with turf on both sides on a base not less than three feet six inches broad and having a ditch not less than three feet wide and two feet deep on each side of such bank.

2. For swampy land a ditch not less than six feet wide and two feet deep with bank not less than three feet high, with posts not less than four feet high from the surface of the ground and more than nine feet apart with not less than two rails or three wires or with one rail and two wires or posts and four rails or posts and seven wires with ditch as already described and no bank the posts being not less than four feet six inches high from the surface of the ground nor more than nine feet apart where rails are used nor more than eight feet apart where wires are used the posts being inserted into the ground not less than two feet.

3. A bank or dyke not less than two feet six inches high substantially formed with turf on both sides on a base not less than three feet broad and a ditch not less than two feet six inches wide and two feet deep on each side of such bank with posts not less than four feet six inches high from the surface of the ground and not more than nine feet apart with not less than two rails or four wires and in the case of a three feet bank three wires.

4. A bank or dyke not less than two feet six inches high with a ditch not less than three feet wide and two feet six inches deep with posts not less than four feet six inches high from the surface of the ground nor more than nine feet apart inserted not less than two feet into the ground with three rails or wires the posts to be not more than eight feet apart.

5. A fence of posts and four rails the posts to be not less than five feet high from the surface of the ground and not more than nine feet apart inserted not less than two feet into the ground the upper rail to be not less than four feet six inches from the ground or with posts as already described and five wires or four wires and a top rail.

6. A fence of posts and four rails and two wires the posts to be not less than four feet six inches from the surface of the ground and not more than nine feet apart inserted not less than two feet into the ground the upper rail to be not less than four feet three inches from the surface of the ground.

7. A fence of posts and six wires with posts not more than eight feet apart inserted not less than two feet into the ground the upper wire to be not less than four feet three inches from the ground.

8. Any paling fence four feet three inches high with posts and two rails and having split or sawn timber placed perpendicularly and well nailed to both rails there being not more than four inches of opening betwixt each perpendicular piece of timber.

9. The posts for all post and rail fences shall contain not less than fifteen superficial inches to the foot if sawn or split or eighteen superficial inches to the foot if round posts be used.

10. The posts for all post and wire fences shall contain not less than eight superficial inches to the foot if sawn or split or twelve superficial inches to the foot if round posts be used. Straining posts for wire fences shall contain not less than eighteen superficial inches to the foot and shall be inserted into the ground not less than three feet and not more than five chains apart.

11. The rails for all fences where the posts are nine feet apart shall contain not less than six superficial inches to the foot if sawn or split nor less than nine superficial inches to the foot if round rails be used but if the posts be not more than seven feet apart the rails when sawn may be five superficial inches.

12. The rails to be either firmly morticed into the posts or double nailed and the wires either passed through the posts or firmly fixed with staples.

13. A stone or brick wall or dry stone dyke 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 is above described to the height of four feet three inches and the lower rail or wire of which being not higher than the top of the growing thorns or briers.

14. Any fence formed of iron or wooden standards and straining posts with iron or wooden rails the standards not less than four feet long and if composed of iron material one and a quarter inches broad by a quarter of an inch in thickness if composed of wood three inches by two inches or six square inches in thickness to be placed at a distance not greater than ten feet apart the *straining* posts not less than six feet long and if composed of iron weighing not less than one hundred pounds including iron stay and iron base if composed of wood not less than five inches square or twenty-five cubic inches in thickness to be placed not less than six straining posts to the mile the wires not less than five in number and of a gauge not lower than number eight in thickness the lowest wire to be placed at a distance not greater than seven inches from the ground the top wire not less than two feet six inches from the ground the four lower wires not more than five inches apart the rails if composed of wood to be placed at intervals not greater than those composed of wire.

15. A bank of sods two feet high with ditch on each side two feet six inches wide two feet deep and not more than six inches wide at the bottom five standards or posts to the chain six feet long with two wire braces between each bored for four wires above the bank strainers to be erected not more than six chains apart if of wood not less than seven feet six inches long and not less than seven inches in diameter and sunk to a depth not less than three feet in the ground if of iron eight feet long and sunk to a depth of not less than three feet in the ground if of stone seven feet six inches long twelve inches in diameter and sunk not less than three feet in the ground strainers to be securely stayed. An additional three wires may be substituted instead of the bank before mentioned the other provisions to remain the same.

16. Sod wall bank or dyke two feet six inches high with a base of three feet and ditches on each side two feet nine inches wide by two feet deep posts six feet long sunk two feet in the ground and placed not more than twenty feet apart having three wires iron standards six feet long one inch and quarter broad and quarter inch thick may be used when posts or standards are placed at more than nine feet apart the wires to be tied or interlaced with wire every seven feet.

17. A fence formed with iron or wooden standards iron or wooden strainers and wire standards if of iron to be not less than five feet long one and quarter inch broad and quarter inch thick if of wood four by two inches and placed not more than twenty feet apart when placed more than nine feet apart the wires to be tied or laced with wire not more than seven feet apart not less than six strainers to be used to the mile strainers to be six feet six inches long not less than six wires to be used the lower to be placed at a distance not greater than seven inches from the ground and the three lower wires being not more than six inches apart on an average top-wire to be not smaller than number seven.

18. Gorse hedge at least four feet high and eighteen inches thick kept properly trimmed at least once every year.

19. A bank or dyke not less than five feet high substantially formed with turf on both sides and not less than three feet six inches broad at the base and not less than one foot two inches in breadth at the top.

SCHEDULE C.

(NOTICE TO MAKE FENCE.)

To _____ Occupier (or Owner or Crown Lessee or Agent as the case may be) of
(describing adjoining land)

TAKE NOTICE that I desire that the boundary or separating fence between (describing the lands) be made immediately (on or before the _____ day of _____ 18) and that such fence shall be a (here describe the fence).

Dated this _____ day of _____ 18 .

A. B. Occupier (or Owner or Crown Lessee or Agent) of &c.

DUNEDIN, NEW ZEALAND :



LAWRENCE ATHENÆUM AND MINING INSTITUTE ORDINANCE 1872.

IN THE THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXX. No. 367.

ANALYSIS :

- Title.
Preamble.
1. Short Title.
2. Incorporation.
3. Purposes of the Institution.
4. Institution to be managed by a Committee.
5. First Committee of Management.

- 6 Rules already adopted by members to be rules for the government of the Institution.
7. Members to have no interest in vested property.
8. Dissolution of Corporation.
9. Vesting of property in the event of dissolution.
10. Power to sell duplicates.

AN ORDINANCE to Incorporate the Lawrence Athenæum and Mining Institute. Title.
[31ST MAY, 1872.]

WHEREAS it is desirable that the Lawrence Athenæum and Mining Institute should be now incorporated in order that thereby its usefulness in the diffusion of knowledge and learning in Lawrence and its neighbourhood may be promoted and extended and any endowments in land moneys or other grants whatsoever which have been or may hereafter be made to the institution may be duly administered :

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. The short title of this Ordinance shall be the "Lawrence Athenæum and Mining Institute Ordinance 1872." Short Title.

2. The following persons and all others the members of the Institution for maintaining a Lending and Reference Library and Reading Room and the providing rational amusement and recreation and for the carrying out of objects connected with the purposes of an Athenæum and Mining Institution Lawrence known as the "Lawrence Athenæum and Mining Institute" namely James Clark Brown Alexander Humphrey Henry John Abel Frederick Bastings John Carse Arbuckle William Grant Forbes John Ludford William Duguid Morrison shall be a body politic and corporate by the name of the "Lawrence Athenæum and Mining Institute" and by that name shall have perpetual succession and shall adopt and have a common seal and shall by the same name sue and be sued plead and be impleaded answer and be answered in all Courts of the Colony of New Zealand and shall be capable in law to take purchase and hold all goods chattels and personal property whatever and shall also be able and capable in law to receive take purchase and hold for ever not only such lands buildings hereditaments and possessions as may from time to time be required for the purposes of the said institution but also Incorporation.

any other lands buildings hereditaments and possessions whatsoever and shall be able and capable in law to grant convey demise mortgage charge alienate or otherwise dispose of all or any of the property real or personal belonging to the said Institution and also to do all other matters or things incidental or appertaining to a body politic and corporate: Provided always that it shall not be lawful for the said corporation to grant convey demise mortgage charge alienate or dispose of except by way of lease for a period of not exceeding ninety-nine years any lands tenements or hereditaments of which it shall have become seized or to which it may become entitled by grant purchase or otherwise unless with the approval of two-thirds of the members of the said corporation present personally or by proxy at a special general meeting duly convened and any money received from such alienation mortgage demise or otherwise shall be paid and applied solely for the purposes of the said institution.

Purposes of the Institution.

3. The purposes for which the said Institution has been established and shall in future be maintained are to form or provide and carry on—

1. A Lending and a Reference Library
2. A Reading Room with a supply of newspapers and periodicals
3. Meetings for social and intellectual improvement
4. Educational classes and lectures
5. The collection of scientific apparatus geological and other specimens or other things illustrative in and of mining and scientific knowledge
6. The providing rational amusement and recreation
7. The carrying out of objects connected with the purposes of an Athenæum and Mining Institute :

under such regulations as may be made from time to time by the members.

Institution to be managed by a Committee.

4. The management of the said Institution shall be vested in a committee of the members thereof to be appointed annually at a general meeting to be held in the month of January in each year or so soon thereafter as may be found convenient.

First Committee of Management.

5. The following persons shall be the committee of management till the next general annual meeting namely James Clark Brown president William Grant Forbes treasurer and secretary Henry John Abel John Ludford John Carse Arbuckle William Duguid Morrison Alexander Humphrey Frederick Bastings.

Rules already adopted by members to be rules for the government of Institution.

6. The rules and amendments thereof already adopted by the members of the said Institution as certified under the hands of the president secretary and treasurer shall be the rules for the government and management of the said Institution until altered amended varied or rescinded by two-thirds of the members present at the annual general meeting or at any special meeting called by advertisement on eight days' notice the object of the meeting being fully set forth in the advertisement and a copy of the said rules and amendments certified as aforesaid and of all future amendments thereof duly certified by the president secretary and treasurer for the time being shall be deposited and remain on the premises for the time being used by the said Institution and be accessible to the members thereof for inspection at all reasonable hours.

Members to have no interest in vested property.

7. No member or subscriber shall have any personal individual joint or transmissible right or interest in or to the whole or any part of the real or personal estate which may belong to or be vested in the Corporation.

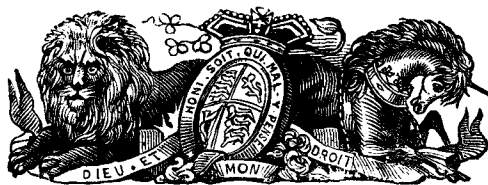
8. The Corporation may be dissolved on the approval of five-sixths of the members thereof present personally or by proxy at any general meeting assembled after one calendar month's special notice by advertisement or *de facto* when the number of members shall fall below nine. Dissolution of Corporation.

9. In the event of the said Corporation being dissolved the whole of the property real and personal belonging to the said Corporation shall be vested in the Mayor and Municipal Council of the Town of Lawrence for the time being. Vesting of property in the event of dissolution.

10. The Committee shall have power from time to time to sell or dispose of by public auction or otherwise any unused or duplicate copies of books reviews magazines newspapers or other periodicals and the proceeds of such sales shall be applied towards the ordinary expenditure of the Corporation. Power to sell duplicates.

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LAWRENCE ATHENÆUM AND MINING INSTITUTE RESERVES MANAGEMENT ORDINANCE 1872.

IN THE THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXX. No. 368.

ANALYSIS:

- | | |
|--|---|
| <p>Title.
Preamble.
1. Short Title.
2. Land in Schedule vested in Trust.
3. Superintendent authorised to convey.</p> | <p>4. Trust may set apart portion of said land for Athenæum.
5. Trust may lease surplus land.
6. Application of moneys.
7. Committee to keep accounts and furnish balance sheets to be audited.
Schedule.</p> |
|--|---|

AN ORDINANCE to provide for the management of the *Lawrence Athenæum* Title.
and *Mining Institute Reserves* at Lawrence in the Province of Otago.

[RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON, 31ST MAY 1872.]

WHEREAS the parcels of land particularly described in the Schedule Preamble.
hereto are now vested in the Superintendent of Otago and his successors upon trust for public purposes: And whereas by the "Public Reserves Act Amendment Act 1862" it is provided that it shall be lawful for the Superintendent and Provincial Council of any Province by any Act or Ordinance to be from time to time duly passed in that behalf to direct and declare that any lands vested in the Superintendent of any Province under the provisions of the "Public Reserves Act 1854" upon trust for any public purposes shall be transferred to and vested in and held by any Corporation commission or other person or persons having corporate succession to be named in such Act or Ordinance in trust for the like or for any other public purpose to be specified and declared in such Act or Ordinance in such manner and with such powers of lease management and disposition over the same and over all rents issues profits and proceeds thereof and other powers provisions and conditions as should in such Act or Ordinance be expressed or declared: And whereas it is expedient to make provision for the management of the said parcels of land in manner hereinafter appearing: And whereas by the "Lawrence Athenæum and Mining Institute Ordinance 1872" the members of the said Institution were incorporated by the name of the "Lawrence Athenæum and Mining Institute:"

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. This Ordinance may be cited and referred to as the "Lawrence Short Title.
Athenæum and Mining Institute Reserves Management Ordinance 1872."

Land in Schedule vested in Trust.

2. The said parcels of land described in the Schedule hereto shall be transferred to and vested in and held by the Lawrence Athenæum and Mining Institute in trust for the purposes of the said Institution subject to the powers provisions and conditions herein expressed and declared.

Superintendent authorised to convey.

3. It shall be lawful for the Superintendent to execute and make any conveyance or other assurance for transferring to and vesting in the Lawrence Athenæum and Mining Institute and its successors the land described in the said Schedule hereto and every or any part or parts thereof.

Trust may set apart portion of said land for Athenæum.

4. It shall be lawful for the Lawrence Athenæum and Mining Institute to set apart a sufficient portion of the said parcels of land as and for the purposes of the said Institution and from time to time to vary and alter the portion which may for the time being be set apart and to set apart another portion of the said parcels of land for the purposes of the said Institution.

Trust may lease surplus land.

5. It shall be lawful for the Committee of Management of the Lawrence Athenæum and Mining Institute by deed under their corporate seal to lease from time to time at such rent and on such conditions as they may think reasonable the whole or any part of the said parcels of land specified in the said Schedule hereto not required for the purposes of the said Institution for any term or terms of years not exceeding ninety-nine years at any one time.

Application of moneys.

6. All moneys received by the Lawrence Athenæum and Mining Institute for the rents issues and profits of the said parcels of land shall after deducting therefrom all necessary expenses incurred in the management thereof be applied in and towards the purposes of the said Institution as the Committee of Management may from time to time determine.

Committee to keep accounts and furnish balance sheets to be audited.

7. The Committee of Management shall keep accurate accounts of all sums of money received for rents issues and profits on account of the said parcels of land and of all costs charges expenses and disbursements in connection with the management and maintenance thereof and within one week after the day of the annual meeting of the said Institution a copy of the balance sheet showing the receipts and disbursements of the Committee during the previous year and the actual financial state of the committee in duplicate shall be forwarded to the Superintendent who shall cause the same to be forwarded for examination by the Provincial Auditor in manner described by the "Provincial Audit Act 1866" and the Provincial Auditor is hereby required and empowered to examine and audit such accounts and balance sheet and such balance sheet shall be published in the *Government Gazette* of the Province immediately after the same shall have been so audited.

SCHEDULE.

All that parcel of land in the Province of Otago containing by admeasurement seventeen (17) poles more or less being Sections 10 and 11 Block XLI, Town of Lawrence bounded towards the north-north-east by Crown lands fifty (50) links towards the north-east by Derwent Street one hundred and fifty-four (154) links towards the south-south-west by Ross Place one hundred and seventy (170) links and towards the west-north-west by section 9 one hundred (100) links.

All that parcel of land in the Province of Otago containing by admeasurement one (1) rood being Section 26 Block XLII Town of Lawrence bounded towards the north-west by Crown lands one hundred and fifty-one (151) links towards the north-east by section 27 one hundred and twenty-five (125) links towards the south-east by Irvine street two hundred and thirty-seven (237) links towards the south-south-west by Ross Place eleven (11) links and towards the west-north-west by Section 25 and Crown lands one hundred and fifty-one (151) links.

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OAMARU HOSPITAL RESERVE MANAGEMENT ORDINANCE 1872.

IN THE THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXX. No. 369.

ANALYSIS :

Title.
Preamble.
1. Short Title.
2. Trustees of Oamaru Hospital incorporated.

3. Power to remove and appoint trustees.
4. Land in Schedule vested in trust.
5. Superintendent authorised to convey.
6. Trust may make rules.
Schedule.

AN ORDINANCE *to provide for the Management of a part of the Reserve at* Title.
Oamaru in the Province of Otago set apart for a Hospital.

[RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON, 31ST MAY, 1872.]

WHEREAS the parcel of land particularly described in the Schedule Preamble.
hereto has under and by virtue of the "Public Reserves Act 1854" and "The Public Reserves Act Amendment Act 1862" been *inter alia* granted by the Governor of New Zealand in the name and on behalf of Her Majesty to the Superintendent of Otago and his successors and is now vested in him and them upon trust for public purposes as specified in the grant thereof: And whereas by "The Public Reserves Act Amendment Act 1862" it is provided that it shall be lawful for the Superintendent and Provincial Council of any Province by any Act or Ordinance to be from time to time duly passed in that behalf to direct and declare that any lands vested in the Superintendent of any Province under the Provisions of the "Public Reserves Act 1854" upon trust for any public purposes shall be transferred to and vested in and held by any Corporation Commission or other person or persons having corporate succession to be named in such Act or Ordinance in trust for the like or for any other public purpose to be specified and declared in such Act or Ordinance in such manner and with such powers of lease management and disposition over the same and over all rents issues profits and proceeds thereof and other powers provisions and conditions as should in such Act or Ordinance be expressed or declared: And whereas it is expedient to set apart the said parcel of land described in the Schedule hereto as a site for a Hospital and grounds and to make provision for the management of the said parcel of land in manner hereinafter appearing:

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

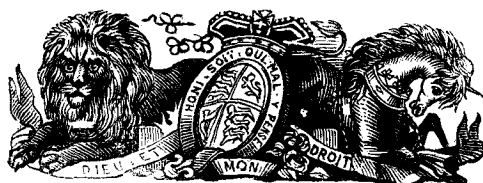
- Short Title. 1. This Ordinance may be cited and referred to as the "Oamaru Hospital Reserve Management Ordinance 1872."
- Trustees of Oamaru Hospital incorporated. 2. The Honorable John M'Lean of Oamaru runholder Edric Adolphus Julius of Oamaru solicitor Samuel Edward Shrimski John Mainland Joseph Booth William Jukes Steward James Paterson Thomas King Thomas Hood Brown James Bee Daniel Toohey Joseph Ogilvie Samuel Gibbs Donald Sutherland John Mains Manheim Krakoar Henry Aitken James Grave and Peter Aitchison and all such other persons as shall be hereafter appointed members under the provisions of this Ordinance and their successors shall be and they are hereby constituted a Corporate Body in fact and in law by the name and style of the "Trustees of the Oamaru Hospital" and by that name they and their successors shall have perpetual succession and a common seal with full power and authority by the same name and style to sue and be sued plead and be impleaded defend and be defended in all Courts and in all causes and suits at law or in equity whatsoever with power to take purchase and hold to them and to their successors all goods chattels and personal property whatsoever and also all such lands hereditaments and possessions as may be transferred to and vested in them as a site for a Hospital or for any other purposes in connection therewith and also to do all other matters and things incidental to or appertaining to a corporate body subject nevertheless to any provisions in this Ordinance contained affecting such powers.
- Power to remove and appoint trustees. 3. So often as any person so appointed shall die resign become incapable to act or be removed suspended or absent from the said Province for the space of six consecutive calendar months it shall be the duty of the said Superintendent to appoint by proclamation in the Otago Provincial Government *Gazette* either permanently or temporarily as occasion may require another or other fit and proper person or persons to be a trustee or trustees in the room or stead of the trustee or trustees so dying resigning becoming incapable or being absent as aforesaid.
- Land in Schedule vested in trust. 4. The said parcel of land described in the Schedule hereto shall be transferred to and vested in and held by the "Trustees of the Oamaru Hospital" and their successors in trust for the purposes of a Hospital subject to the powers provisions and conditions herein expressed and declared.
- Superintendent authorised to convey. 5. It shall be lawful for the Superintendent to execute and make any conveyance or other assurance for transferring to and vesting in the "Trustees of the Oamaru Hospital" and their successors the lands described in the said Schedule hereto and every or any part or parts thereof respectively under this limitation that the grounds shall be open to the public and that the Hospital shall be regulated and managed under the "Hospitals Ordinance 1870" or any other Act or Ordinance in force for the management of Hospitals in the Province of Otago.
- Trust may make rules. 6. It shall be lawful for the "Trust" and they are hereby authorised and empowered from time to time to make and alter rules for regulating their own proceedings.

THE SCHEDULE ABOVE REFERRED TO.

All that area in the Province of Otago containing by admeasurement eight (8) acres two (2) roods and thirty two (32) poles more or less situate in the Town of Oamaru being part of Reserve marked D on the Map of the said Town: bounded towards the north-east by a road line one thousand eight hundred and twelve (1812) links towards the south-east by a road line ninety-two (92) links and four hundred and eighty-four (484) links towards the south-west by a road line one thousand three hundred and eighty-seven (1387) links and towards the north-west by a road line six hundred and fifty-eight (658) links.

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DUNEDIN MANSE RESERVE ORDINANCE 1872.

IN THE THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXX. No. 370.

ANALYSIS :

Title.
Preamble.
1. Short Title.

2. Land to be conveyed to Trustees.
3. Land to be sold to Trustees.
Schedules first and second.

AN ORDINANCE *to authorise the Superintendent of the Province of Otago to* ^{Title.}
vest the Manse Reserve in certain Trustees and to Sell part of the
Reclaimed Land adjacent to the Manse Reserve.

(RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON, 31ST MAY 1872.)

WHEREAS the parcel of land described in the first Schedule ^{Preamble.}
hereto is held by the Superintendent of the Province of Otago
upon trust as a site for a Manse at Dunedin in the said Province for a
Minister of the Presbyterian Church of Otago: And whereas by the
"Dunedin Church Lands Ordinance 1861" the management of the said
parcel of land is vested in the Presbyterian Church of Otago: And whereas
for the better regulation and management of the lands of the Presbyterian
Church of Otago an Act of the General Assembly of New Zealand was
passed entitled "The Presbyterian Church of Otago Lands Act 1866;"
And whereas the parcel of land described in the Second Schedule hereto is
contiguous to the parcel of land before referred to and is vested in the
Superintendent of the Province of Otago upon trust for the improvement
of the harbor of Dunedin: And whereas a power to lease or sell the said land
was granted under the "Harbor Reclaimed Lands Sale and Leasing Ordinance
1868:" And whereas it is expedient that a sale be made of the land described
in the said Second Schedule to the Presbyterian Church of Otago and that the
Superintendent should be authorised to sell the same: And that the whole
of the said lands described in the First and Second Schedules hereto be
transferred to and vested in the Trustees under the said recited Act:

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. This Ordinance may be cited and referred to as the "Dunedin ^{Short Title.}
Manse Reserve Ordinance 1872."

2. It shall be lawful for the Superintendent to convey to the Trustees <sup>Land to be conveyed
to Trustees.</sup>
acting under the authority of "The Presbyterian Church of Otago Lands
Act 1866" the parcel of land described in the First Schedule hereto and
to execute all necessary conveyances and other assurances in the law for
conveying and assuring the said land to and vesting the same in the said

Trustees to be held by the said Trustees upon the same trust as the said lands in the said First Schedule have been held heretofore and with and under the same powers of administration and management as have been in force and have been exercised as regards the said land in the said First Schedule contained.

Land to be sold to Trustees.

3. It shall be lawful for the Superintendent to sell to the said Trustees the parcel of land described in the Second Schedule hereto at the price of two hundred and fifty pounds and on payment of the said price to execute all necessary conveyances and other assurances in the law for conveying and assuring the said land to and vesting the same in the said Trustees to be held by the said Trustees their successors and assigns for ever upon the Trust and subject to the conditions and provisions in the "Dunedin Church Lands Ordinance 1861" contained.

FIRST SCHEDULE.

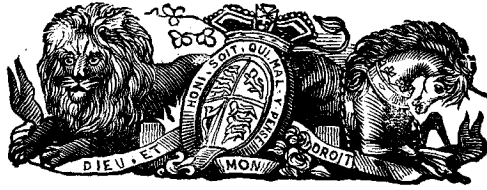
All that allotment or parcel of land in the Province of Otago in the Colony of New Zealand containing by admeasurement two roods and thirty-two perches more or less being the Reserve numbered ten (10) on the plan of the town of Dunedin described in the Crown Grant thereof as bounded on the north-west by Princes street three hundred and fifty (350) links on the north-west by the Jetty road two hundred and sixty (260) links on the south-east by the Harbor of Dunedin four hundred (400) links and on the south-west by a Government Reserve one hundred and eighteen (118) links.

SECOND SCHEDULE.

All that area in the Province of Otago containing by admeasurement fifteen (15) poles more or less situated in the City of Dunedin being part of area granted to Superintendent for harbor reclamation bounded towards the west and north-west by old high water of Otago harbor two hundred and twelve (212) links towards the south-east by Bond street one hundred and sixty-eight (168) links and towards the south-west by other part of said Harbor Reclamation eighty-five (85) links.

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DUNSTAN RACECOURSE RESERVE MANAGEMENT ORDINANCE 1872.

IN THE THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXX. No. 371.

Act Spent
Westing Cancellor Reservoir
Booked
Sec 61 R.O.L.D Act 1906
HS 1907
1914
52

ANALYSIS :

- | | | |
|---|---|--|
| <p>Title.
Preamble.
1. Short Title.
2. Trustees of Dunstan Racecourse incorporated.
3. Power to remove and appoint trustees.
4. Land in Schedule vested in trust.
5. Superintendent authorised to convey.</p> | } | <p>6. Trust may set apart portion of said land as a Racecourse.
7. Trust may lease surplus land.
8. Application of moneys.
9. Trust to keep accounts and furnish balance-sheets to be audited.
10. Trust may make rules.
Schedule.</p> |
|---|---|--|

*AN ORDINANCE to provide for the Management of the Racecourse Reserve Title.
for the Dunstan District in the Province of Otago.*

[RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON, 31ST MAY, 1872.]

WHEREAS the parcel of land particularly described in the Schedule ^{Preamble.} hereto has under and by virtue of the "Public Reserves Act 1854" and the "Public Reserves Act Amendment Act 1862" been granted by the Governor of New Zealand in the name and on behalf of Her Majesty to the Superintendent of Otago and his successors and is now vested in him and them upon trust for purposes of recreation for the use of the inhabitants of the Dunstan district: And whereas by the "Public Reserves Act Amendment Act 1862" it is provided that it shall be lawful for the Superintendent and Provincial Council of any Province by any Act or Ordinance to be from time to time duly passed in that behalf to direct and declare that any lands vested in the Superintendent of any Province under the provisions of the "Public Reserves Act 1854" upon trust for any public purposes shall be transferred to and vested in and held by any Corporation Commission or other person or persons having corporate succession to be named in such Act or Ordinance in trust for the like or for any other public purpose to be specified and declared in such Act or Ordinance in such manner and with such powers of lease management and disposition over the same and over all rents issues profits and proceeds thereof and other powers provisions and conditions as should in such Act or Ordinance be expressed or declared: And whereas it is expedient to make provision for the management of the said parcel of land in manner hereinafter appearing :

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 :—

Short Title.

1. This Ordinance may be cited and referred to as the "Dunstan Racecourse Reserve Management Ordinance 1872."

Trustees of Dunstan Racecourse incorporated.

2. James Hazlett merchant William Fraser runholder George Fache auctioneer Thomas Luther Shepherd settler Martin Marshall merchant and William Anderson Lowrunholder and all such other persons as shall be hereafter appointed members under the provisions of this Ordinance and their successors shall be and they are hereby constituted a Corporate Body in fact and in law by the name and style of the "Trustees of the Dunstan Racecourse" and by that name they and their successors shall have perpetual succession and a common seal with full power and authority by the same name and style to sue and be sued plead and impleaded defend and be defended in all Courts and in all causes and suits at law or in equity whatsoever with power to take purchase and hold to them and to their successors all goods chattels and personal property whatsoever: And also all such lands hereditaments and possessions as may be transferred to and vested in them as a site for a Racecourse or for any other purposes in connection therewith and also to do all other matters and things incidental to or appertaining to a corporate body subject nevertheless to any provisions in this Ordinance contained affecting such powers.

Power to remove and appoint trustees.

3. So often as any person so appointed shall die resign become incapable to act or be removed suspended or absent from the said Province for the space of twelve consecutive calendar months it shall be the duty of the said Superintendent to appoint by proclamation in the Otago Provincial Government *Gazette* either permanently or temporarily as occasion may require another or other fit and proper person or persons to be a trustee or trustees in the room or stead of the trustee or trustees so dying resigning becoming incapable or being absent as aforesaid.

Land in Schedule vested in trust.

4. The said parcel of land described in the Schedule hereto shall be transferred to and vested in and held by the "Trustees of the Dunstan Racecourse" and their successors in trust for the purposes of a Racecourse subject to the powers provisions and conditions herein expressed and declared.

Superintendent authorised to convey.

5. It shall be lawful for the Superintendent to execute and make any conveyance or other assurance for transferring to and vesting in the "Trustees of the Dunstan Racecourse" and their successors the lands described in the said Schedule hereto and every or any part or parts thereof respectively.

Trust may set apart portion of said land as a Racecourse.

6. It shall be lawful for the "Trustees of the Dunstan Racecourse" hereinafter referred to as the "Trust" to set apart a sufficient portion of the said parcel of land as and for the purposes of a Racecourse and from time to time to vary and alter the portion which may for the time being be set apart and to set apart another portion of the said parcel of land as a Racecourse in lieu thereof

Trust may lease surplus land

7. It shall be lawful for the "Trust" by deed under their corporate seal to lease from time to time at such rent and on such conditions as they may think reasonable the whole or any part of the said parcel of land specified in the said Schedule hereto not required for the purposes of a Racecourse for any term or terms of years not exceeding seven years at any one time and on conditions not inconsistent with the purposes of the said reserve.

Application of moneys.

8. All moneys received by the "Trust" for the rents issues and profits of the said parcel of land shall after deducting therefrom all necessary expenses incurred in the management thereof be applied in and towards the cultivation and improvement of the said parcel of land and in rendering any part thereof that may be set apart as a Racecourse suitable for that purpose and in and towards providing prizes for races to be run on the

said Racecourse and generally in and towards the encouragement of the breeding of horses and for such other purposes as the "Trust" may from time to time determine to apply the same.

9. The "Trust" shall keep accurate accounts of all sums of money received for rents issues and profits on account of the said parcel of land and of all costs charges expenses and disbursements in connection with the management and maintenance thereof and on the thirty-first day of March in every year or within one week thereafter the "Trust" shall prepare accounts and a balance sheet showing the receipts and disbursements of the "Trust" during the previous year and the actual financial state of the "Trust" on the thirty-first day of March in that year and such accounts and balance-sheet shall be forwarded in duplicate to the Superintendent who shall cause the same to be forwarded for examination by the Provincial Auditor in manner prescribed by the "Provincial Audit Act 1866" and the Provincial Auditor is hereby required and empowered to examine and audit such accounts and balance-sheet and such balance-sheet shall be published in the Government Gazette of the Province immediately after the same shall have been so audited. Trust to keep accounts and furnish balance-sheets to be

10. It shall be lawful for the "Trust" and they are hereby authorised and empowered from time to time to make and alter rules for regulating their own proceedings for prescribing the conditions on which the public shall be permitted to have access to the said Racecourse upon any day when the same shall be used for racing purposes and for regulating the price for admission on such occasions for excluding the public from such parts of the said parcel of land as it may be found necessary or desirable to improve or lay down in artificial grasses for regulating the charges that may be made for the occupation of any portion of the said Racecourse for the erection of booths or stalls for the sale of refreshments merchandise goods or chattels and for the admission of horses and vehicles to the said Racecourse. Trust may make rules.

THE SCHEDULE ABOVE REFERRED TO.

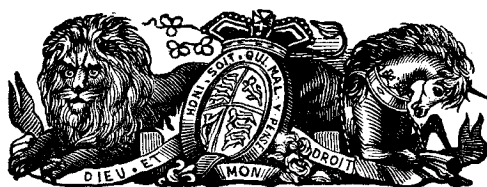
All that parcel of land in the Province of Otago in the Colony of New Zealand situate in the Leaning Rock District being section numbered seventy-two (72) block one (I) on the Map of the said District containing by admeasurement one hundred and forty-five (145) acres three (3) roods and four (4) poles more or less bounded towards the north-west by Crown lands and road line 3100 links towards the north-east by Crown lands 4864 links towards the south-east by Crown lands 3100 links and towards the south-west by Crown lands 4864 links and intersected by two road lines each 100 links wide also by a water race.

DUNEDIN, NEW ZEALAND:

Printed under the Authority of the Provincial Government of Otago, by MILLS, DICK and Co., of Stafford Street, Printers to said Provincial Government for the time being.

Handwritten notes: 115, 1907, 1906, 1914, 792, 60, 82





APPROPRIATION ORDINANCE 1872-73.

IN THE THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXX. No. 372.

ANALYSIS.

- | | |
|--|--|
| <p>Title
Preamble.
1. Short Title.
2. Certain sums to be applied out of Provincial revenues during the twelve months commencing first April 1872 and ending thirty-first March 1873.</p> | <p>3. Superintendent authorised to transfer one item to another of the same division.
4. Provision for continuing payments to 31st May 1873.
5. Treasurer &c. to pay moneys under warrant of the Superintendent and to be allowed credit for all moneys so paid.</p> |
|--|--|

AN ORDINANCE to *Appropriate certain Sums out of the Ordinary Revenue of the Province of Otago and other Moneys for the Service of the Twelve Months commencing on the first day of April one thousand eight hundred and seventy-two and ending on the thirty-first day of March one thousand eight hundred and seventy-three.* Title.
[31st May 1872.]

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

1. This Ordinance shall be termed and may be cited and referred to as Short Title.
the “Appropriation Ordinance 1872-73.”

2. Out of the Revenues of the Province of Otago subject to the appropriation of the Provincial Council there may be issued and applied for Certain sums to be applied out of Provincial revenues during the twelve months commencing first April 1872 and ending thirty-first March 1873.
defraying the charge of the Government of the said Province for the twelve months commencing upon the first day of April one thousand eight hundred and seventy-two and ending upon the thirty-first day of March one thousand eight hundred and seventy-three the sum of three hundred and thirty-three thousand five hundred and thirty-four pounds two shillings and eleven pence or any sum or sums not exceeding the several sums for the several purposes hereinafter particularly specified that is to say :—

III.—PROVINCIAL SECRETARY AND TREASURER AND SECRETARY FOR LANDS.

No.		Salaries.		Contingencies		Totals.	
		£	s. d.	£	s. d.	£	s. d.
	DIVISION No. 3.						
	PROVINCIAL TREASURY.						
1	Sub-Treasurer	385	0 0				
1	Clerk to Treasurer and Secretary to Education Board ...	355	0 0				
1	Cashier	260	0 0				
1	Clerk (Youth)	55	0 0				
	<i>Subdivision No. 3.</i>						
	Printing and Stationery			75	0 0		
	Incidental Expenses			10	0 0		
						85	0 0
	DIVISION No. 4.						
	POLICE.						
1	Commissioner	400	0 0				
1	Clerk	212	10 0				
3	Sub-Inspectors	637	10 0				
	Sergeants, Constables, and Cooks	12850	0 0				
	<i>Subdivision No. 4.</i>						
	Departmental Contingencies			4120	0 0		
						4120	0 0
	DIVISION No. 5.						
	HARBOR DEPARTMENT.						
1	Chief Harbor Master	400	0 0				
1	Assistant do. Dunedin	275	0 0				
1	Do. do. Bluff Harbor	275	0 0				
1	Do. do. Oamaru	200	0 0				
1	Do. do. Riverton	150	0 0				
1	Do. do. Port Molyneux	100	0 0				
1	Do. do. Kakanui	50	0 0				
1	Do. do. Catlin's River	50	0 0				
1	Do. do. Waikawa	50	0 0				
1	Do. do. Waikouaiti	50	0 0				
4	Pilots, at £265	1060	0 0				
2	Coxswains, at £120	240	0 0				
3	Boats Crews, 12 men at £100	1200	0 0				
1	Signal Master	145	0 0				
1	Do.	100	0 0				
1	Time-ball Keeper	50	0 0				
1	Light-keeper, Black Jack's Point	30	0 0				
1	Do. Oamaru	30	0 0				
						4455	0 0
	<i>Subdivision No. 5.</i>						
	Boats			150	0 0		
	Signals and Flagstuffs			340	0 0		
	Buoys and Beacons			250	0 0		
	Fuel and Light			40	0 0		
	Travelling Expenses			20	0 0		
	Boating Expenses			260	0 0		
	Printing and Stationery			30	0 0		
	Incidental Expenses			150	0 0		
						1240	0 0
	Carry forward					25055	0 0

III.—PROVINCIAL SECRETARY AND TREASURER AND SECRETARY FOR LAND—*Continued.*

No.		Salaries.			Contingencies			Totals.		
		£	s.	d.	£	s.	d.	£	s.	d.
	Brought forward							25055	0	0
	DIVISION No. 6.									
	GAOL (DUNEDIN).									
1	Gaoler	350	0	0						
1	Matron	90	0	0						
	Warders	4553	7	6				4993	7	6
	<i>Subdivision No. 6.</i>									
	Rations				900	0	0			
	Stores and Furniture				60	0	0			
	Library				40	0	0			
	Fuel and Light				175	0	0			
	Medicines and Medical Comforts				135	0	0			
	Clothing and Bedding				150	0	0			
	Printing and Stationery				10	0	0			
	Relief to Destitute Prisoners on Discharge				50	0	0			
	Incidental Expenses				50	0	0			
								1570	0	0
	DIVISION No. 7.									
	DISTRICT GAOLS.									
1	Gaoler, Invercargill	175	0	0						
1	Matron, do.	25	0	0						
	Warders, at 8s. per diem	310	0	0						
5	Gaolers, do.	775	12	6				1285	12	6
	<i>Subdivision No. 7.</i>									
	Rations, Tools, Stores, &c.				750	0	0			
								750	0	0
	DIVISION No. 8.									
	SHEEP INSPECTOR'S DEPARTMENT.									
1	Chief Inspector	400	0	0						
1	Sub-Inspector	350	0	0						
1	Do.	300	0	0						
1	Do. Port Chalmers	50	0	0						
								1100	0	0
	<i>Subdivision No. 8.</i>									
	Contingent Inspection				200	0	0			
	Incidental Expenses				75	0	0			
								275	0	0
	DIVISION No. 9.									
	EDUCATION.									
1	Inspector of Schools	400	0	0						
1	Do. (1 month)	38	6	8						
1	Secretary (also Clerk to Provincial Treasurer)									
1	Drawing Master	400	0	0						
1	Clerk	130	0	0						
								963	6	8
	<i>Subdivision No. 9.</i>									
	GRAMMAR AND DISTRICT SCHOOLS.									
4	Rectors or Head Masters, at £200	800	0	0						
1	Do. do. 6 months	100	0	0						
	District School Teachers	12900	0	0				13800	0	0
	Carry forward							49792	6	8

III.—PROVINCIAL SECRETARY AND TREASURER AND SECRETARY FOR LANDS—Continued.

No.		Salaries.			Contingencies			Totals.		
		£	s.	d.	£	s.	d.	£	s.	d.
	Brought forward							49792	6	8
	EDUCATION—Continued.									
	<i>Subdivision No. 10.</i>									
	Travelling Expenses				200	0	0			
	Public Libraries				400	0	0			
	Rents, Repairs, &c.				1600	0	0			
	Purchase of Sites				200	0	0			
	Fees for Orphan and Destitute Children				400	0	0			
	Free Schools				450	0	0			
	School Maps and Appliances				250	0	0			
	Printing, Advertising and Stationery				50	0	0			
	Incidental Expenses				50	0	0			
	School of Art				100	0	0			
	Provincial Scholarships				375	0	0			
								4075	0	0
	<i>Subdivision No. 11.</i>									
	HIGH SCHOOL (BOYS).									
1	Rector	550	0	0						
4	Masters, 1 at £525, 1 at £350, 2 at £300	1475	0	0						
	Salaries which may be sanctioned	100	0	0						
								2125	0	0
	<i>Subdivision No. 12.</i>									
	HIGH SCHOOL (GIRLS).									
1	Lady Principal	300	0	0						
3	Assistants, 1 at £150, and 2 at £80... ..	310	0	0						
	Arrears to Assistant	8	2	3						
1	Singing Master	21	0	0						
	Salaries which may be sanctioned	50	0	0						
								689	2	3
	<i>Subdivision No. 13.</i>									
	HIGH SCHOOLS CONTINGENCIES.									
1	Janitor	80	0	0						
								80	0	0
	<i>Subdivision No. 14.</i>									
	Assistance in Cleaning				20	0	0			
	Printing, Stationery, Repairs, &c.				400	0	0			
								420	0	0
	DIVISION No. 10.									
	HOSPITAL.									
1	Provincial Surgeon	500	0	0						
1	Resident do.	255	0	0						
1	Assistant Dispenser	175	0	0						
1	House Steward and Storekeeper	175	0	0						
1	Matron	80	0	0						
1	Midwife	52	0	0						
2	Laundresses, 1 at £50 and 1 at £40... ..	90	0	0						
10	Wardsmen, 2 at £90, 1 at £80, 6 at £70, and 1 at £50	730	0	0						
2	Kitchen Assistants at £50	100	0	0						
3	Nurses at £45	135	0	0						
1	Housemaid	40	0	0						
								2332	0	0
	<i>Subdivision No. 15.</i>									
	Rations				1500	0	0			
	Stores and Furniture				125	0	0			
	Fuel and Light				270	0	0			
	Surgical Instruments				10	0	0			
	Medicine and Medical Comforts				400	0	0			
	Bedding and Clothing				150	0	0			
	Stationery				10	0	0			
	Incidental Expenses				200	0	0			
								2665	0	0
	Carry forward							62178	8	11

III.—PROVINCIAL SECRETARY AND TREASURER AND SECRETARY FOR LANDS—*Continued.*

No.		Salaries.			Contingencies			Totals.		
		£	s.	d.	£	s.	d.	£	s.	d.
	Brought forward							62178	8	11
	DIVISION No. 11.									
	LUNATIC ASYLUM.									
1	Superintendent	350	0	0						
1	Matron	90	0	0						
9	Male attendants, 8 at £90, and 1 at £70	790	0	0						
7	Female do., 6 at £50 and 1 at £40	340	0	0						
								1570	0	0
	<i>Subdivision No. 16.</i>									
	Rations				1720	0	0			
	Stores and Furniture				150	0	0			
	Fuel and Light				220	0	0			
	Medicines and Medical Comforts				200	0	0			
	Bedding and Clothing				350	0	0			
	Printing and Stationery				10	0	0			
	Amusements to Patients				50	0	0			
	Incidental Expenses				50	0	0			
								2750	0	0
	DIVISION No. 12.									
	COLLECTION OF TOLLS.									
	Toll Collectors	1210	0	0						
								1210	0	0
	<i>Subdivision No. 17.</i>									
	Contingencies				150	0	0			
								150	0	0
	DIVISION No. 13.									
	INDUSTRIAL SCHOOL.									
1	Master	170	0	0						
1	Matron	30	0	0						
1	Surgeon	50	0	0						
1	Schoolmaster	130	0	0						
4	Attendants, 1 at £100, 3 at £40	220	0	0						
								600	0	0
	<i>Subdivision No. 18.</i>									
	Maintenance				1183	0	0			
	Fuel and Light				90	0	0			
	Fencing Paddock				20	0	0			
	Incidental Expenses				60	0	0			
								1353	0	0
	DIVISION No. 14.									
	MISCELLANEOUS.									
3	Messengers, 1 at £145, 1 at £135, 1 at £78	358	0	0						
2	Chaplains	300	0	0						
1	Gardener	135	0	0						
1	Revenue Officer	200	0	0						
1	Watchman, Post-office	52	0	0						
1	Health Officer, Port Chalmers	58	6	8						
1	Medical Officer, Invercargill (18 months)	112	10	0						
								1215	16	8
	Carry forward							71027	5	7

III.—PROVINCIAL SECRETARY AND TREASURER AND SECRETARY FOR LANDS—Continued.

No.		Salaries.			Contingencies.			Totals.		
		£	s.	d.	£	s.	d.	£	s.	d.
	Brought forward							71027	5	7
	DIVISION No. 15.									
	CROWN LANDS AND SURVEY.									
1	Chief Commissioner and Surveyor	400	0	0						
1	Clerk	250	0	0						
1	Book-keeper	225	0	0						
1	Salesman	200	0	0						
3	Rangers	600	0	0						
1	Apprentice Clerk	40	0	0						
1	Record Clerk	275	0	0						
1	Assistant do.	180	0	0						
2	Inspectors of Surveys, 1 at £385, 1 at £325	710	0	0						
4	District Surveyors, at £100	400	0	0						
1	Chief Draughtsman	350	0	0						
6	Assistants, 3 at £255, 2 at £212 10s., and 1 at £135	1325	0	0						
1	Apprentice	60	0	0						
1	Lithographic Printer	212	10	0						
1	Messenger, Invercargill	31	4	0						
1	Office Cleaner, do.	20	0	0						
									5278	14 0
	<i>Subdivision No. 19.</i>									
	Printing, Advertising, and Stationery				400	0	0			
	Incidental Expenses				150	0	0			
	Travelling do.				350	0	0			
	Laborer's Wages				200	0	0			
	Engrossing Crown Grants				200	0	0			
	Equipment of Survey Parties				150	0	0			
	Lithographic Materials				50	0	0			
	Instruments and Repairs				10	0	0			
	Contract Surveys				1500	0	0			
	Special Surveys				250	0	0			
	Road District Surveys				198	13	0			
	Unforeseen Expenditure... ..				100	0	0			
									3558	13 0
	DIVISION No. 16.									
	LAND OFFICE, INVERCARGILL.									
1	District Land Officer	50	0	0						
1	Clerk	250	0	0						
1	Crown Grant Clerk	212	10	0						
1	Messenger	20	0	0						
	Office Cleaner	5	0	0						
									537	10 0
	<i>Subdivision No. 20.</i>									
	Fees to Commissioner of Waste Land Board				116	13	4			
	Printing, Advertising, and Stationery				50	0	0			
	Travelling Expenses				50	0	0			
	Engrossing Crown Grants				100	0	0			
	Incidental Expenses				10	0	0			
									326	13 4
									80728	15 11
	Total from Provincial Council				£7019	4	0			
	„ Provincial Secretary and Treasurer and Secretary } for Lands }				80728	15	11			
	Total carried to Secretary for Gold Fields and Roads and } Roads and Works Department }				£87747	19	11			

IV.—SECRETARY FOR GOLD FIELDS AND ROADS AND WORKS DEPARTMENT.

No.		Salaries.			Co. ingencies.			Total.		
		£	s.	d.	£	s.	d.	£	s.	d.
	DIVISION No. 17.									
	GOLD FIELDS.									
8	Wardens, 5 at £450, 2 at £400, and 1 at £200	...	...	...	3250	0	0			
6	Receivers, at £300	...	...	...	1800	0	0			
5	Bailiffs, at £150	...	...	...	750	0	0			
2	Chinese Interpreters, 1 at £200, 1 at £250, 3 months, and £200 9 months	...	...	...	412	10	0			
2	Inspectors of Depasturing Districts	...	...	...	300	0	0			
										6512 10 0
	Subdivision No. 21.									
	Travelling Expenses	...	...	...				500	0	0
	Fuel and Light	...	...	...				150	0	0
	Stores and Furniture	...	...	...				50	0	0
	Temporary Accommodation	...	...	...				100	0	0
	Printing, Advertising, and Stationery	...	...	...				150	0	0
	Incidental Expenses	...	...	...				100	0	0
										1050 0 0
	DIVISION No. 18.									
	ROAD ENGINEER'S DEPARTMENT.									
1	Chief Engineer	...	...	...	400	0	0			
3	District Do. 1 £300, 2 at £265	...	...	...	830	0	0			
1	Draughtsman	...	...	...	125	0	0			
1	Apprentice	...	...	...	55	0	0			
										1410 0 0
	Subdivision No. 22.									
	Travelling Expenses	...	...	...				450	0	0
	Printing and Stationery	...	...	...				50	0	0
	Incidental Expenses	...	...	...				30	0	0
										530 0 0
	DIVISION No. 19.									
	GENERAL ROAD BOARD.									
1	Clerk to General Road Board and Under-Secretary	...	...	...	.....	
1	Inspector of Works	...	...	...	225	0	0			
1	Draughtsman	...	...	...	105	0	0			
										330 0 0
	Subdivision No. 23.									
	Incidental Expenses	...	...	...				50	0	0
										50 0 0
	DIVISION No. 20.									
	RAILWAYS.									
1	Manager	...	...	...	300	0	0			
3	Station Masters, 1 at £205, 1 at £160, 1 at £150	...	...	...	515	0	0			
1	Assistant Do.	...	...	...	50	0	0			
2	Guards, 1 at £134, 1 at £124	...	...	...	258	0	0			
4	Porters, at £113	...	...	...	452	0	0			
1	Working Foreman	...	...	...	188	0	0			
1	Engineman	...	...	...	170	0	0			
1	Fireman	...	...	...	140	0	0			
										2073 0 0
	Subdivision No. 24.									
	Books, Tickets, Stationery, &c.	...	...	...				150	0	0
	Extra Portage	...	...	...				100	0	0
										250 0 0
	Carry forward	...	...	...						12205 10 0

IV.—SECRETARY FOR GOLD FIELDS AND ROADS AND WORKS DEPARTMENT—*Continued.*

No.		Salaries.			Contingencies.			Totals.		
		£	s.	d.	£	s.	d.	£	s.	d.
	Brought forward							12205	10	0
	RAILWAYS— <i>Continued.</i>									
	Subdivision No. 25.									
	WORKING EXPENSES AND REPAIRS.									
3	Fitter, Smith, and Carpenter, at £167 4s.	501	12	0				501	12	0
	Tools, Oil, Small Stores, &c.				360	0	0			
	Coal				550	0	0			
	Steel Tyres for Engines				320	0	0			
	Painting Goods Waggon and Carriages				150	0	0			
	Additional Waggon Stock				1100	0	0			
								2480	0	0
								15187	2	0

Total from Provincial Secretary and Treasurer and Secretary for Lands ... £87,747 19 11
 Total from Secretary for Gold Fields and Roads and Works Department ... 15,187 2 0

Carried to Provincial Secretary and Secretary for Lands General ... £102,935 1 11

V.—PROVINCIAL SECRETARY AND TREASURER AND SECRETARY FOR LANDS GENERAL.

DIVISION No. 21.						£	s.	d.	£	s.	d.
LOANS.											
Interest on Loan, 1861-2	..	...	...	...	...	3208	0	0			
Do. 1862	...	...	...	...	...	7002	0	0			
Do. Harbour Loan	...	...	...	...	...	3528	0	0			
Do. Public Buildings Loan	...	...	...	...	...	3206	0	0			
Sinking Fund do.	...	...	...	...	...	2406	0	0			
Do. Harbor Loan	...	...	...	...	...	2646	0	0			
Do. Loan 1862	...	...	...	...	...	1167	0	0			
Do. Loan 1861-2	...	...	...	...	...	1202	5	0			
Waterworks Guaranteed Interest	...	...	...	...	...	100	0	0			
Otago Dock Trust do.	...	...	...	...	...	800	0	0			
Floating Dock do.	...	...	...	...	...	380	0	0			
Port Chalmers Railway do.	...	...	...	...	...	5700	0	0			
Interest, Exchange, Commission, &c.	...	...	...	...	...	5000	0	0			
									36345	5	0
DIVISION No. 22.											
STEAM Tug and Steam Coastal Subsidy	..	...	...	...	...	2125	0	0	2125	0	0
DIVISION No. 23.											
HOME AGENCY	...	...	...	...	...	1500	0	0	1500	0	0
DIVISION No. 24.											
PAYMENTS TO GENERAL GOVERNMENT	...	...	...	...	...	23000	0	0	23000	0	0
DIVISION No. 25.											
IMMIGRATION	...	...	...	...	...	6000	0	0	6000	0	0
	Carry forward	...	...	...	...				68970	5	0

V.—PROVINCIAL SECRETARY AND SECRETARY FOR LANDS GENERAL—Continued.

					£	s.	d.	£	s.	d.
Brought forward								68970	5	0
DIVISION No. 26.										
REFUND of License Fees to Municipalities					7000	0	0	7000	0	0
DIVISION No. 27.										
GRANTS-IN-AID.										
Supplemented Roads					10000	0	0			
Benevolent Institutions and Country Hospitals, £ for £					6000	0	0			
Municipalities, liabilities					1000	0	0			
Acclimatisation Society, £ for £					200	0	0			
								17200	0	0
DIVISION No. 28.										
MISCELLANEOUS.										
Volunteers					215	7	6			
Burial of Paupers					100	0	0			
Expenses of Returning Officers					100	0	0			
Advertising					100	0	0			
Printing and Stationery					200	0	0			
Printing <i>Gazette</i>					1000	0	0			
Fuel and Light					100	0	0			
Collecting Dog Tax					300	0	0			
Compensation for Cancellation of Leases of Runs, Purchase of Land, and } Deviation of Roads					13500	0	0			
Relief to Destitute					150	0	0			
Government Auctioneers					250	0	0			
Botanical Gardens					250	0	0			
Arbitrations and Actions					500	0	0			
Public Vaccinators' Liabilities					150	0	0			
Cleaning, Winding, and Repairing Clocks					50	0	0			
Witnesses' Expenses					75	0	0			
Premium on Guarantee Policies					30	0	0			
Compensation to Officers on their retirement from the Service					1000	0	0			
Otago University—Chair of Mineralogy					300	0	0			
Fencing Cemeteries					200	0	0			
Subsidy Orepuki Mail Service					65	0	0			
" Switzers "					26	0	0			
General Contingencies					1000	0	0			
Unforeseen "					3000	0	0			
Southland Railway Arbitration					3700	0	0			
Otago Museum					100	0	0			
Expedition to Stewart's Island					200	0	0			
Contingent Expenses—Special Settlements					300	0	0			
Water Rates					100	0	0			
Southland Old Debts					100	0	0			
Electric Telegraph Messages					450	0	0			
First Elections—Roads Ordinance 1871					250	0	0			
Refund of Assessment on Stock, 1870-1					805	0	11			
Do. do. 1871-2					912	7	7			
Balclutha Municipality					300	0	0			
Compensation to the Widow and Children of the late James Reid					200	0	0			
Portrait of the late John M'Glashan					50	0	0			
Library of Reference Otago University £ for £					500	0	0			
								30628	16	0
								123799	1	0
Total from Secretary for Gold Fields and Works					£102,935	1	11			
Total from Provincial Secretary and Secretary for Lands General					123,799	1	0			
					£226,734	2	11			

VI.—SECRETARY FOR GOLD FIELDS AND WORKS DEPARTMENT.

DIVISION No. 29.		£	s.	d.	£	s.	d.
ROADS.							
<i>Subdivision No. 26.</i>							
MAIN NORTH ROAD.							
Dunedin to Waikouaiti	...	2250	0	0			
Waikouaiti to Palmerston	...	850	0	0			
Palmerston to Oamaru	...	4000	0	0			
Oamaru to Waitaki	...	700	0	0			
					7800	0	0
<i>Subdivision No. 27.</i>							
MAIN SOUTH ROAD.							
Dunedin to East Taieri Bridge	...	4500	0	0			
East Taieri Bridge to Tokomairiro	...	1750	0	0			
Tokomairiro to Clutha	...	2000	0	0			
Clutha to Mataura Bridge	...	600	0	0			
Mataura Bridge to Invercargill	...	780	0	0			
					9630	0	0
<i>Subdivision No. 28.</i>							
CENTRAL INTERIOR.							
Saddle Hill to West Taieri Bridge	...	750	0	0			
West Taieri Bridge to Rock and Pillar	...	200	0	0			
Rock and Pillar to Dunstan	...	200	0	0			
Dunstan to Cromwell	...	340	0	0			
Cromwell to Queenstown	...	770	0	0			
					2260	0	0
<i>Subdivision No. 29.</i>							
SOUTHERN INTERIOR.							
Tokomairiro to Tuapeka	...	3000	0	0			
Tuapeka to Teviot	...	400	0	0			
Teviot to Alexandra	...	315	0	0			
					3715	0	0
<i>Subdivision No. 30.</i>							
NORTHERN INTERIOR.							
Palmerston to Eweburn	...	3230	0	0			
Eweburn to Dunstan	...	550	0	0			
Oamaru to Lindis	...	1340	0	0			
Lindis to Wanaka	...	100	0	0			
Cromwell to Wanaka	...	200	0	0			
					5420	0	0
DIVISION No. 30.							
SOUTHLAND ROADS.							
Invercargill to Winton	...	250	0	0			
Winton to Kingston	...	390	0	0			
Invercargill to Campbelltown	...	230	0	0			
Wallacetown to Riverton	...	150	0	0			
Riverton to Otautau	...	180	0	0			
Otautau to Wairaki Downs	...	50	0	0			
Do. to Waiiau Plains	...	60	0	0			
Mataura Bridge to Switzers	...	300	0	0			
Main Road through Invercargill	...	100	0	0			
Do. Riverton	...	25	0	0			
Invercargill to Riverton	...	200	0	0			
Do. Menzies' Ferry	...	320	0	0			
Otautau to Elbow	...	250	0	0			
					2505	0	0
DIVISION No. 31.							
Main Road through Dunedin	...						
Do. Port Chalmers	...	200	0	0			
					20	0	0
DIVISION No. 32.							
MAIN BRANCH ROADS.							
Northern Trunk to Port Chalmers	...	140	0	0			
Do. Moeraki	...	210	0	0			
Do. Oamaru Port	...	40	0	0			
Dunedin to North Taieri	...	520	0	0			
Do. Portobello	...	800	0	0			
Naseby to Eden Creek	...	220	0	0			
Lees Stream to Waipori	...	130	0	0			
Southern Trunk to Port Molyneux	...	470	0	0			
Do. Hogg's Bridge	...	40	0	0			
Carry forward	...	2570	0	0	31550	0	0

VI.—SECRETARY FOR GOLD FIELDS AND WORKS DEPARTMENT—Continued.

	£	s.	d.	£	s.	d.
Brought forward	2570	0	0	31550	0	0
MAIN BRANCH ROADS—Continued.						
Tuapeka to Switzers	50	0	0			
Southern Trunk to Kaitangata	400	0	0			
Roads and Bridges, Lower Mataura District	75	0	0			
Clinton to Waipahi	100	0	0			
Waipahi to Tapanui	50	0	0			
Tapanui to Moa Flat	50	0	0			
Waipahi to Pyramids	40	0	0			
Glenomaru to Catlin's River	460	0	0			
Dunedin to Blueskin, via Water of Leith	550	0	0			
				4345	0	0
DIVISION No. 33.						
MISCELLANEOUS ROADS.						
Port Chalmers to Blueskin	250	0	0			
Peninsula Beach Road	200	0	0			
Pinehill Road	134	0	0			
Waihemo to Macraes	50	0	0			
Macraes to Hyde	50	0	0			
Hyde to Kyeburn	50	0	0			
Roundhill to Waitahuna Township	40	0	0			
Lawrence to Wetherstones	30	0	0			
Beck's to Dunstan Creek	60	0	0			
Dunstan to Nevis	50	0	0			
Cromwell to Nevis	50	0	0			
Do. to Cardrona	250	0	0			
Do. to Bendigo Gully	120	0	0			
Albertown to Cardrona	50	0	0			
Arrow to Hayes Lake and Morven Ferry	200	0	0			
Queenstown to Arrow, via Arthur's Point	150	0	0			
Arrow to Twelve-mile Creek	100	0	0			
Queenstown to Moke Creek	60	0	0			
Do. to Maori Point and Skippers	150	0	0			
Do. to Head of Lake Wakatipu	65	0	0			
Arrow to Cardrona	50	0	0			
Roads and Bridges on Gold Fields	1500	0	0			
Lake Wakatipu to Lake M'Kerrow	100	0	0			
Lawrence to Blue Spur	30	0	0			
Roxburgh to Campbell's and Pomahaka	50	0	0			
Arrowton Roads	100	0	0			
Approaches to Puerua Bridge	180	0	0			
Waipori to Wetherstones	61	0	0			
Lake Road to Nokomai	50	0	0			
Track over Devil's Staircase	150	0	0			
Main Street, Tapanui	50	0	0			
Main South Road to Kuri Bush	300	0	0			
Macetown to Shotover Branches	30	0	0			
Hyde to Hamilton	100	0	0			
Strath Taieri Road	50	0	0			
Road to Maruwhenua Diggings	100	0	0			
Mavora Lake to Hollyford River	100	0	0			
Maori Point to Millar's Flat	100	0	0			
Skipper's to Branches	200	0	0			
Macetown to Big Hill	300	0	0			
Southern Trunk to Hogg's Bridge	300	0	0			
Hyde to Hamiltons	100	0	0			
Track to Martin's Bay	300	0	0			
				6410	0	0
Carry forward				42305	0	0

VI-- SECRETARY FOR GOLD FIELDS AND WORKS DEPARTMENT—Continued.

				£	s.	d.	£	s.	d.
Brought forward							42305	0	0
DIVISION No. 34.									
WORKS AND BUILDINGS.									
Repairs to Buildings	...	...	...	1000	0	0			
Tools and Materials for Prison Labor	...	...	..	1000	0	0			
Works not provided for	...	...	...	500	0	0			
School Buildings	...	...	...	3200	0	0			
Lunatic Asylum	...	...	...	500	0	0			
District Gaols and Police Stations	...	...	...	250	0	0			
Court House, Cromwell	...	...	...	600	0	0			
Quartz Crushing Machine	...	...	...	220	0	0			
Working Expenses, &c.	...	...	...	300	0	0			
Dunedin Hospital—Kerbing, &c.	...	...	..	100	0	0			
Embanking Waikouaiti River	...	...	...	150	0	0			
Removing Rocks Shag Harbor	...	...	...	50	0	0			
Landing Stage Port Chalmers	...	...	...	50	0	0			
Punt, Clutha River, Kaitangata	..	..	..	150	0	0			
Lighthouse, Waikouaiti South Head	...	...	...	100	0	0			
Embankment, Waikouaiti Lagoon	...	...	...	30	0	0			
Moorings, Shag Point Harbor	...	...	...	150	0	0			
							8350	0	0
DIVISION No. 35.									
RAILWAYS.									
Completion of Works and Maintenance	...	...	...				3000	0	0
DIVISION No. 36.									
BRIDGES.									
Balclutha	...	...	...	60	0	0			
Cromwell	...	...	...	50	0	0			
Kakaho	...	...	...	480	0	0			
Mataura	...	...	...	40	0	0			
Pleasant River	...	...	...	40	0	0			
Pomahaka—Tuapeka to Switzers	...	...	...	400	0	0			
Shotover Bridge—Cromwell to Queenstown...	...	...	...	70	0	0			
" Arthur's Point	...	...	...	50	0	0			
Taieri (East)	...	...	..	50	0	0			
" (West)	...	...	...	130	0	0			
Tokomairiro—North Branch..	...	...	...	320	0	0			
Waikouaiti	...	...	...	550	0	0			
Winding Creek	...	...	...	350	0	0			
Woolshed	...	...	...	100	0	0			
Mokotua	...	...	...	200	0	0			
Makerewa	...	...	...	1500	0	0			
Paiwata	...	...	...	500	0	0			
Waihopai	...	...	...	600	0	0			
Lindsay's Creek	...	...	..	800	0	0			
Pleasant River	...	...	...	600	0	0			
Nutukaka	...	...	...	1200	0	0			
Pomahaka	...	...	...	800	0	0			
Island Stream	...	...	...	600	0	0			
Mill Race, Kakanui	...	...	...	150	0	0			
Waiareka Creek	...	...	...	400	0	0			
Boundary Creek	...	...	...	500	0	0			
Kakanui	...	...	...	500	0	0			
							11040	0	0
DIVISION No. 37.									
JETTIES AND HARBOURS.									
Moeraki Jetty	...	...	...	50	0	0			
Oamaru Harbour Works	...	...	...	6000	0	0			
Dredging Harbour	...	...	...	3000	0	0			
Waikouaiti Jetty and Improvements	..	..	...	400	0	0			
							9450	0	0
							74145	0	0

Total from Provincial Secretary and Treasurer and Secretary for Lands General £226,734 2 11
 Total Roads and Works 74,145 0 0

Carried forward £300,879 2 11

VI.—SECRETARY FOR GOLD FIELDS AND WORKS DEPARTMENT—Continued.

ROADS AND BRIDGES				£	s.	d.	£	s.	d.
(For which Payments are to be made in Land).									
Puerua Road	...	...	...	300	0	0			
Cromwell Bridge to Quartz Reef Point, Bridle Track	...	...	...	700	0	0			
Mararoa and Te Anau Road	...	...	...	500	0	0			
Round the Bluff on "Thornhill's" boundary	...	...	...	150	0	0			
Queenstown to Arthur's Point	...	...	...	640	0	0			
Arthur's Point to Arrow	...	...	...	700	0	0			
Construction of Causeways from Serpentine to Kyeburn Hotel	...	...	...	60	0	0			
Naseby to Coalpit at Kyeburn	...	...	...	250	0	0			
Camp Reserve, Waitahuna, to Duff's Store	...	...	...	260	0	0			
Queenstown to Martin's Bay	...	...	...	1500	0	0			
Marewhenua to Mount Ida Diggings through the Marewhenua Pass	...	...	...	245	0	0			
Bridge across the Shotover, near Arthur's Point	...	...	...	2500	0	0			
Oamaru Town to Awamoka Creek	..	...	...	700	0	0			
Dougherty's House to Fitzgerald's Store	...	...	...	250	0	0			
Bluff Wharf	...	...	...	5000	0	0			
Orepuki Tramway (from land through which the Tramway is to run)	...	...	...	5000	0	0			
Mataura Bridge, Menzies' Ferry	...	...	...	3000	0	0			
Do. Switzer's Road	...	...	...	2000	0	0			
Tramway to Otautau	...	...	...	5000	0	0			
Road—Winton to Benmore	...	...	...	500	0	0			
Roads and Bridges, Akatore District	...	...	...	300	0	0			
Deep Stream Bridge	...	...	...	500	0	0			
Road from Coast District to Tokomairiro	...	..	...	500	0	0			
Hyde to Kyeburn	...	...	...	250	0	0			
Hyde to Taieri River	...	...	...	150	0	0			
Shag Valley to Macraes	...	...	...	500	0	0			
Oamaru to Lindis	...	...	...	1000	0	0			
Waipori to Main South Road	...	...	...	200	0	0			
							32655	0	0
							£32655	0	0
Amount brought forward	...	...	...	£300,879	2	11			
„ from Payments to be made in Land	...	...	...	32,655	0	0			
				£333,534	2	11			

Superintendent authorised to transfer one item to another of the same division.

3. The Superintendent with the advice and consent of his Executive Council is hereby authorised to transfer any sum or sums of money from one item of any subdivision to another item in the same subdivision and to transfer from the vote "Unforeseen Contingencies" any sum or sums of money to any vote or votes requiring to be supplemented by reason of unforeseen emergency or to any new headings in cases of apparent omission or unforeseen expenditure necessary to be incurred provided that a statement of all such transfers together with a statement of the expenditure under the head of unforeseen contingencies be laid by the Provincial Auditor before the Provincial Council at its next Session.

Provision for continuing payments to 31st May 1873.

4. If in the opinion of the Superintendent the interests of the Public Service of the said Province will be promoted by not convening a Session of the Provincial Council until after the thirty-first day of March one thousand eight hundred and seventy-three there may be issued and applied out of the revenues of the said Province subject to appropriation by the Provincial Council any sum or sums of money for the purposes of defraying the charges of the Government of the said Province during a period of not exceeding two months from the said thirty-first day of March one thousand eight hundred and seventy-three not exceeding in the whole such sum or sums respectively as shall be in proportion for such period of two months to the sum or sums appropriated for the like payments during the twelve months ending on the thirty-first day of March aforesaid.

5. The Provincial Treasurer or other person having the custody or control of the Public Funds of the Province shall issue and pay from time to time any sum or sums of money for the purposes herein mentioned not exceeding in the whole the sums respectively hereinbefore specified to such persons and in such proportions as the Superintendent for the time being shall by warrants under his hand directed to the Provincial Treasurer or such other person as aforesaid and certified by the Auditor or Deputy-Auditor in terms of the "Provincial Audit Act 1866" or any other Act for the time being in force regulating the audit of Public Accounts in the Province of Otago from time to time direct and such Treasurer or other person having the custody or control of the Public Funds of the Province shall in his accounts be allowed credit for all sums paid by him in pursuance of such warrants and the receipts of the persons 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.

Treasurer &c. to pay moneys under warrant of the Superintendent and to be allowed credit for all moneys so paid.

DUNEDIN, NEW ZEALAND

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LICENSING ORDINANCES AMENDMENT ORDINANCE 1872.

IN THE THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXX. No. 373.

ANALYSIS:

Title.
Preamble.
1. Short Title.

2. Notice to be given a month before first Tuesday in December.
3. Owners and occupiers may object.

AN ORDINANCE to amend the "*Licensing Ordinances Amendment Ordinance* Title.
1870." [31ST MAY, 1872.]

WHEREAS it is expedient to amend the "*Licensing Ordinances Amend- Preamble.*
ment Ordinance 1870" in certain particulars:

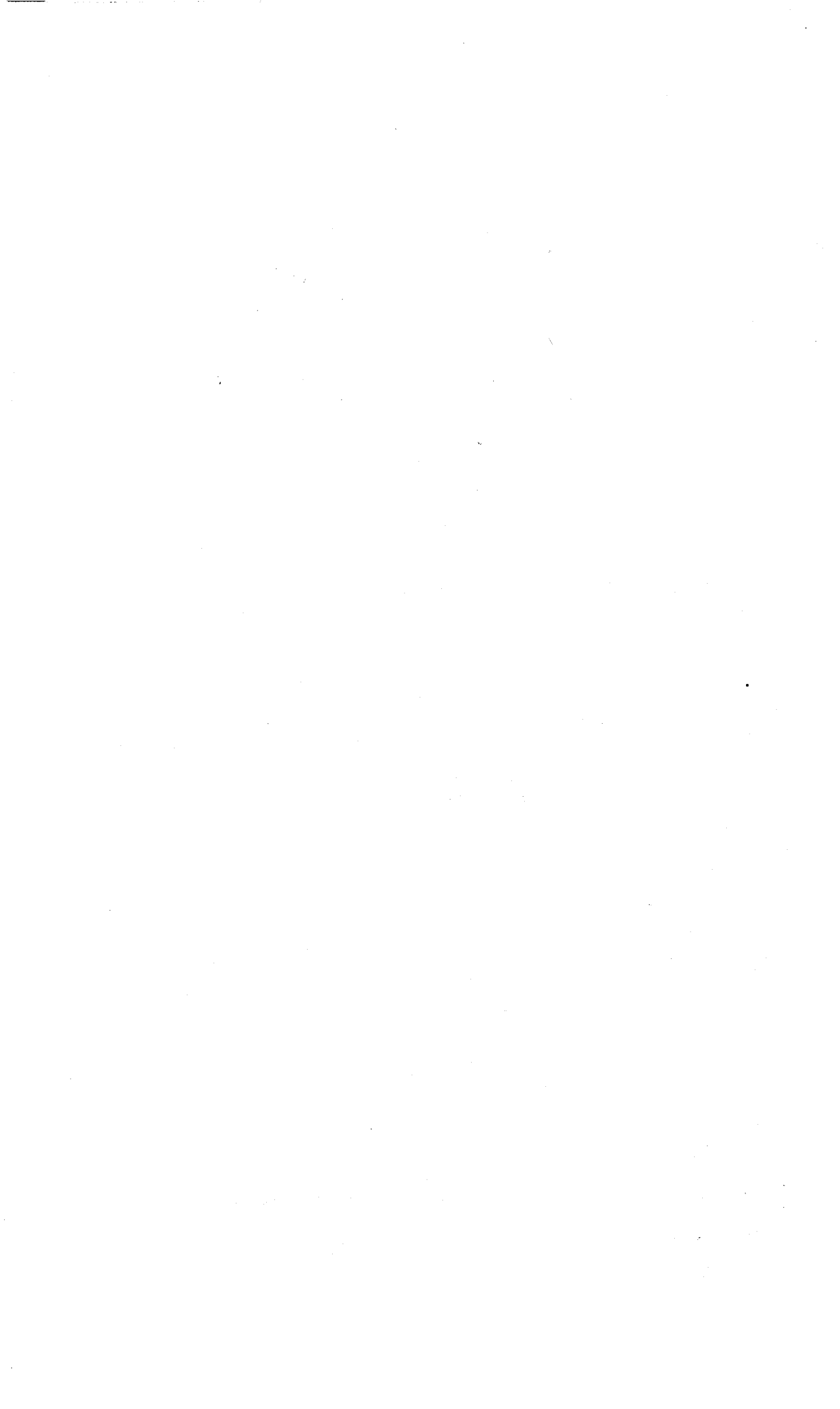
BE IT THEREFORE ENACTED by the Superintendent of the Province of
Otago with the advice and consent of the Provincial Council thereof as
follows:—

1. This Ordinance shall be termed and may be cited and referred to as Short Title.
the "*Licensing Ordinances Amendment Ordinance 1872.*"

2. Instead of the notice of an objection under the second section of Notice to be given a
the "*Licensing Ordinances Amendment Ordinance 1870*" being given at month before first
least one calendar month before the thirty-first day of December in any year Tuesday in Decem-
any such notice shall hereafter be given at least one calendar month before ber.
the first Tuesday in the month of December in any year anything in the said
recited Ordinance to the contrary notwithstanding.

3. In addition to the persons specified in the "*Licensing Ordinances Owners and occupiers*
Amendment Ordinance 1870" as entitled to object to the renewal of a may object.
license any owner or occupier of property in the neighbourhood of a licensed
house or premises may also object to the renewal of the license by giving
notice to the Provincial Treasurer and to the applicant before the first
Tuesday of December in any year in like manner as before provided.

DUNEDIN, NEW ZEALAND:





OTAGO MUNICIPAL CORPORATIONS ORDINANCE AMENDMENT ORDINANCE 1872.

IN THE THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXX. No. 374.

ANALYSIS:

Title.
Preamble.
1. Short Title.

2. Section 78 of recited Ordinance repealed.
3. Assessment to be made on yearly rent.
4. Ordinance to form part of recited Ordinance.

AN ORDINANCE to Amend the "*Otago Municipal Corporations Ordinance* Title. 1865."

[RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON, 31ST MAY 1872.]

WHEREAS it is expedient to repeal section numbered seventy-eight Preamble. of the "*Otago Municipal Corporations Ordinance 1865*" and to make other provision in lieu thereof:

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. This Ordinance may be cited and referred to as the "*Otago Municipal Corporations Ordinance Amendment Ordinance 1872.*" Short Title.

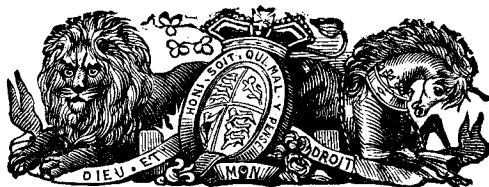
2. The seventy-eighth section of the said "*Otago Municipal Corporations Ordinance 1865*" shall be and the same is hereby repealed. Section 78 of recited Ordinance repealed.

3. For raising such portion (if any) of the proposed expenditure as the estimated probable income of the Corporation may be insufficient to meet the Council may order assessments of all buildings lands tenements hereditaments within the City of Dunedin or any other town incorporated under the "*Otago Municipal Corporations Ordinance 1865*" to be made according to the full fair and estimated annual rent at which the same might reasonably be expected to let from year to year free of all usual tenants' rates and taxes and deducting therefrom the probable average annual cost of the repairs insurance and other expenses (if any) necessary to maintain such property in a state to command such rent. Assessment to be made on yearly rent.

4. This Ordinance shall be read and construed as part of and incorporated with the said recited Ordinance. Ordinance to form part of recited Ordinance.

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OTAGO LOCAL REVENUES ORDINANCE 1872.

IN THE THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXX. No. 375.

ANALYSIS :

<p>Title. Preamble. 1. Short Title. 2. License and Registration fees payable to collector of boroughs and counties.</p>	<p>3. Collectors to sign and issue licenses. 4. Corporations to maintain main roads. 5. Interpretation clause. 6. Words "Provincial Treasurer" to include collectors. Schedule.</p>
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AN ORDINANCE for granting to the Municipal and Counties Corporations within the Province of Otago Provincial License and Registration Fees as part of their Ordinary Revenue.

[RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON, 31ST MAY, 1872.]

WHEREAS it is expedient that the moneys received for licenses and registration fees under the provisions of the several Ordinances specified in the annexed Schedule should form part of the ordinary revenue of the body corporate of the several boroughs and counties in which the persons paying the same reside or carry on business :

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. This Ordinance may be cited and referred to as the "Otago Local Revenues Ordinance 1872."

2. From and after the date of the coming into operation of this Ordinance the fees and dues payable for licenses or registration under the provisions of the several Ordinances specified in the annexed Schedule by any person or persons residing or carrying on business within the limits of any municipality or county by law established and incorporated within the Province of Otago shall be payable to the collector of the Corporation in which such person or persons reside or carry on business and the same shall form part of the ordinary revenue of such corporation.

3. The collector of every corporation within the said Province is hereby empowered to sign and issue on payment of the stated fees all such licenses and certificates of registration under the provisions of the several Ordinances specified in the annexed schedule to persons residing or carrying on business within the boundaries of the corporation of which he is the

collector instead of the Provincial Treasurer and the fees for such licenses and registration certificates shall form part of the ordinary revenue of such corporation and shall no longer form part of the ordinary revenue of the Province of Otago: Provided always that the dues and fees payable from all such licenses and registration certificates by persons not residing within the limits of any Corporation shall be payable to the Provincial Treasurer and form part of the ordinary revenue of the said Province as heretofore.

Corporations to maintain main roads.

4. From and after the passing of this Ordinance after the formation of any main road within the boundaries of any incorporated borough or county has been completed the management and maintenance thereof shall be undertaken by such Corporation and the costs and expenses connected therewith shall be a charge against the ordinary revenue of the Corporation.

Interpretation clause.

5. The word "Corporation" in this Ordinance shall be taken to mean and include every municipality or borough and county within the Province of Otago established under the "Otago Municipal Corporations Ordinance 1865" or the "Counties Ordinance 1872" or any other Ordinance of the Provincial Council of Otago or any Act of the General Assembly of New Zealand.

Words "Provincial Treasurer" to include collectors.

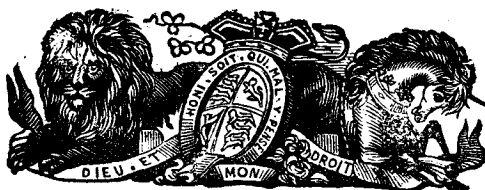
6. The words "Provincial Treasurer" in any of the Ordinances specified in the annexed schedule shall be held to mean and include the collector of any Corporation within which any license or registration certificate required under the provisions contained in the said Ordinances or any of them shall be signed and issued.

SCHEDULE.

Title of Ordinance.	Date and Number.	Year.
Licensed Auctioneers' Ordinance 1862	26° Vict., No. 99	1862
Licensing Ordinance 1865	29° Vict., No. 207	1865
Dog Nuisance Ordinance 1862	26° Vict., No. 85	1862
Licensed Carriages Ordinances 1862	26° Vict., No. 102	1862
The Licensed Hawkers' Ordinance 1864	28° Vict., No. 170	1864
Goat Nuisance Ordinance 1868	31° Vict., No. 273	1868
Licensed Theatres Ordinance 1862	26° Vict., No. 108	1862
Licensed Theatres Ordinance 1870	33° Vict., No. 310	1870

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HOSPITALS ORDINANCES (SOUTHLAND) REPEAL ORDINANCE 1872.

IN THE THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXX. No. 376.

ANALYSIS :

- | | |
|--|---|
| <p>Title.
Preamble.
1. Short Title.
2. Ordinances of late Province of Southland repealed.
3. Ordinances of Province of Otago extended.</p> | <p>4. Vacancy in committee may be filled up.
5. Contributors of one pound annually or ten pounds in one sum entitled to vote at election of committee &c. Schedules first and second.</p> |
|--|---|

AN ORDINANCE to repeal the Hospitals Ordinances of the late Province of Southland and to extend the provisions of the Hospitals Ordinances of the Province of Otago to that part of the Province of Otago which before the coming into operation of the "Otago and Southland Union Act 1870" was included in the Province of Southland and to make further provision for the filling of vacancies in committees appointed thereunder.

[31ST MAY 1872.]

WHEREAS it is expedient to repeal the Ordinances of the Superintendent and Provincial Council of the late Province of Southland specified in the first Schedule hereto and to extend to that part of the Province of Otago which before the coming into operation of the "Otago and Southland Union Act 1870" was included in the Province of Southland the provisions of the Ordinances of the Province of Otago specified in the second Schedule hereto : And whereas it is also expedient to make further provision for the filling up of any vacancy which may occur in a committee during the year before any annual meeting and otherwise amend the "Hospitals Ordinance 1870 :

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. The short title of this Ordinance shall be the "Hospitals Ordinances (Southland) Repeal Ordinance 1872."
2. The several Ordinances of the Superintendent and Provincial Council of the late Province of Southland specified in the first Schedule hereto shall be and the same are hereby repealed.
3. The several Ordinances of the Superintendent and Provincial Council of the Province of Otago specified in the second Schedule hereto shall be and the same are hereby extended to that part of the Province of Otago which before the coming into operation of the "Otago and Southland Union Act

1870" was included in the Province of Southland and from and after the passing of this Ordinance the said Ordinances respectively shall be in force and operation throughout the whole of the Province of Otago as constituted by the said Act.

Vacancy in committee may be filled up.

4. In the event of there being a vacancy in the committee of any Hospital during the year current after an election of such committee and before the date of the next annual meeting of the contributors and there being no rule in force regulating the filling up of such a vacancy any such vacancy may be filled up by the remaining members of committee and the person so appointed shall hold office until the next annual general meeting.

Contributors of one pound annually or ten pounds in one sum entitled to vote at election of Committee &c.

5. Notwithstanding anything in the "Hospitals Ordinance 1870" to the contrary any contributor who shall have paid his annual contribution of one pound at the least or an amount of ten pounds in one sum to the funds of any Hospital on any day previous to the date at which the meeting shall be held for the election of the committee or other officers of such Hospital shall be entitled to vote at such meeting and the second section of the said Ordinance in as far as contrary hereto shall be and the same is hereby repealed.

THE FIRST SCHEDULE HEREINBEFORE REFERRED TO.

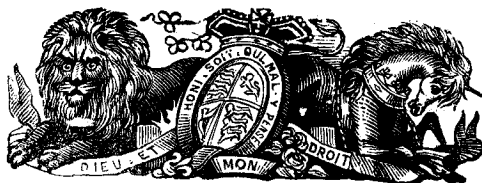
Short Title of Ordinance.	Session and Number.	Date.
Hospitals Ordinance 1863 	27° Vict. No. 41.	1863
Hospitals Ordinance 1863 Amendment Ordinance 1868 ...	32° Vict. No. 99.	1868

THE SECOND SCHEDULE HEREINBEFORE REFERRED TO.

Short Title of Ordinance.	Session and Number.	Date.
Hospitals Ordinance 1862 	26° Vict. No. 95.	1862
Hospitals Ordinance 1870 	33° Vict. No. 313.	1870

DUNEDIN, NEW ZEALAND:

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POLICE ORDINANCE (SOUTHLAND) REPEAL ORDINANCE 1872.

IN THE THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXX. No. 377.

ANALYSIS :

Title.
Preamble.
1. Short Title.

2. Ordinance of late Province of Southland repealed.
3. Ordinances of Province of Otago extended.
Schedules first and second.

AN ORDINANCE to repeal the Police Ordinance of the late Province of Southland and to extend the provisions of the Police Ordinances of the Province of Otago to that part of the Province of Otago which before the coming into operation of "The Otago and Southland Union Act 1870" was included in the Province of Southland. [31ST MAY 1872.]

WHEREAS it is expedient to repeal the Ordinance of the Superintendent and Provincial Council of the late Province of Southland specified in the first Schedule hereto and to extend to that part of the Province of Otago which before the coming into operation of "The Otago and Southland Union Act 1870" was included in the Province of Southland the provisions of the Ordinances of the Province of Otago specified in the second Schedule hereto :

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. The short title of this Ordinance shall be the "Police Ordinance (Southland) Repeal Ordinance 1872."

2. The Ordinance of the Superintendent and Provincial Council of the late Province of Southland specified in the first schedule hereto shall be and the same is hereby repealed.

3. The several Ordinances of the Superintendent and Provincial Council of the Province of Otago specified in the second schedule hereto shall be and the same are hereby extended to that part of the Province of Otago which before the coming into operation of "The Otago and Southland Union Act 1870" was included in the Province of Southland and from and after the passing of this Ordinance the said Ordinances respectively shall be in force and operation throughout the whole of the Province of Otago as constituted by the said Act.

Police Ordinance (Southland) Repeal 1872.

THE FIRST SCHEDULE HEREINBEFORE REFERRED TO.

Short Title of Ordinance.	Session and Number.	Date.
Police Ordinance 1862 	25 ^o Vict., No. 6	1862

THE SECOND SCHEDULE HEREINBEFORE REFERRED TO.

Short Title of Ordinance.	Session and Number.	Date.
Police Regulation Ordinance 1862 	26 ^o Vict. No. 100	1862
Town and Country Police Ordinance 1862 	26 ^o Vict. No. 103	1862
Town and Country Police Ordinance Extension and Amendment Ordinance 1863 	27 ^o Vict. No. 129	1863
Police Regulation Ordinance 1862 Amendment Ordinance 1864	27 ^o Vict. No. 141	1864
Town and Country Police Ordinance Extension Ordinance 1865	29 ^o Vict. No. 214	1866

DUNEDIN, NEW ZEALAND:

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LICENSED CARRIAGES ORDINANCE 1872.

IN THE THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXX. No. 378.

ANALYSIS:

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| <p>Title.
Preamble.
1. Short Title.</p> | <p>} 2. Ordinance of Province of Otago extended.
Schedule.</p> |
|---|--|

AN ORDINANCE *to extend the provisions of the Ordinance of the Province of Otago relating to the regulating Common or Public Carriages to that part of the Province of Otago which before the coming into operation of "The Otago and Southland Union Act 1870" was included in the Province of Southland.* Title.
[31st MAY 1872.]

WHEREAS it is expedient to extend to that part of the Province of Otago which before the coming into operation of "The Otago and Southland Union Act 1870" was included in the Province of Southland the provisions of the Ordinance of the Province of Otago specified in the Schedule hereto: 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:—

1. The short title of this Ordinance shall be the "Licensed Carriages Ordinance 1872." Short Title.

2. The Ordinance of the Superintendent and Provincial Council of the Province of Otago specified in the Schedule hereto shall be and the same is hereby extended to that part of the Province of Otago which before the coming into operation of "The Otago and Southland Union Act 1870" was included in the Province of Southland and from and after the passing of this Ordinance the said Ordinance shall be in force and operation throughout the whole of the Province of Otago as constituted by the said Act. Ordinance of Province of Otago extended.

THE SCHEDULE HEREINBEFORE REFERRED TO.

Short Title of Ordinance.	Session and Number.	Date.
Licensed Carriages Ordinance 1862 	26 ^o Vict. No. 102.	1862

DUNEDIN, NEW ZEALAND

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CEMETERIES ORDINANCE (SOUTHLAND) REPEAL ORDINANCE 1872.

IN THE THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXX. No. 379.

ANALYSIS :

- | | |
|--|---|
| <p>Title.
Preamble.
1. Short Title.
2. Ordinance of late Province of Southland repealed.</p> | <p>3. Ordinance of Province of Otago extended.
4. Ordinance to apply to lands managed under the " Cemeteries Ordinance 1868." Schedules first and second.</p> |
|--|---|

AN ORDINANCE to repeal the Cemeteries Ordinance of the late Province of ^{Title.} Southland and to extend the provisions of the Cemeteries Ordinance of the Province of Otago to that part of the Province of Otago which before the coming into operation of "The Otago and Southland Union Act 1870" was included in the Province of Southland. [31ST MAY, 1872.]

WHEREAS it is expedient to repeal the Ordinance of the Superintendent ^{Preamble.} and Provincial Council of the late Province of Southland specified in the first Schedule hereto and to extend to that part of the Province of Otago which before the coming into operation of "The Otago and Southland Union Act 1870" was included in the Province of Southland the provisions of the Ordinance of the Province of Otago specified in the second Schedule hereto :

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. The short title of this Ordinance shall be the " Cemeteries Ordinance ^{Short Title.} (Southland) Repeal Ordinance 1872."

2. The Ordinance of the Superintendent and Provincial Council of the ^{Ordinance of late Province of Southland repealed.} late Province of Southland specified in the first Schedule hereto shall be and the same is hereby repealed.

3. The Ordinance of the Superintendent and Provincial Council of the ^{Ordinance of Province of Otago extended} Province of Otago specified in the second Schedule hereto shall be and the same is hereby extended to that part of the Province of Otago which before the coming into operation of "The Otago and Southland Union Act 1870" was included in the Province of Southland and from and after the passing of this Ordinance the said Ordinance shall be in force and operation throughout the whole of the Province of Otago as constituted by the said Act.

Ordinance to apply to lands managed under the "Cemeteries Ordinance 1863" (Southland).

4. The provisions of the said Ordinance specified in the second Schedule hereto shall be extended and apply to all lands in that part of the Province of Otago which before the coming into operation of "The Otago and Southland Union Act 1870" was included in the Province of Southland which since the passing of the "Cemeteries Ordinance 1863" (Southland) have been set aside and appropriated to be used as public cemeteries for the interment of the dead and have been managed under the provisions of the "Cemeteries Ordinance 1863" (Southland).

THE FIRST SCHEDULE HEREINBEFORE REFERRED TO.

Short Title of Ordinance.	Session and Number.	Date.
Cemeteries Ordinance 1863 	27 ^o Vict. No. 49.	1863

THE SECOND SCHEDULE HEREINBEFORE REFERRED TO.

Short Title of Ordinance.	Session and Number.	Date.
Cemeteries Management Ordinance 1870 	33 ^o Vict. No. 312.	1870

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LAWRENCE RESERVES MANAGEMENT ORDINANCE 1872.

IN THE THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXX. No. 380.

ANALYSIS:

- | | |
|---|---|
| <p>Title.
Preamble.
1. Short Title.
2. Lands described in Schedule to be vested in the Corporation of the Town of Lawrence.</p> | <p>3. Corporation to manage lands described in Schedule under certain provisions.
4. Application of moneys. Schedule.</p> |
|---|---|

AN ORDINANCE *to transfer to and vest in the Corporation of the Town of Lawrence certain Lands now vested in the Superintendent of the Province of Otago in trust for purposes of public utility for the Town of Lawrence and its Inhabitants.* Title.

[RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON, 31ST MAY, 1872.]

WHEREAS the lands described in the Schedule to this Ordinance annexed are vested in the Superintendent of the Province of Otago and his successors subject to the provisions of certain Acts passed by the General Assembly of New Zealand intituled the "Public Reserves Act 1854" and "The Public Reserves Act Amendment Act 1862": And whereas by proclamation in the Government *Gazette* of the Province of Otago made under the provisions of an Ordinance passed by the Superintendent and Provincial Council of the said Province intituled the "Otago Municipal Corporations Ordinance 1865" the provisions of the said Ordinance were extended to the Town of Lawrence and the citizens of Lawrence were created a Corporate Body under the style of the "Corporation of the Town of Lawrence": And whereas by "The Public Reserves Act Amendment Act 1862" aforesaid it is provided that it shall be lawful for the Superintendent and Provincial Council of any Province by any Act or Ordinance to be from time to time duly passed in that behalf to direct and declare that any land vested or which might thereafter be vested in the Superintendent of any Province under the provisions of the said "Public Reserves Act 1854" upon trust for any public purposes should be transferred to vested in and held by any Corporation Commission or other person or persons having corporate succession to be named in such Act or Ordinance in trust for the like or for any other public purpose to be specified and declared in such Act or Ordinance in such manner and with such powers of lease management and disposition over the same and over all rents issues profits and proceeds thereof and other powers provisions and conditions as should in such Act or Ordinance be expressed or declared: And whereas it is expedient that the lands described in the said Schedule hereto should be transferred to and vested in the "Corporation of the Town of Lawrence" upon the Trusts and with and subject to the powers provisions and conditions hereinafter declared: 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:—

Short Title.

1. This Ordinance shall be intituled and may be cited and referred to as the "Lawrence Reserves Management Ordinance 1872."

Lands described in Schedule to be vested in the Corporation of the Town of Lawrence.

2. The lands described in the Schedule hereto shall be and the same are hereby transferred to and vested in the "Corporation of the Town of Lawrence" and its successors as a Corporate Body to be held by the said Corporation and its successors in trust for purposes of public utility for the Town of Lawrence and its inhabitants.

Corporation to manage lands described in Schedule under certain provisions.

3. It shall be lawful for the "Corporation of the Town of Lawrence" to manage the said lands in such manner in every respect as to the said Corporation shall seem fit and with the sanction and consent of the Superintendent to lease the same lands and every or any part thereof at such rents issues and profits as the said Corporation may deem expedient so that such leases be for any term not exceeding twenty-one years to take effect from the time of the execution thereof.

Application of moneys.

4. All moneys received by the "Corporation of the Town of Lawrence" for the rents issues and profits of the said lands shall be managed by the said Corporation and shall be applied and disposed of in manner provided by the ninety-fourth section of the "Otago Municipal Corporations Ordinance 1865."

SCHEDULE.

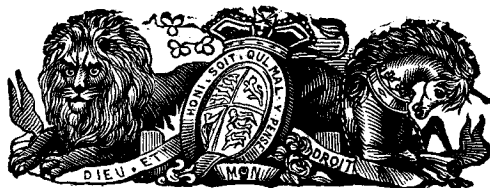
MUNICIPAL RESERVES.

1. All the several allotments or parcels of lands each containing one quarter of an acre (more or less) situate in the Town of Lawrence delineated on the Record Map of the said town and described in Crown Grants dated respectively the twenty-seventh day of January one thousand eight hundred and seventy-one and hereinafter specified viz.: section numbered ten (10) block one (I) section numbered nine (9) block two (II) section numbered twelve (12) block three (III) section numbered twelve (12) block five (V) section numbered two (2) block VI section numbered twelve (12) block seven (VII) sections numbered two (2) and twelve (12) block eight (VIII) section numbered fourteen (14) block nine (IX) sections numbered seven (7) and fifteen (15) block ten (X) sections numbered four (4) and fourteen (14) block eleven (XI) sections numbered four (4) and fourteen (14) block twelve (XII) sections numbered four (4) and fourteen (14) block thirteen (XIII) section numbered four (4) block twenty (XX) section numbered eighteen (18) block twenty-two (XXII) section numbered eight (8) block twenty-three (XXIII) sections numbered two (2) and twelve (12) block twenty-four (XXIV) sections numbered eight (8) and seventeen (17) block twenty-five (XXV) section numbered seven (7) block twenty-six (XXVI) sections numbered six (6) and sixteen (16) block twenty-seven (XXVII) sections numbered six (6) and sixteen (16) block twenty-eight (XXVIII) sections numbered six (6) and sixteen (16) block thirty (XXX) section numbered twelve (12) block thirty-one (XXXI) section numbered eleven (11) block thirty-four (XXXIV) sections numbered three (3) and thirteen (13) block thirty-six (XXXVI) sections numbered six (6) and sixteen (16) block thirty-seven (XXXVII) sections numbered three (3) and thirteen (13) block thirty-eight (XXXVIII).

2. All the allotment or parcel of land containing ten acres three roods two poles more or less situate in the Town of Lawrence delineated on the Record Map thereof and marked as block forty-six (XLVI) and described in the Crown Grant dated the twentieth day of September one thousand eight hundred and seventy-one.

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BALCLUTHA RESERVES MANAGEMENT ORDINANCE 1872.

IN THE THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXX. No. 381.

ANALYSIS :

- | | |
|---|---|
| <p>Title.
Preamble.
1. Short Title.
2. Lands described in Schedule to be vested in the Corporation of the incorporated Town of Balclutha.</p> | <p>3. Corporation to manage lands described in Schedule under certain provisions.
4. Moneys to be applied as provided by the 94th Section of the Otago Municipal Corporations Ordinance 1865. Schedule.</p> |
|---|---|

AN ORDINANCE to transfer to and vest in the Corporation of the Town of Balclutha certain lands now vested in the Superintendent of the Province of Otago in trust for purposes of public utility for the Town of Balclutha and its inhabitants.

[RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON, 31ST MAY, 1872.]

WHEREAS the lands and hereditaments described in the Schedule hereto are vested in the Superintendent of the Province of Otago and his successors subject to the provisions of certain Acts passed by the General Assembly of New Zealand intituled the "Public Reserves Act 1854" and the "Public Reserves Act Amendment Act 1862": And whereas by a proclamation in the *Government Gazette* of the Province of Otago made under the provisions of an Ordinance passed by the Superintendent and Provincial Council of the said Province intituled the "Otago Municipal Corporations Ordinance 1865" the provisions of the said Ordinance were extended to the Town of Balclutha and the citizens of the said town were incorporated under the style of the "Corporation of the Town of Balclutha:" And whereas by the said "Public Reserves Act Amendment Act 1862" it is provided that it shall be lawful for the Superintendent and Provincial Council of any Province by any Act or Ordinance to be from time to time duly passed in that behalf to direct and declare that any land vested or which might thereafter be vested in the Superintendent of any Province under the provisions of the said "Public Reserves Act 1854" upon trust for any public purposes should be transferred to and vested in and held by any Corporation Commission or other person or persons having corporate succession to be named in such Act or Ordinance in trust for the like or for any other public purpose to be specified and declared in such Act or Ordinance in such manner and with such powers of lease management and disposition over the same and over all rents issues profits and proceeds thereof and other powers provisions and conditions as should in such Act or Ordinance be expressed or declared: And whereas it is expedient that the said lands and heredita-

ments described in the said Schedule hereto should be transferred to and vested in the "Corporation of the Town of Balclutha" upon the trusts and with and subject to the powers provisions and conditions hereinafter declared:

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:—

Short Title.

1. This Ordinance shall be intituled and may be cited and referred to as the "Balclutha Reserves Management Ordinance 1872."

Lands described in Schedule to be vested in the Corporation of the incorporated Town of Balclutha.

2. The lands and hereditaments mentioned and described in the Schedule hereto shall be and the same are hereby transferred to and vested in the "Corporation of the Town of Balclutha" and its successors as a corporate body to be held by the said Corporation and its successors in trust for the like public purposes for which such lands are now held.

Corporation to manage lands described in Schedule under certain provisions.

3. It shall be lawful for the said "Corporation of the Town of Balclutha" to manage the said lands and hereditaments in such manner in every respect as to them shall seem fit and with the sanction and consent of the Superintendent for the time being of the Province of Otago to lease the same lands and hereditaments at such rents issues and profits as it may deem expedient so that such leases be for any term not exceeding twenty-one years to take effect from the time of the execution thereof.

Moneys to be applied as provided by the 94th Section of the Otago Municipal Corporations Ordinance 1865.

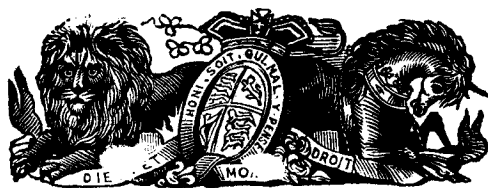
4. All moneys received by the said "Corporation of the Town of Balclutha" for the rents issues and profits of the said lands and hereditaments shall be managed by the said Corporation and shall be applied and disposed of in manner provided by the ninety-fourth section of the "Otago Municipal Corporations Ordinance 1865."

SCHEDULE.

All that parcel of land in the Province of Otago and Colony of New Zealand situate in the Town of Balclutha containing by admeasurement thirty-five (35) acres two (2) roods and ten (10) poles more or less being sections numbered respectively one (1) two (2) three (3) four (4) five (5) six (6) seven (7) eight (8) ten (10) eleven (11) twelve (12) thirteen (13) fourteen (14) fifteen (15) sixteen (16) seventeen (17) eighteen (18) nineteen (19) and twenty (20) block sixteen (XVI) and blocks numbered respectively twelve (XII) thirteen (XIII) fourteen (XIV) and fifteen (XV) together with Reserves numbered respectively one (1) two (2) three (3) and four (4) on the map of the said Town bounded towards the north-east by River Terrace six hundred and twenty-five (625) links seven hundred and eight (708) links and one hundred and sixty-three (163) links towards the east-north-east by Crown Lands five hundred and sixty-eight (568) links five hundred and two (502) links and five hundred and eighteen (518) links towards the south-east by Crown Lands eight hundred and forty-eight (848) links towards the south by Crown Lands eighty (80) links four hundred and ninety-nine (499) links and five hundred and one (501) links and towards the west by Greenock street nine hundred and ninety-two (922) links one thousand (1000) links and one thousand one hundred and fifty-six (1156) links excepting section numbered nine (9) block sixteen (XVI) and intersected by Dumbarton street Helensburgh street Rutherglen street and Biggar street each one hundred (100) links wide.

DUNEDIN, NEW ZEALAND:

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OAMARU TOWN RESERVES MANAGEMENT ORDINANCE 1872.

IN THE THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXX. No. 382.

ANALYSIS :

- | | |
|---|---|
| <p>Title.
Preamble.
1. Short Title.
2. Oamaru Town Reserves Management Ordinance 1865 re-
pealed.
3. Management of lands described in Schedules to be vested in
the Corporation of the Incorporated Town of Oamaru.</p> | <p>4. Lawful for the said Corporation to manage the said lands
under certain provisions.
5. Moneys received from such lands to be expended in improve-
ments thereon.
Schedules First and Second.</p> |
|---|---|

AN ORDINANCE *to Transfer and Vest in the Corporation of the Incorporated* Title.
Town of Oamaru the Management of certain Lands now vested in the
Province of Otago in trust for purposes of public utility for the Town of
Oamaru and its Inhabitants.

[RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON, 31ST MAY 1872.]

WHEREAS the lands and hereditaments described in the Schedules hereto ^{Preamble.}
are vested in the Superintendent of the Province of Otago and his
successors subject to the provisions of certain Acts passed by the General
Assembly of New Zealand intituled the "Public Reserves Act 1854" and
the "Public Reserves Act Amendment Act 1862": And whereas by a
proclamation in the *Government Gazette* of the Province of Otago made
under the provisions of an Ordinance passed by the Superintendent and Pro-
vincial Council of the said Province intituled the "Otago Municipal Corpo-
rations Ordinance 1865" the provisions of the said Ordinance were extended
to the Town of Oamaru and the citizens of the said town were incorporated
under the style of the "Corporation of the Incorporated Town of Oamaru":
And whereas by the said "Public Reserves Act Amendment Act 1862" it
is provided that it shall be lawful for the Superintendent and Provincial
Council of any Province by any Act or Ordinance to be from time to time
duly passed in that behalf to direct and declare that any land vested or
which might thereafter be vested in the Superintendent of any Province
under the provisions of the said "Public Reserves Act 1854" upon trust for
any public purposes should be transferred to and vested in and held by any
Corporation Commission or other person or persons having corporate succes-
sion to be named in such Act or Ordinance in trust for the like or for any
other public purpose to be specified and declared in such Act or Ordinance in
such manner and with such powers of lease management and disposition over
the same and over all rents issues profits and proceeds thereof and other
powers provisions and conditions as should in such Act or Ordinance be
expressed or declared: And whereas by an Ordinance of the Superintendent
and Provincial Council of the Province of Otago intituled the "Oamaru

Town Reserves Management Ordinance 1835" it was enacted that it should be lawful for the Superintendent of the Province of Otago to vest the management of the lands described in the Schedule thereto marked B or any of them in the Town Board of Oamaru under such restrictions and limitations as should secure the due maintenance and fulfilment of the several purposes for which such lands respectively have been reserved: And whereas it is expedient that the said last recited Ordinance should be repealed in so far as the same relates to such of the said lands and hereditaments as are described in the first Schedule hereto and that the management of the said lands and hereditaments and the lands described in the second Schedule hereto should be transferred to and vested in the "Corporation of the Incorporated Town of Oamaru" upon the trusts and with and subject to the powers provisions and conditions hereinafter declared:

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:—

Short Title.

1. This Ordinance shall be intituled and may be cited and referred to as the "Oamaru Town Reserves Management Ordinance 1872."

Oamaru Town Reserves Management Ordinance 1865 repealed.

2. The "Oamaru Town Reserves Management Ordinance 1865" in so far as the same relates to the lands and hereditaments mentioned and described in the said Schedule hereto shall be and the same is hereby repealed.

Management of lands described in Schedules to be vested in the Corporation of the Incorporated Town of Oamaru.

3. The Superintendent of the Province of Otago is hereby authorised to vest the management of the lands and hereditaments mentioned and described in the several Schedules hereto in the Corporation of the incorporated Town of Oamaru and its successors as a corporate body in trust for the like purposes for which such lands are now held and to carry out and secure the due maintenance and fulfilment of the said purposes.

Lawful for the said Corporation to manage the said lands under certain provisions.

4. It shall be lawful for the "Corporation of the incorporated Town of Oamaru" with the sanction and consent of the Superintendent to lease the said lands and hereditaments at such rents issues and profits as they may deem expedient subject to the provisions of the said before-mentioned Acts passed by the General Assembly of New Zealand intituled the "Public Reserves Act 1854" and the "Public Reserves Act Amendment Act 1862" so that such leases be for any term not exceeding twenty-one years to take effect from the time of the execution thereof and under such restrictions and limitations as shall secure the full maintenance of the purposes for which such lands have respectively been reserved.

Moneys received from such lands to be expended in improvements thereon.

5. All moneys received by the Corporation of the Town of Oamaru for rents and profits arising from the lease and management of such lands shall be expended in improving the lands out of which the same moneys shall arise and in carrying out the objects contemplated in creating such Reserves and for no other purpose whatsoever.

FIRST SCHEDULE

Reserve for Public Esplanade.—All that area in the Province of Otago containing by admeasurement fifty (50) acres and two (2) roods more or less situate in the Town of Oamaru and marked "Reserve for Esplanade" on the Record Map of the said Town deposited in the Survey Office for Crown Lands at Dunedin excepting that part of the said area transferred to and vested in the Oamaru Dock Trust by and under the "Oamaru Dock Trust Ordinance 1869."

Reserve for Public Gardens.—All that area in the Province of Otago containing by admeasurement thirty-four (34) acres more or less situate in the Town of Oamaru and marked "Reserve for Public Gardens" as delineated on the Record Map of the said Town deposited in the Survey Office for Crown Lands at Dunedin.

Reserve for Market.—All that area in the Province of Otago containing by admeasurement one (1) acre and twenty-one (21) poles more or less situate in the Town of Oamaru being sections numbered respectively six (6) seven (7) eight (8) and nine (9) block twenty-five (XXV) on the Map of the said Town deposited in the Survey Office for Crown Lands at Dunedin.

Reserve for Slaughter-house.—All that area in the Province of Otago containing by admeasurement one (1) acre and twenty-one (21) poles more or less situate in the Town of Oamaru being sections numbered respectively twenty (20) twenty-one (21) twenty-two (22) twenty-three (23) and twenty-four (24) block fourteen (XIV) on the Map of the said Town deposited in the Survey Office for Crown Lands at Dunedin.

Reserves for Health and Public Recreation being unsectionized portions of the Town of Oamaru.—All that area in the Town of Oamaru containing by admeasurement sixty-one (61) acres and seventeen (17) poles more or less and marked "A" on the Record Map of the said Town deposited in the Survey Office for Crown Lands at Dunedin. Also,

All that area in the Town of Oamaru containing by admeasurement seven (7) acres three (3) roods and two (2) poles more or less and marked "B" on the Record Map of the said Town deposited as aforesaid. Also,

All that area in the Town of Oamaru containing by admeasurement nineteen (19) acres and three (3) poles more or less and marked "C" on the Record Map of the said Town deposited as aforesaid. Also,

All that area in the Town of Oamaru containing by admeasurement ninety-four (94) acres three (3) roods and twenty-one (21) poles more or less and marked "D" on the Record Map of the said Town deposited as aforesaid excepting therefrom that portion of the said area extending to eight (8) acres two (2) roods and thirty-two (32) poles more or less specially set apart and applied for the use of the Oamaru Hospital. Also,

All that area in the Town of Oamaru containing by admeasurement thirty-three (33) acres one (1) rood and eighteen (18) poles more or less and marked "E" on the Record Map of the said Town deposited as aforesaid. And also,

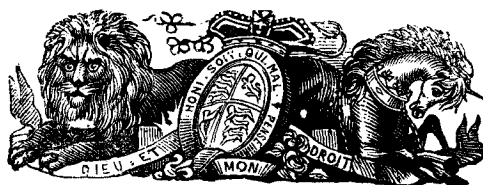
All that area in the Town of Oamaru containing by admeasurement fifty-five (55) acres two (2) roods and thirty-six (36) poles more or less and marked "F" on the Record Map of the said Town deposited as aforesaid.

SECOND SCHEDULE.

Reserve for Hospital.—All those several parcels or sections of land in the Town of Oamaru each containing by admeasurement one quarter of an acre more or less numbered respectively ten (10) eleven (11) twelve (12) fourteen (14) sixteen (16) seventeen (17) and eighteen (18) block nineteen (XIX) on the Record Map of the said Town deposited in the Survey Office for Crown Lands at Dunedin.

DUNEDIN, NEW ZEALAND :

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INVERCARGILL EDUCATION RESERVE EXCHANGE ORDINANCE 1872.

IN THE THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXX. No. 383.

ANALYSIS :

- | | |
|--|---|
| <p>Title.
Preamble.
1. Short Title.
2. Superintendent authorised to convey land.</p> | <p>3. Land obtained in exchange to be held upon the like trusts as land exchanged was held. Schedules first and second.</p> |
|--|---|

AN ORDINANCE to authorise the exchange of a section of land in the Town Title of Invercargill vested in the Superintendent of the Province of Otago in trust for Educational purposes for a corresponding area of land in the said Town.

[RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON, 31ST MAY 1872.]

WHEREAS it is expedient that the section of land described in the first Preamble Schedule hereto vested in the Superintendent of the Province of Otago for Educational purposes should be exchanged for the section of land described in the second Schedule hereto :

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. This Ordinance may be cited and referred to as the "Invercargill Short Title. Education Reserve Exchange Ordinance 1872."

2. It shall be lawful for the Superintendent and he is hereby authorised Superintendent authorised to convey land. and empowered to exchange the section of town land described in the First Schedule hereto for the section of land described in the Second Schedule hereto and to execute all necessary conveyances and other assurances in the law for conveying and assuring the fee of the said section of land in the First Schedule described on receiving a good and valid conveyance of the said section of land in the Second Schedule described to the Superintendent and his successors Provided always that all costs and charges incurred in the preparation perusal and execution of the deeds necessary shall be paid by the owner of the land specified in the First Schedule hereto.

3. The said section of land so to be conveyed to the Superintendent as aforesaid shall be held upon and subject to the like trusts and conditions as the section of land hereby authorised to be exchanged was held. Land obtained in exchange to be held upon the like trusts as land exchanged was held.

FIRST SCHEDULE.

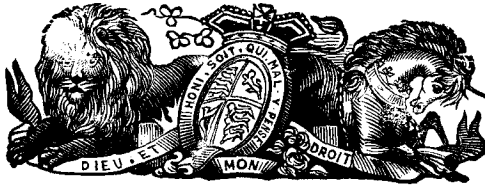
All that piece or parcel of land containing by admeasurement one rood being Section one (1) Block sixty-two (LXII) as marked on the Record Map of the said Town of Invercargill bounded towards the west by Deveron street 250 links towards the north by Spey street 100 links towards the east by Section two (2) of the said Block 250 links towards the south by Section twenty-two (22) of the said Block 100 links.

SECOND SCHEDULE.

All that piece or parcel of land containing by admeasurement one rood being Section one (1) Block fifty-four (LIV) on the Record Map of the said Town of Invercargill bounded towards the west by Jed street 250 links towards the north by Don street 100 links towards the east by Section two (2) of the said Block 250 links towards the south by Section twenty-two (22) of the said Block 100 links.

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INVERCARGILL ATHENÆUM RESERVE MANAGEMENT ORDINANCE AMENDMENT ORDINANCE 1872.

IN THE THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXX. No. 384.

ANALYSIS :

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|---|--|--|
| <p>Title.
Preamble.
1. Short Title.
2. Section 6 of recited Ordinance repealed.</p> | | <p>3. Committee of Management with consent of Superintendent empowered to lease land specified in Schedule to recited Ordinance.</p> |
|---|--|--|

AN ORDINANCE to amend the "Invercargill Athenæum Reserve Management Ordinance 1871." Title.

[RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON, 31ST MAY, 1872.]

WHEREAS it is expedient to amend the "Invercargill Athenæum Reserve Management Ordinance 1871" in a certain particular : Preamble. Repealed by Statutes Repeal Act 1907

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. This Ordinance may be cited and referred to as the "Invercargill Athenæum Reserve Management Ordinance Amendment Ordinance 1872." Short Title.
2. The sixth section of the said "Invercargill Athenæum Reserve Management Ordinance 1871" shall be and the same is hereby repealed. Repealed by Statutes Repeal Act 1907
Section 6 of recited Ordinance repealed.
3. It shall be lawful for the Committee of Management of the Invercargill Athenæum by deed under their corporate seal with the sanction and consent of the Superintendent to lease from time to time at such rent and on such conditions as they may think reasonable the whole or any part of the parcel of land specified in the Schedule annexed to the said "Invercargill Athenæum Reserve Management Ordinance 1871" not required for the purposes of the said Institution for any term or terms of years not exceeding twenty-one years at any one time. Committee of management with consent of Superintendent empowered to lease land specified in Schedule to recited Ordinance.

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SOUTHLAND EDUCATION RESERVE EXCHANGE ORDINANCE 1872.

IN THE THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXX. No. 385.

ANALYSIS :

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| <p>Title.
Preamble.
1. Short Title.
2. Superintendent authorized to convey land.</p> | <p>3. Land obtained in exchange to be held upon like trusts as land exchanged was held.
Schedules first and second.</p> |
|--|---|

AN ORDINANCE to authorise the Exchange of part of a Section of Land Title.
in Invercargill Hundred vested in the Superintendent of the Province
of Otago in trust for Educational purposes for a corresponding area in
the contiguous Section.

[RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON, 31ST MAY, 1872.]

WHEREAS by Crown Grant bearing date twentieth June one thousand Preamble.
eight hundred and sixty-two all that parcel of land in the Province
of Otago and Colony of New Zealand situate in the Invercargill Hundred
being part of Section twenty-six (26) Block fourteen (XIV) on the map of
the said Hundred was granted to the Superintendent of the late Province
of Southland and his successors in trust for Educational purposes: And
whereas the said parcel of land is now vested in the Superintendent of the
Province of Otago by "The Otago and Southland Union Act 1870": And
whereas it is expedient to alter the boundaries of the said parcel of land and
to exchange a small part thereof for a similar extent of the adjoining land :

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

1. This Ordinance may be cited and referred to as the "Southland Short Title.
Education Reserve Exchange Ordinance 1872."

2. It shall be lawful for the Superintendent and he is hereby authorised Superintendent au-
and empowered to exchange the parcel of land described in the First Schedule thorised to convey
hereto for the parcel of land described in the Second Schedule hereto and to land.
execute all necessary conveyances and other assurances in the law for convey-
ing and assuring the fee of the said parcel of land in the First Schedule
described on receiving a good and valid conveyance of the said parcel of land

in the Second Schedule described to the Superintendent and his successors :
 Provided always that all costs and charges incurred in the preparation perusal and execution of the deeds necessary shall be paid by the owner of the land specified in the Second Schedule hereto.

Land obtained in exchange to be held upon like trusts as land exchanged was held.

3. The said parcel of land so to be conveyed to the Superintendent as aforesaid shall be held upon and subject to the like trusts and conditions as the parcel of land hereby authorised to be exchanged was held.

THE FIRST SCHEDULE.

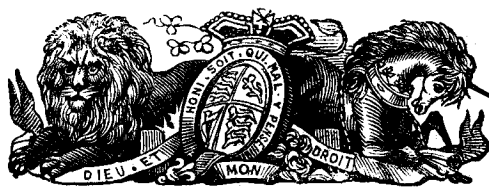
All that piece or parcel of land in the Province of Otago containing by admeasurement one acre one rood and sixteen poles being part of section numbered twenty-six (26) block fourteen (XIV) Invercargill Hundred which said parcel of land is of a rectangular figure and commences at a point distant 746 links from the south-eastern corner of the said section twenty-six (26) and is bounded towards the north by a part of the said section numbered twenty-six (26) block (XIV) aforesaid 2500 links towards the east by a road line 54 links towards the south by other part of the said section 2500 links and towards the west by other part of the said section 54 links.

THE SECOND SCHEDULE.

All that piece or parcel of land in the Province of Otago containing by admeasurement one acre one rood and sixteen poles being part of section numbered twenty-six (26) block fourteen (XIV) Invercargill Hundred which said piece or parcel of land is of a rectangular figure and commences at a point distant two thousand five hundred (2500) links from the south-eastern corner of the said section twenty-six (26) and is bounded towards the north by part of section twenty-six (26) aforesaid one hundred and eighty-one (181) links towards the east by part of section twenty-six (26) seven hundred and forty-six (746) links and towards the south by a road line one hundred and eighty-one (181) links and towards the west by other part of said section 26 seven hundred and forty-six (746) links.

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EDUCATION RESERVE JACOB'S RIVER HUNDRED SALE ORDINANCE 1872.

IN THE THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXX. No. 386.

ANALYSIS:

Title.
Preamble.
1. Short Title.
2. Superintendent to sell and convey.

3. Proceeds of sale to be paid to Provincial Treasurer and to be appropriated by Provincial Council.
Schedule.

AN ORDINANCE *to authorise the Superintendent of Otago to sell Education Reserve Jacob's River Hundred to Thomas Brown.* Title.

[RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON, 31ST MAY, 1872.]

WHEREAS the parcel of land particularly described in the Schedule hereto was under and by virtue of "The Public Reserves Act 1854" on the 20th day of June 1862 granted by the Governor of New Zealand in the name and on behalf of Her Majesty to the Superintendent of the then Province of Southland and his successors in trust as an Endowment for Educational purposes: And whereas it appears that the said land was so granted and reserved through an error in the survey of the block containing the same: And whereas it is expedient that a sale be made thereof to one Thomas Brown who is in occupation of and has improved the said land and that the Superintendent should be authorised to sell the same:

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. This Ordinance may be cited and referred to as the "Education Reserve Jacob's River Hundred Sale Ordinance 1872."

2. It shall be lawful for the Superintendent to sell to the said Thomas Brown for such nominal consideration or price as he shall think fit the parcel of land particularly described in the Schedule hereto and to execute all necessary conveyances and other assurances in the law for conveying and assuring the said land to and vesting the same in the said Thomas Brown to be held by the said Thomas Brown and his heirs.

3. All moneys arising from the sale of the said parcel of land shall be paid to the Provincial Treasurer for the time being of the Province of Otago and shall form part of the Revenues of the said Province and shall be appropriated in the same manner as the Revenues of the said Province subject to

Proceeds of sale to be paid to Provincial Treasurer and to be appropriated by Provincial Council.

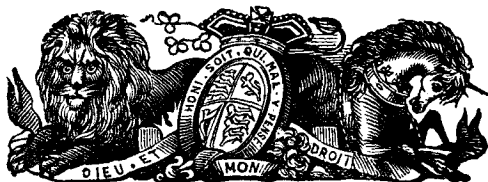
the appropriation of the Provincial Council may now by law be appropriated and the receipt of the said Provincial Treasurer for all or any part of the purchase moneys arising from any such sale shall be a sufficient discharge for the moneys thereby acknowledged to be received and shall discharge the purchaser or purchasers from any liability with respect to the application thereof.

SCHEDULE.

All that parcel of land in that part of the Province of Otago which lately constituted the Province of Southland situated in the Jacob's River Hundred Otaitai Bush Reserve Block VI containing by admeasurement ten acres more or less bounded towards the north-west by a public road five hundred links towards the north-east by Bush Reserve and part of section thirty two thousand links towards the south-east by Bush Reserve five hundred links and towards the south-west by Bush Reserve two thousand links.

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RIVERTON RESERVES MANAGEMENT ORDINANCE 1872.

IN THE THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXX. No. 387.

ANALYSIS.

<p>Title. Preamble. 1. Short Title. 2. Lands described in Schedule to be vested in the Corporation of the Town of Riverton.</p>	<p>3. Corporation to manage lands described in Schedule under certain provisions. 4. Application of moneys. Schedule.</p>
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AN ORDINANCE to transfer to and vest in the Corporation of the Town of Riverton certain lands now vested in the Superintendent of the Province of Otago in trust for purposes of public utility for the Town of Riverton and its Inhabitants.

[RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON, 31ST MAY 1872.]

WHEREAS the lands described in the Schedule to this Ordinance annexed are vested in the Superintendent of the Province of Otago and his successors subject to the provisions of certain Acts passed by the General Assembly of New Zealand intituled "The Public Reserves Act 1854" and "The Public Reserves Act Amendment Act 1862": And whereas by Proclamation in the Government Gazette of the Province of Otago made under the provisions of an Ordinance passed by the Superintendent and Provincial Council of the said Province intituled the "Otago Municipal Corporations Ordinance 1865" the provisions of the said Ordinance were extended to the Town of Riverton and the citizens of Riverton were created a Corporate Body under the style of the "Corporation of the Town of Riverton": And whereas by "The Public Reserves Act Amendment Act 1862" aforesaid it is provided that it shall be lawful for the Superintendent and Provincial Council of any Province by any Act or Ordinance to be from time to time duly passed in that behalf to direct and declare that any land vested or which might thereafter be vested in the Superintendent of any Province under the provisions of the said "Public Reserves Act 1854" upon trust for any public purposes should be transferred to and vested in and held by any Corporation Commission or other person or persons having Corporate succession to be named in such Act or Ordinance in trust for the like or for any other public purpose to be specified and declared in such Act or Ordinance in such manner and with such powers of lease management and disposition over the same and over all rents issues profits and proceeds thereof and

other powers provisions and conditions as should in such Act or Ordinance be expressed or declared: And whereas it is expedient that the lands described in the said Schedule hereto should be transferred to and vested in the "Corporation of the Town of Riverton" upon the Trusts and with and subject to the powers provisions and conditions hereinafter declared :

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

Short Title.

1. This Ordinance shall be intituled and may be cited and referred to as the "Riverton Reserves Management Ordinance 1872."

Lands described in Schedule to be vested in the Corporation of the Town of Riverton.

2. The lands described in the Schedule hereto shall be and the same are hereby transferred to and vested in the "Corporation of the Town of Riverton" and its successors as a Corporate Body to be held by the said Corporation and its successors in trust for purposes of public utility for the Town of Riverton and its inhabitants.

Corporation to manage lands described in Schedule under certain provisions.

3. It shall be lawful for the "Corporation of the Town of Riverton" to manage the said lands in such manner in every respect as to the said Corporation shall seem fit and with the sanction and consent of the Superintendent to lease the same lands and every or any part thereof at such rents issues and profits as the said Corporation may deem expedient so that such leases be for any term not exceeding twenty-one years to take effect from the time of the execution thereof.

Application of moneys.

4. All moneys received by the "Corporation of the Town of Riverton" for the rents issues and profits of the said lands shall be managed by the said Corporation and shall be applied and disposed of in manner provided by the ninety-fourth section of the "Otago Municipal Corporations Ordinance 1865."

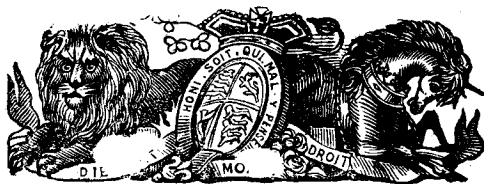
SCHEDULE.

MUNICIPAL RESERVES.

All the several allotments or parcels of land each containing one quarter of an acre (more or less) situate in the Town of Riverton delineated on the Record Map of the said town and described in Crown Grant dated the twentieth day of June one thousand eight hundred and sixty-two and hereinafter specified viz: sections numbered five (5) seventeen (17) and nineteen (19) block four (IV) section numbered seven (7) block five (V) sections numbered seven (7) and seventeen (17) block six (VI) section numbered nineteen (19) block eight sections numbered five (5) and seventeen (17) block nine (IX) sections numbered five (5) and nineteen (19) block ten (X) sections numbered ten (10) and nineteen (19) block (XI) sections numbered three and fourteen block twelve (XII) section numbered fifteen (15) block (XIII) sections numbered seven (7) and fourteen (14) block fourteen (XIV) sections numbered eleven (11) and twenty-three (23) block fifteen (XV) section numbered thirteen block seventeen (XVII) sections numbered thirteen (13) and fourteen (14) block eighteen (XVIII) section numbered seven (7) block nineteen (XIX) section numbered five (5) block twenty-two (XXII) sections numbered four (4) and twenty-one (21) block (XXIII) sections numbered three (3) and sixteen (16) block twenty-four (XXIV) and section numbered twelve (12) block twenty-five (XXV) all of the said Town of Riverton.

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INVERCARGILL RESERVES MANAGEMENT ORDINANCE 1872.

IN THE THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXX. No. 388.

ANALYSIS:

- | | |
|--|---|
| <p>Title.
Preamble.
1. Short Title.
2. Lands described in First Schedule to be vested in the Corporation of the Town of Invercargill.
3. Corporation to manage lands described in First Schedule under certain provisions.
4. Moneys to be applied as provided by the 94th section of the "Otago Municipal Corporations Ordinance 1865."</p> | <p>5. Management of lands described in Second Schedule to be vested in the Corporation of the Town of Invercargill.
6. Lawful for the said Corporation to manage the said lands under certain provisions.
7. Moneys received from such lands to be expended in improvements thereon.
8. Ordinance specified in Third Schedule repealed. Schedules first, second, and third.</p> |
|--|---|

AN ORDINANCE *to transfer to and vest in the Corporation of the Town of Invercargill certain lands now vested in the Superintendent of the Province of Otago in trust for purposes of public utility for the Town of Invercargill and its Inhabitants and to authorise the Superintendent to vest the management of certain other lands now held by him in trust for purposes of public recreation for the Town of Invercargill and its Inhabitants in the said Corporation.*

[RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON, 31ST MAY 1872.]

WHEREAS the lands tenements and hereditaments described in the Schedules to this Ordinance annexed are vested in the Superintendent of the Province of Otago and his successors subject to the provisions of certain Acts passed by the General Assembly of New Zealand intituled "The Public Reserves Act 1854" and "The Public Reserves Act Amendment Act 1862": And whereas by Proclamation in the Government *Gazette* of the Province of Otago made under the provisions of an Ordinance passed by the Superintendent and Provincial Council of the said Province intituled the "Otago Municipal Corporations Ordinance 1865" the provisions of the said Ordinance were extended to the Town of Invercargill and the citizens of Invercargill were created a Corporate Body under the style of the "Corporation of the Town of Invercargill": And whereas by "The Public Reserves Act Amendment Act 1862" aforesaid it is provided that it shall be lawful for the Superintendent and Provincial Council of any Province by any Act or Ordinance to be from time to time duly passed in that behalf to direct and declare that any land vested or which might thereafter be vested in the Superintendent of any Province under the provisions of the said "Public Reserves Act 1854" upon trust for any public purposes should be transferred to and vested in and held by any Corporation Commission or other

person or persons having Corporate succession to be named in such Act or Ordinance in trust for the like or for any other public purpose to be specified and declared in such Act or Ordinance in such manner and with such powers of lease management and disposition over the same and over all rents issues profits and proceeds thereof and other powers provisions and conditions as should in such Act or Ordinance be expressed or declared: And whereas by the same Act it is also provided that it shall be lawful for any Superintendent and Provincial Council anything therein contained to the contrary notwithstanding to pass any Act authorising the Superintendent to vest the management of any such lands as aforesaid reserved for Public Gardens or Recreation Grounds in any Corporation Commission or other person or persons having corporate succession under such restrictions and limitations as shall secure the full maintenance of the purposes for which such lands shall have been reserved: And whereas it is expedient that the lands and hereditaments vested in the Superintendent of the said Province of Otago and respectively described in the first Schedule hereto should be transferred to and vested in the "Corporation of the Town of Invercargill" upon the Trusts and with and subject to the powers provisions and conditions hereinafter declared and the management of the lands and hereditaments vested in the said Superintendent and respectively described in the second Schedule hereto should be vested in the said Corporation under the restrictions and limitations hereinafter mentioned: And whereas it is expedient to repeal the Ordinance of the Superintendent and Provincial Council of the late Province of Southland specified in the third Schedule hereto:

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:—

Short Title.

1. This Ordinance shall be intituled and may be cited and referred to as the "Invercargill Reserves Management Ordinance 1872."

Lands described in first Schedule to be vested in the Corporation of the Town of Invercargill.

2. The lands and hereditaments mentioned and described in the first Schedule hereto shall be and the same are hereby transferred to and vested in the "Corporation of the Town of Invercargill" and its successors as a Corporate Body to be held by the said Corporation and its successors in trust for the like public purposes for which such lands are now held.

Corporation to manage lands described in first Schedule under certain provisions.

3. It shall be lawful for the said "Corporation of the Town of Invercargill" to manage the said lands and hereditaments in such manner in every respect as to them shall seem fit and with the sanction and consent of the Superintendent for the time being of the Province of Otago to lease the same lands and hereditaments at such rents issues and profits as it may deem expedient so that such leases be for any term not exceeding twenty-one years to take effect from the time of the execution thereof.

Moneys to be applied as provided by the 94th section of the "Otago Municipal Corporations Ordinance 1865."

4. All moneys received by the said "Corporation of the Town of Invercargill" for the rents issues and profits of the said lands and hereditaments shall be managed by the said Corporation and shall be applied and disposed of in manner provided by the ninety-fourth section of the "Otago Municipal Corporations Ordinance 1865."

Management of lands described in Second Schedule to be vested in the "Corporation of the Town of Invercargill."

5. The Superintendent of the Province of Otago is hereby authorised to vest the management of the lands and hereditaments described in the second Schedule to this Ordinance in the "Corporation of the Town of Invercargill" and its successors as a Corporate Body in trust for purposes of public recreation for the town of Invercargill and its Inhabitants under such restrictions and limitations as shall secure the full maintenance of the several purposes for which such lands respectively have been reserved.

6. It shall be lawful for the "Corporation of the Town of Invercargill" with the sanction and consent of the Superintendent to lease the said last-mentioned lands and hereditaments at such rents issues and profits as they may deem expedient subject to the provisions of the said before-mentioned Acts passed by the General Assembly of New Zealand intituled "The Public Reserves Act 1854" and "The Public Reserves Act Amendment Act 1862" so that such leases be for any term not exceeding twenty-one years to take effect from the time of the execution thereof and so that the Inhabitants of the Town of Invercargill shall not be excluded therefrom except in furtherance of the purposes for which such lands have respectively been reserved.

Lawful for the said Corporation to manage the said lands under certain provisions.

7. All moneys received by the Corporation of the Town of Invercargill for rents and profits arising from the lease and management of such last-mentioned lands shall be expended in improving the lands out of which the same moneys shall arise and in carrying out the objects contemplated in creating such Reserves and for no other purpose whatsoever.

Moneys received from such lands to be expended in improvements thereon.

8. The Ordinance passed by the Superintendent and Provincial Council of the late Province of Southland specified in the Third Schedule hereto is hereby repealed.

Ordinance specified in third Schedule repealed.

THE FIRST SCHEDULE.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 21, block IV, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 20, block VII, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 1, block XIII, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 9, block XIII, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 21, block XIII, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 12, block XIV, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 6, block XV, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 7, block XVI, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 17, block XVI, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 9, block XVII, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 3, block XVIII, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 13, block XVIII, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 3, block XIX, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 13, block XIX, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 1, block XX, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 11, block XX, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 21, block XX, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 9, block XXI, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 17, block LXV, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 5, block LXVI, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 15, block LXVI, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 3, block LXVII, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 13, block LXVII, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 1, block LXVIII, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 11, block LXVIII, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 9, block LXIX, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 19, block LXIX, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 7, block LXX, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 17, block LXX, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 5, block LXXI, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 15, block LXXI, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 3, block LXXII, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 13, block LXXII, of the Town of Invercargill.

All that allotment or parcel of land, containing one quarter of an acre (more or less), being section No. 1, block LXXIII, of the Town of Invercargill.

SECOND SCHEDULE.

(1.) RESERVE FOR PUBLIC GARDENS.

All that parcel of land situate in the Town of Invercargill containing four acres twenty-two poles more or less : bounded on the north by Wood Street one thousand one hundred (1100) links on the east by Nith Street three hundred and seventy-six (376) links on the south by Forth Street one thousand one hundred (1100) links and on the west by Clyde Street three hundred and seventy-six (376) links. Also all that other parcel of land situate in the same town containing sixteen acres two roods more or less : bounded on the north by Forth Street three thousand five hundred (3500) links on the east by Doon Street and Ness Street five hundred (500) links on the south by Tyne Street three thousand five hundred (3500) links and on the west by Nith Street and Kelvin Street five hundred (500) links the said parcel of land lastly herein described being intersected from north to south by Deveron Street and Conon Street one hundred (100) links wide each and by Jed Street and Ythan Street one hundred (100) links wide each which said streets are excepted and reserved out of the land herein described.

(2.) RESERVE FOR PURPOSES OF RECREATION.

All that parcel of land in the Town of Invercargill containing by admeasurement seventy-five (75) acres three (3) roods and twenty-six (26) poles more or less forming a belt round the northern eastern and southern sides of the said town : bounded on the north by a road or street five thousand two hundred and thirty-two (5232) links on the east by a road or street eleven thousand and fifteen (11,015) links on the south by a road or street four thousand and thirty-two (4032) links on the west by Nith Street six hundred and forty-five (645) links again on the north by Biggar Street three thousand six hundred (3600) links again on the west by Ness Street and Doon Street ten thousand and eighty-six (10,086) links again on the south by Gala Street four thousand eight hundred (4800) links and again on the west by Dee Street two hundred and eighty-four (284) links the said parcel of land being intersected from north to south by Kelvin Street one hundred (100) links wide by Deveron Street and Conon Street each one hundred (100) links wide by Jed Street and Ythan Street each one hundred (100) links wide and by Doon Street and Ness Street each one hundred (100) links wide and from east to west by Gala Street by Yarrow Street by Don Street by Tyne Street by Etrick Street by Crinan Street and by Biggar Street one hundred (100) links wide each by Tay Street and Tweed Street two hundred (200) links wide each and by Forth street one hundred and fifty (150) links wide which said streets are excepted and reserved out of the land herein described.

(3.) RESERVE FOR PUBLIC PARK.

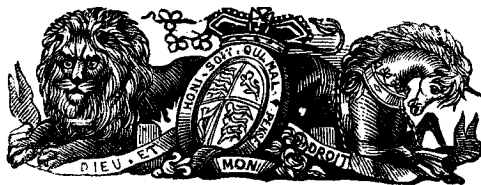
All that parcel of land in the Province of Otago containing two hundred (200) acres more or less being section 22 of block I Invercargill Hundred and bounded on the north by section 24 of said block 914 links and section 23 of aforesaid block 3079 links on the east by a public road 5008 links on the south by a public road 3993 links and on the west by a public road 5008 links.

THIRD SCHEDULE.

Short Title of Ordinance.	Session and Number.	Date.
Municipal Endowments Ordinance 1862	26° Vict, No. 22	1862

DUNEDIN, NEW ZEALAND:

Printed under the Authority of the Provincial Government of Otago, by MILLS, DICK & Co., Stafford street, Printers to the said Provincial Government for the time being.



COUNTIES ORDINANCE 1872.

IN THE THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXX. No. 389.

ANALYSIS :

- | | |
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| <p>Title
Preamble
1 Short Title</p> <p style="text-align: center;">PART I.</p> <p style="text-align: center;"><i>Constitution of Counties by Union of Districts.</i></p> <p>2 Union of road districts
3 Superintendent may direct union in certain cases
4 Union of borough with district</p> <p style="text-align: center;">PART II.</p> <p style="text-align: center;"><i>Constitution of Counties outside of Road Districts.</i></p> <p>5 Incorporation of inhabitants of districts outside of road districts
6 Incorporation of new districts outside of road districts. First Schedule.
7 Petition may be signed by proxies. Second Schedule
8 Union of county and borough. Borough to become riding of county</p> <p style="text-align: center;">PART III.</p> <p style="text-align: center;"><i>Existing Rights &c.</i></p> <p>9 Existing property &c. at time of union
10 Existing rights &c. after union to remain
11 Inhabitants of counties incorporated
12 Superintendent may add detached portions of territory to any county or riding</p> <p style="text-align: center;">PART IV.</p> <p style="text-align: center;"><i>(1) Councils and Councillors of Counties.</i></p> <p>13 Number of councillors for each county formed by union of road districts</p> <p style="text-align: center;"><i>(2) Number &c. of Councillors.</i></p> <p>14 County councils constituted under Part 2</p> <p style="text-align: center;"><i>(3) Capacity &c. of Councillors of Counties proclaimed under Parts 1 and 2.</i></p> <p>15 Qualification of councillors of counties constituted under Parts 1 and 2
16 Incapacity for being member
17 Incapacity of contractors. Proviso</p> <p style="text-align: center;"><i>(4) Retirement and vacancies.</i></p> <p>18 Retirement of councillors in rotation
19 Chairman to continue councillor during year of office
20 Extraordinary vacancies
21 Councillors capable of re-election</p> <p style="text-align: center;"><i>(5) Voters and their rights.</i></p> <p>22 Qualification of voters in counties proclaimed under Part 1
23 First election in counties proclaimed under Part 2
24 Who shall preside at elections
25 Annual ordinary elections in counties or ridings in which no voters' roll as yet made
26 At elections where no voters' roll in force voters entitled to give only one vote
27 Manner of holding elections and expenses of elections. Sections 98 to 123 of Roads Ordinance 1871 to apply</p> | <p style="text-align: center;"><i>(6) Election and privileges of President.</i></p> <p>28 Election of President. Vacancy in office of President
29 President to continue councillor during year of office</p> <p style="text-align: center;"><i>(7) Proceedings of the Council.</i></p> <p>30 First meeting of the council
31 Annual and ordinary meetings of council
32 Sections 126 to 143 of the Otago Roads Ordinance 1871 applicable to this Ordinance</p> <p style="text-align: center;"><i>(8) Contracts.</i></p> <p>33 Mode in which Council may enter into contracts and effect thereof</p> <p style="text-align: center;"><i>(9) Officers.</i></p> <p>34 Appointment removal &c. and salaries of officers. Sections 144 to 149 of Roads Ordinance 1871 to apply
35 Councillors acting as clerk or treasurer shall not be paid
36 Substitute for clerk if none or for the time incapable &c.</p> <p style="text-align: center;"><i>(10) Auditors.</i></p> <p>37 Superintendent to nominate an auditor or auditors</p> <p style="text-align: center;"><i>(11) Accounts.</i></p> <p>38 Bank account
39 Accounts to be balanced and audited and open to inspection of persons interested. Sections 150 to 155 of Otago Roads Ordinance 1871 to apply</p> <p style="text-align: center;"><i>(12) By-laws.</i></p> <p>40 Council may make by-laws. To be made by special order and draft published.</p> <p style="text-align: center;"><i>(13) Ordinary Revenue and County Fund.</i></p> <p>41 Of what the ordinary revenue of the body corporate shall consist
42 How residue of Roads Endowment Fund is to be paid to County Treasurers &c.</p> <p style="text-align: center;"><i>(14) What shall be rateable property.</i></p> <p>43 What shall be rateable property
44 Rates subject to appeal</p> <p style="text-align: center;"><i>(15) Making of rates and valuations.</i></p> <p>45 Council may make and levy general rates
46 On what persons rates may be made and levied. Rates to be made for particular periods
47 Rates may be made retrospectively.
48 Estimate to be prepared before making rate
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52 Rate may be amended by council
53 Valuation of rateable property. Sections 161 to 170 of Roads Ordinance 1871 to apply
54 Owner where name not known to be rated as "owner" only</p> <p style="text-align: center;">PART V.—ROADS BRIDGES AND THE LIKE.</p> <p style="text-align: center;"><i>Maintenance &c. of Roads &c.</i></p> <p>55 Roads bridges &c. to be under care of council
56 Buildings chattels &c. vested in council
57 New roads &c.
58 New road may be in lieu of old
59 Council may form road adjoining to county</p> |
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 134 Annual report
 135 Interpretation
 Schedules first, second, and third

AN ORDINANCE to provide for the establishment of counties and for the Title.
 constitution and regulation of County Councils within the Province of
 Otago.

[RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON, 31ST MAY 1872.]

WHEREAS it is expedient to provide for the better management of local Preamble.
 affairs within rural districts in the Province of Otago by the establish-
 ing of counties and county councils 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 :—

1. This Ordinance shall be intituled and may be cited and referred to as Short Title.
 the "Counties Ordinance 1872."

PART I.

(1.) *Constitution of Counties by Union of Districts.*

2. If the district road boards of any two or more road districts which shall adjoin each other and contain together one continuous area of not less than twenty-five square miles and the total amounts actually paid for the general rates there last levied shall have amounted to £1000 and in each of which an election or first appointment of members of the board shall have taken place shall by petitions under the several common seals thereof pray the Superintendent in Council that such districts shall be constituted a county it shall be lawful for the Superintendent in Council if it shall seem fit so to do to constitute such districts a county under this Ordinance by such name as shall in and by such Order in Council be assigned to the same and the several road districts forming such county shall thereupon be and be called ridings of such county with such names as shall in like manner be assigned to the same: Provided that no such union shall take place upon or within thirty days before the day appointed for holding an annual election of members of the board in or for such several districts or any subdivision thereof.

Union of road districts.

3. If the district boards of two or more districts which shall adjoin each other and form one continuous area as last aforesaid shall by such petitions as last aforesaid pray the Superintendent in Council that such districts with some other district or districts adjoining thereto or surrounded partially or wholly by one or more of such first-mentioned districts and from which no petition for any such union shall have proceeded shall be constituted a county hereunder and if such districts shall be so placed that having regard to natural boundaries community of industry and general interests of the said districts as well petitioning as not petitioning it shall be fitting that such union should take place (of which fitness and of the grounds thereof being such as aforesaid the Superintendent in Council alone and finally shall judge) it shall be lawful for the Superintendent in Council to constitute the districts to which such petition shall relate a county in like manner and with the like effect in all respects as in the next preceding section mentioned.

Superintendent may direct union in certain cases.

4. If any borough and any road district shall adjoin each other and form with the boundaries thereof respectively one continuous area or if any borough shall lie surrounded by any road district and if the council of such borough and the board of such road district shall be desirous that such borough and such road district be formed into a county under this Ordinance the same may be done in like manner and with the like effect in all respects as is hereinbefore provided with regard to the union of two or more road districts and for the purpose of such union such borough shall be deemed to have been a road district hereunder and the several provisions hereof shall apply to the same accordingly.

Union of borough with district.

PART II.

(1.) *Constitution of Counties outside of Road Districts.*

5. Any part of the Province of Otago not being wholly or in part comprised within the limits of a municipality or of a borough constituted under "The Municipal Corporations Act 1867" or within any road district or any city town or place specified in the first column of the first Schedule of "The Municipal Corporations Act 1867" and being of an area not less than fifty square miles may be constituted a county in manner next hereinafter mentioned.

Incorporation of inhabitants of districts outside of road districts.

6. If a majority in number of the persons on the roll or rolls for the time being in force under "The Registration of Electors Act 1866" or any other Act in force for the like purpose shall sign and cause to be presented

Incorporation of new districts outside of road districts.

First Schedule.

to the Superintendent in Council a petition in the form in the first Schedule hereto or to the like effect praying him to constitute the portion of the Province in which such persons shall reside a county under this Ordinance and in such petition shall set forth the boundaries of the portion of the Province to which such petition shall refer it shall be lawful for the Superintendent in Council if he shall think fit so to do by proclamation to constitute such portion of the Province a county by such name as in and by the proclamation shall be assigned to the same: Provided however that the Superintendent may if he think fit before making such proclamation cause enquiry to be made by such persons and in such manner as he may think fit to direct as to the expediency of varying the boundaries proposed in the petition and may constitute any portion of the land comprised within the proposed boundaries a county or may add to the proposed boundaries other lands not comprised therein and constitute such land with such added land a county: and provided also that the Superintendent shall by the proclamation constituting such county declare the number of electoral sub-divisions hereinafter called ridings into which such county shall be sub-divided and define the boundaries of such ridings respectively and the inhabitants of such ridings shall be incorporated and shall enjoy and exercise all the privileges conferred by the "Otago Roads Ordinance 1871" on road districts constituted thereunder and the provisions of such Ordinance relative to road districts shall immediately on such proclamation take effect and apply to such riding accordingly.

Petition may be signed by proxies. Second Schedule.

7. Any person entitled to sign any such Petition as aforesaid may appoint in the form in the second Schedule hereto any other person to sign for him and the appointment shall be attached to the petition and presented therewith.

Union of county and borough.

8. If any county and any borough shall adjoin each other and form together with any highway creek or stream which shall be the common boundary one continuous area or if any borough shall be surrounded by any such county and such common boundary and form with such county such continuous area and if an annual or general election or first appointment of councillors shall have taken place in and for such county and in and for such borough and if the council of such county and the council of such borough shall by petitions under their several common seals pray the Superintendent in Council that such county and such borough with such area may be formed into one county under this Ordinance it shall be lawful for the Superintendent in Council by proclamation to constitute the same with such area one county by such name as shall in and by the proclamation be assigned thereto and upon such union such borough shall become and be by the name theretofore borne by the same respectively a riding of the county formed by such union.

Borough to become riding of county.

PART III.

Existing Rights, &c.

Existing property &c. at time of union.

9. All real and personal property and all right title or interest in or to and all rights of management or control over any such property or over any land place or thing vested respectively at the time of any such union in the council or body corporate of any of the several road districts or of the county and borough shall on such union be continued to and vested in the body corporate of the said road district county or borough.

Existing rights &c. after union to remain.

10. All rates made all rights liabilities contracts and engagements existing and all actions suits and proceedings pending at the time of the union of any road districts or road districts and borough or county and borough shall be paid to levied and recovered by and against the body corporate of each road district or road districts county and borough as the case may be and be of the same force and effect to all intents and purposes as against such road district or road districts county or borough as if such union had not taken place.

11. The inhabitants of every county constituted hereunder shall be a body corporate under the name of the president councillors and ratepayers of the county and by that name continue to have and shall have perpetual succession and a common seal and by that name may sue and be sued and shall be capable in law by the council of the county for the purposes and subject to the provisions of this Ordinance of doing and suffering all such acts and things as bodies corporate may by law do and suffer.

Inhabitants of counties incorporated.

12. It shall be lawful for the Superintendent from time to time if it shall seem fit to add to any riding or separately to two or more ridings of any county any portion of the Province actually adjoining to such riding or ridings as the case may be and not lying within the limits of the City of Dunedin or Town of Port Chalmers or any municipal or road district and every such portion so added shall thereupon to all intents and purposes become and be part of such county and of the riding to which the same shall have been added.

Superintendent may add detached portions of territory to any county or riding.

PART IV.

(1.) *Councils and Councillors of Counties.*

13. In and for each county formed by the union or successive unions of several road districts under this Ordinance there shall be a county council of which the chairman of each road board within the county shall be a member *ex officio* and there shall be other two members of the county council for each riding within the county to be elected in manner hereinafter provided.

Number of councillors for each county formed by union of road districts.

(2.) *Number &c. of Councillors.*

14. There shall be in and for each county constituted under the provisions of Part II of this Ordinance a county council consisting of three members for each riding and such members shall be elected in manner hereinafter provided.

County Councils constituted under Part II.

3.) *Capacity &c. of Councillors of Counties proclaimed under Parts I and II.*

15. In order that any person may be qualified to be a Councillor of any county he must have been entitled either under the "Otago Roads Ordinance 1871" or under this Ordinance upon the twentieth day of *March* which day shall for the time being have been last past to have been enrolled and must during the whole of the time for which he is elected continue to be entitled to be enrolled in respect of property of rateable value whether of one or more tenements amounting to fifty pounds at the least on the voters' roll for the time being in force for such county or some riding or ridings thereof: Provided that for the first election of councillors in counties proclaimed under Part II of this Ordinance in order that any person may be qualified to be a councillor of any county he must be an elector enrolled on some electoral roll under the provisions of "The Registration of Electors Act 1866" or any Act amending the same which shall for the time being be in force within the county and must possess lands or tenements in such county.

Qualification of councillors of counties constituted under Part I.

Qualification of councillors of counties constituted under Part II.

16. No female no uncertificated or undischarged insolvent no person attainted of treason or convicted of felony or perjury or any infamous crime no person of unsound mind and no person not qualified as herein required or who is disqualified hereunder shall be capable of being or continuing a councillor of any county.

Incapacity for being member.

Incapacity of
contractors.

17. No person who shall hold any office or place of profit under or in the gift of the council of any county or be concerned or participate in any-wise in any contract with such council or in the profit thereof or of any work to be done under the authority of such council shall be capable of being or continuing a councillor of the county : Provided that nothing in the preceding part of this section shall extend or apply to any contract entered into with the council of any county by any company partnership or association consisting of more than twenty persons or any incorporated company where such contract shall be entered into for the general benefit of either of such companies or of such partnership or association or to any person by reason only of his being interested in any public journal publishing advertisements for the county council of which he may be a member but no member shall vote upon or take part in the discussion of any matter in or before the council in which such member shall directly or indirectly by himself or his partners have any pecuniary interest.

Proviso.

(4.) *Retirement and Vacancies.*

Retirement of coun-
cillors in rotation.

18. On the third Thursday in June in every year in every county proclaimed under Part I one half of the elected members and in each county proclaimed under Part II until road boards shall have been elected for the ridings thereof one third of the whole number of councillors assigned hereby to each riding shall go out of office and the councillors who shall so go out of office shall always be the councillors who have been the longest time in office without re-election and if by reason of two or more councillors having been elected at the same time it shall not be apparent under the foregoing part of this section which of such last-mentioned councillors ought at any time to go out of office then the council shall itself determine by ballot in what order and which of such members shall go out of office.

Chairman to continue
councillor during
year of office.

19. Notwithstanding anything herein contained as to the number of the council or as to councillors going out of office in rotation the chairman of each road board shall during the year of office as chairman continue to be a member of the county council for the riding forming such road district.

Extraordinary
vacancies.

20. If any councillor shall die or by notice under his hand delivered to the president or clerk of the council shall resign such office of councillor or shall by any rule or order of the Supreme Court be ousted of such office or shall be absent from four consecutive ordinary meetings of the council without leave obtained from the council in that behalf or shall at any time during the time for which he is elected cease to be entitled to be enrolled in respect of property within the county of the rateable value aforesaid or be otherwise legally incapacitated then the office of such councillor shall become and be vacant and every such vacancy shall be supplied by persons qualified under this Ordinance appointed by the council to fill such vacancy who shall hold office until the next annual ordinary election and shall then cease to hold office and an election shall be held to fill such vacancy in the same manner and form as if such councillor had gone out of office by rotation.

Councillors capable
of re-election.

21. Nothing herein contained shall prevent any person from being immediately or at any time re-elected a councillor if he shall for the time being be capable under the provisions hereof of being and continuing a councillor.

(5.) *Voters and their rights.*

Qualification of voters
in counties pro-
claimed under Part I.

22. Those persons whose names are enrolled in terms of the "Otago Roads Ordinance 1871" on the voters' roll of any road district part of any county constituted or proclaimed under Part I. of this Ordinance shall be

entitled to vote at the election of councillors for the riding formed by such road district and to exercise the full number of votes for which they are enrolled on the voters' roll of the road district.

23. For the first election of councillors of the county council in every county proclaimed under Part II. of this Ordinance those persons enrolled on any electoral roll which under the provisions of "The Registration of Electors Act 1866" shall for the time being be in force whose qualifications are in respect of lands and tenements situate within the county and no other person shall on such day as the Superintendent shall appoint not being less than forty days after the same shall have become such county and in the manner hereinafter mentioned elect from the persons capable of being such councillors the whole number of councillors hereby assigned to such county.

First election in counties proclaimed under Part II.

24. All elections of councillors for any riding shall be held by and before the president of the county and if at any time there be no president or if the president be incapable of acting or refuse to act by and before such one of the councillors as the council may from time to time have appointed to hold elections in and for such riding and if the council have failed to make such appointment and at the first elections hereunder by and before such person as the Superintendent shall for the occasion appoint in that behalf.

Who shall preside at elections.

25. In every county in which members of the county council shall be in office hereunder if a voters' roll shall not as yet be in force for such county or for each riding thereof those persons enrolled on any electoral roll which under the provisions of "The Registration of Electors Act 1866" or any other Act for the like purpose shall for the time being be in force whose qualifications are in respect of lands and tenements situate within the county or some riding thereof for which no such voters' roll shall be in force shall in the manner hereinafter mentioned elect from the persons capable of being such members one-third of the whole number of members assigned hereunder to the riding in the room of those who shall under the provisions herein contained go out of office by rotation that year.

Annual ordinary elections in counties or ridings in which no voters' roll as yet made.

26. At all elections hereunder at which persons shall be entitled to vote by reason of their being enrolled on some electoral roll for the time being in force under "The Registration of Electors Act 1866" such person shall not be entitled to give more than one vote to each candidate whatever may be the value of the qualification of such persons.

At elections where no voters' roll in force voters entitled to give only one vote.

27. All elections shall be held and conducted in the manner provided by sections numbered from *ninety-eight to one hundred and twenty-three* both inclusive of the "Otago Roads Ordinance 1871" and the same sections shall be read as if the same were inserted in this Ordinance expressly in reference to the elections of councillors for any riding and all reasonable expenses of or incident to any election incurred by the Returning Officer shall be repaid to him by the county council out of the county fund.

Manner of holding elections and expenses of election.

Sections 98 to 123 of Roads Ordinance 1871 to apply.

(6) *Election and Privileges of President.*

28. At the first meeting of the council in every county the council shall by the majority of the votes of the councillors present elect one of their body to be president until the next annual meeting of the council when and at every subsequent annual meeting the councillors shall in like manner elect a president for the ensuing year and such president shall preside at all meetings of the council at which he shall be present and if such president cease for any cause other than the retirement of councillors in rotation to be a councillor he shall be incapable of being or continuing president and in case the president die or by writing under his hand delivered to the council at any meeting thereof or to the clerk of the council resign

Election of President.

Vacancy in office of President.

his office or as aforesaid cease to be a councillor or be ousted of such his office by a rule or order of the Supreme Court or a Judge thereof the councillors present at the meeting next after the occurrence of such vacancy or at any meeting before there shall as yet have been a president shall choose some one of their body to be president and the president so elected shall continue in office until the next annual meeting and if at any meeting of the council the president be not present one of the councillors present shall be elected chairman of such meeting by the majority of the votes of the councillors present thereat and in the case of an equality of votes the president or the chairman in his absence shall have a deliberative and a casting vote.

President to continue councillor during year of office:

29. Notwithstanding anything herein contained as to the number of the council or as to councillors going out of office in rotation the president shall during the year of office of president continue to be a member of the council.

(7.) *Proceedings of the Council.*

First meeting of council.

30. The council of every county constituted under the provisions of this Ordinance shall hold their first meeting at such place as shall be appointed by the Superintendent on the fourth Tuesday after the first election of councillors or as soon after such respective periods as conveniently may be at the hour of twelve o'clock at noon and shall proceed to put this Ordinance into execution.

Annual and ordinary meetings of council.

31. The council of every county shall hold an annual meeting at noon on the first Wednesday in the month of *September* in each year at the office of the council within the county and they shall also hold ordinary meetings for the transaction of general business and the ordinary meetings shall be held at the office of the council on such day and hour in each week month or other stated space of time as the council shall from time to time appoint and when any such appointment is made the clerk shall give notice thereof to each of the councillors and they shall afterwards until the time of such ordinary meetings is changed and notice of such change given to the councillors attend such ordinary meetings without notice.

Sections 126 to 143 of the Otago Roads Ordinance 1871 applicable to this Ordinance.

32. The provisions of the "Otago Roads Ordinance 1871" contained in the sections thereof numbered from *one hundred and twenty-six* to *one hundred and forty-three* both inclusive shall be applied to all meetings and proceedings of the county councils constituted under this Ordinance and the expression or words "district board" or any similar words or expression whatever used in the said Ordinance shall mean the council of any county constituted or existing hereunder.

(8.) *Contracts.*

Mode in which council may enter into contracts and effect thereof.

33. The council may enter into contracts with any person for the execution of any works directed or authorised by this Ordinance to be done by the council or for furnishing materials or for any other things necessary for the purposes of this Ordinance and except as hereinafter provided every such contract for the execution of any work shall be in writing or partly printed and written and shall specify the work to be done and the materials to be furnished and the price to be paid for the same and the time or times within which the work is to be completed and the penalties to be suffered in case of non-performance thereof and the power hereby granted to the council to enter into contracts may lawfully be exercised as follows that is to say—

Any contract which if made between private persons would be by law required to be in writing and under seal the council may

make in writing and under the common seal of the council and in the same manner may vary or discharge the same.

Any contract which if made between private persons would be by law required to be in writing signed by the parties to be charged therewith the council may make in writing signed by the members thereof or any two of their number acting by the direction and on behalf of the council and in the same manner may vary or discharge the same.

Any contract which if made between private persons would be by law valid although made by parol only and not reduced into writing the councillors or any two of them acting by the direction and on behalf of the council may make by parol only without writing and in the same manner may vary or discharge the same: Provided that any agreement made by parol only shall not be valid for any sum exceeding ten pounds (£10).

(9.) *Officers.*

34. The council may from time to time appoint and employ a treasurer clerk engineer surveyor valuers collectors and all such other officers to assist in the execution of this Ordinance as they shall think proper and necessary and from time to time remove any of such officers and appoint others in the room of such as shall be so removed or as may die resign or discontinue their offices and may out of the shire fund pay such salaries and allowances to the said officers respectively as the council shall think reasonable and all such officers shall observe the provisions contained in the sections of the "Otago Roads Ordinance 1871" numbered from *one hundred and forty-four* to *one hundred and forty-nine* both inclusive which shall be read as part of this Ordinance the words "the Board" being held to mean the county council and any two or more of the said offices with the exception of the offices of treasurer and collector may be held by the same person: No person shall be appointed a surveyor or engineer by any council under this Ordinance unless and until he shall have obtained a certificate of competency as a surveyor of land and of works from a board of examiners who shall be appointed by the Superintendent for the examination of surveyors.

Appointment removal &c. and salaries of officers.

Sections 144 to 149 of Roads Ordinance 1871 to apply.

35. Any councillor shall be capable of being or continuing clerk or treasurer or any other such officer of the county as in the last preceding section mentioned but shall not be paid any salary fees or other reward for services performed as such clerk treasurer or other officer.

Councillors acting as clerk or treasurer shall not be paid.

36. If at any time there shall be no clerk of the council of any county or the clerk of the council shall be incapable of acting or refuse to act as herein provided all acts and things which under this Ordinance may or are required to be had or done by or with regard to the clerk of the council may and shall be had or done by or with regard to such fit person as the council shall appoint or in default of such appointment within one week after notice from the Superintendent to make the same such fit person as the Superintendent shall appoint in that behalf.

Substitute for clerk if none or for the time incapable &c.

(10.) *Auditors.*

37. It shall be lawful for the Superintendent from time to time to nominate and appoint any one or more person or persons not being councillors of the county as he shall think fit to be an auditor or auditors for any county and such person or persons from time to time as he shall think fit to remove and on the death resignation or removal of any such auditor or auditors to appoint any other person or persons in place of any person or persons so dying resigning or removed: Provided always that such auditors

Superintendent to nominate an auditor or auditors.

of the county shall be paid out of the county fund such reasonable remuneration as the Superintendent may direct.

(11.) *Accounts.*

Bank account.

38. All moneys of the body corporate amounting to twenty pounds and upwards shall within thirty days or such shorter period as the council may direct after they shall have come to the hands of the proper officer of the council be paid into such bank as the council shall from time to time have appointed for that purpose and no such money shall be drawn out of such bank save by cheques signed by the president of the council and countersigned by the treasurer of the council or by such other person as the council may appoint.

Accounts to be balanced and audited and open to inspection of persons interested. Sections 150 to 155 inclusive Otago Roads Ordinance 1871 to apply.

39. The provisions contained in the sections of the "Otago Roads Ordinance 1871" numbered from *one hundred and fifty to one hundred and fifty-five* both inclusive shall be applied to the accounts of the county council constituted under this Ordinance and the expression or words "the board" or any similar expression or words wherever used in the said Ordinance shall mean the council of any county constituted or existing hereunder.

(12.) *By-Laws.*

Council may make by-laws.

40. The council may from time to time make such by-laws as they think fit for the purpose of regulating the conduct of their officers and servants and for providing for the due management of the affairs and proceedings of the council and for any of the purposes provided for in this Ordinance and to carry into effect all the provisions of this Ordinance according to the true intent and meaning thereof for the good government of the county: Provided that no by-law shall be made save by a "special order" of the council nor unless a copy of the draft by-law as proposed shall have been published in the county and notice thereof given to the inhabitants of the county in such manner as the council shall direct: Provided also that the power to make by-laws shall not be exercised before and until the provisions of "The Highway Boards Empowering Act 1871" in that behalf be extended and applied to the county in terms of the said Act.

By-laws to be made by special order and draft published.

(13.) *Ordinary Revenue and County Fund.*

Of what the ordinary revenue of the body corporate shall consist.

41. The ordinary revenue of the body corporate of every county shall consist of the moneys following that is to say—

Rates not being special rates tolls levied on roads appointed main roads or being or continuing to be main roads under this Ordinance or the "Otago Roads Ordinance 1871" and all rents of such tolls.

Moneys received by the council under any grant or appropriation by or under or in pursuance of any Act of the General Assembly of New Zealand or of any Ordinance of the Superintendent and Provincial Council of Otago not containing any other and different provision.

All other moneys which the council may receive under or in pursuance of this Ordinance not being the proceeds of any loan.

Moneys received by way of subscription or voluntary donation unless subscribed by some specified road bridge or other work in which case such moneys shall be applied to such specified road bridge or work only.

The residue of the "Roads Endowment Fund" namely the portion of the said fund defined in Section 2 Sub-section 3 of "The Otago Road Boards Endowment Act 1868."

And all such moneys shall be carried to the account of a fund to be called the "county fund" and such fund shall be applied by the council toward the payment of all expenses necessarily incurred in carrying this Ordinance into execution and of doing and performing all acts and things which the said council are or shall be by this or any other Ordinance empowered or required to do or perform.

42. And whereas by "The Otago Road Boards Endowment Act 1868" it was provided that 40 per cent. of the land revenue of the Province should be paid into a branch of the Provincial account to be called the "Roads Endowment Fund" whereof one-half was to be subject to the appropriation of the Provincial Council for expenditure on main roads and bridges thereon be it enacted as follows:—

How residue of "Roads Endowment Fund" is to be paid to county treasurers &c.

- (1.) The Provincial Treasurer shall at the expiration of every month commencing from the first day of December 1872 pay into the account to be called the "county fund" one-half of the amount payable monthly into the roads endowment fund as provided by "The Otago Road Boards Endowment Act 1868" and certain sums as hereinafter provided shall be paid therefrom to the treasurer of each county council.
- (2.) Until a county shall have been proclaimed under this Ordinance the sums of moneys set apart under the name of "county fund" shall be appropriated by the Provincial Council of the Province exclusively for the construction and maintenance of main roads and bridges within the Province.
- (3.) Upon the proclamation of any county under this Ordinance the Provincial Treasurer shall pay monthly to the treasurer of such county a sum out of the county fund equal to the monthly proportion of the amount leviable by the county council within such county by rates for roads in the year then current and if after the expiration of three months from the first payment for any year the Provincial Treasurer shall have no satisfactory proof submitted to him that the council of any district are taking the necessary steps to levy a rate then the monthly payments shall be discontinued.
- (4.) When two or more counties shall have been proclaimed under this Ordinance the Provincial Treasurer shall in like manner pay a like amount proportionately to each county treasurer out of the county fund and the balance if any shall be appropriated as provided by subsection 2.
- (5.) If the amount of county road rates levied in any year shall exceed the sum payable to the county fund in such year the Provincial Treasurer shall divide the amount rateably to the treasurers of the county councils.

(14.) *What shall be rateable property.*

43. All lands tenements and hereditaments not being Crown Lands or land over which the native title has not been extinguished shall be rateable property within the meaning of this Ordinance save as is next hereinafter excepted that is to say except land used for public purposes hospitals benevolent institutions and buildings used exclusively for public charitable purposes churches chapels and other buildings used exclusively for public wor-

What shall be rateable property.

ship dwellings of ministers of any religious denomination and buildings used as athenæums mechanics' institutes schools or as residences of schoolmasters or schoolmistresses provided they be inhabited only by the master or mistress of such schools or his or her family and burial grounds and unoccupied land vested in the Superintendent of the Province or any corporation commissioners or other persons or body under "The Public Reserves Act 1854" or "The Public Reserves Act Amendment Act 1862" or any other Act of the General Assembly or Ordinance of the Province of Otago passed in pursuance of the said two last-mentioned Acts or either of them: Provided that nothing herein contained shall exempt from being rated in accordance with the provisions of Section 5 Part II and Section 6 Part III of "The Highway Boards Empowering Act 1871" any land made liable to be rated under the provisions of the said Act.

Rates subject to appeal.

44. All rates made under the provisions of this Ordinance shall be subject to appeal and be recovered as provided in Part III of the "Highway Boards Empowering Act 1871" after the same shall have been duly proclaimed by the Superintendent.

(15.) *Making of Rates and Valuations.*

Council may make and levy general rates.

45. The council of every county shall once at least in every year and may from time to time as they see fit in manner hereinafter mentioned make and levy rates to be called "general rates" equally upon all rateable property within such county and no such rates made in any one year shall exceed the amount of one shilling in the pound of the nett annual value of such property or be less than threepence in the pound of such value and the council of each county shall and they are hereby required within four months after the first election of councillors for such county to make one such rate at not less than threepence in the pound of such nett annual value.

On what persons rates may be made and levied.

46. Every rate which the council of any county are by this Ordinance authorised to make or levy shall be made and levied by them at yearly or half yearly periods as they shall think fit upon every person who occupies or if there be no occupier then upon the owner of any rateable property whatsoever within such county according to the nett annual value of such property and shall be vested in the council and shall be payable at such times and either in whole or in such parts or instalments as they shall appoint: Provided that every rate made under this Part shall be made for and in respect of such period after the making of such rate as the council shall think fit and as shall be named therein but this section shall not prevent the council from making or levying during any such period another rate if they shall otherwise have power hereunder to make or levy the same.

Rates to be made for particular periods.

Rates may be made retrospectively.

47. The council may make any such rate in order to raise money to pay charges and expenses to be incurred or in order to raise money to pay charges and expenses already incurred.

Estimate to be prepared before making rate.

48. The council from time to time before proceeding to make any rate which they are by this Ordinance authorised to levy shall cause an estimate to be prepared of the money required for the several purposes in respect of which they are authorised to expend or apply the county fund showing the several sums already available for such purposes the several sums required the rateable value of the property assessable and the rate on each pound of such value necessary to raise the money required which estimate after the same has been approved of by the council shall be forthwith entered on the rate book to be kept as hereinafter provided.

Notice of intention to make rate.

49. Notice of the intention of making every rate authorised to be made under the provisions of this Ordinance and of the time at and the period in respect of which the same is intended to be made and of a place where a statement of the proposed rate is deposited for inspection by the ratepayers shall

be given by the council by placards posted up in public places within the district and shall be advertised in the Provincial Government *Gazette* or in some newspaper generally circulating within the district at least twenty-one days previous to such rate being made.

50. Every such rate shall be fairly transcribed in a book to be called the "rate book" to be kept for that purpose and may be in the form given in the third schedule to this Ordinance or as near thereto as the circumstances of the case will permit and every such rate shall contain an account of every particular set forth at the head of the respective columns so far as the same can be ascertained and shall be signed by not less than three councillors of the county.

Form &c. of rate.
Third Schedule.

51. The statement of the proposed rate and the rate immediately after the same is made shall be open to the inspection of any person interested or rated at all reasonable times that is between the hours of ten and four o'clock on such days as may be appointed and any such person may take copies or extracts from such statement or rate without paying anything for the same and any person having the custody of such statement or rate who shall refuse to permit any person so interested or rated as aforesaid or shall not on his request permit him to take copies or extracts from such statement or rate shall for every such offence be liable to a penalty not exceeding five pounds.

Rate to be open to
inspection of rate-
payers who may take
copies.

52. The council may from time to time amend any rate made by virtue of this Ordinance by inserting therein the name of any person claiming and entitled to have his name therein as owner or occupier or by inserting the name of any person who ought to have been rated or by striking out the name of any person who ought not to have been rated or by raising or reducing the sum at or upon which any person has been rated if it appear to them that such person has been underrated or overrated or by making such other amendments therein as will make such rate conformable to this Ordinance and no such amendment shall be held to avoid the rate: Provided always that every person aggrieved by any such alteration shall have the same right of objection thereto as he would have had if his name had been originally inserted in such rate and no such alteration had been made and as respects such person the rate shall be considered to have been made at the time when he received notice of such alteration and every person whose rates are altered shall be entitled to receive fourteen days' notice of such alteration before the rate shall be payable by him.

Rates may be
amended by council.

53. The council of each county in which no valuation has been made shall within three months after the constitution of the county cause to be made for such county and may from time to time afterwards as shall seem fit cause to be made for such county a valuation of all rateable property within the county by a competent person or persons to be called valuers in such manner and form and such valuers shall have such powers and duties as are prescribed in sections *one hundred and sixty-one to one hundred and seventy* both inclusive of the "Otago Roads Ordinance 1871" both inclusive and notice of such valuation shall be given to the occupiers or owners of the rateable property so valued or shall be published by the council in some newspaper circulating in the county and the rates made by the council for the purposes of this Ordinance shall be made upon such valuation and in every such valuation the property rateable shall be computed at its annual value that is to say at the rent at which the same might reasonably be expected to let from year to year.

Valuation of rateable
Property.

Sections 161 to 170
both inclusive Otago
Roads Ordinance
1871 to apply.

54. Whenever the name of any owner liable to be rated under the provisions of this Ordinance is not known to the council it shall be sufficient to rate such owner as the owner of the property to be rated by the designation of "the owner" without stating his name.

Owner where name
not known to be rated
as owner only.

PART V.—ROADS BRIDGES AND THE LIKE.

(1.) *Maintenance &c. of Roads &c.*

Roads bridges &c. to be under care of council.

55. All main roads within any county and all public bridges and ferries within any county or placed under the control of the council thereof as herein provided and being upon such main roads shall be under the care and management and subject to the direction of such council and every such council shall subject to the provisions hereof have full power to form construct improve repair and maintain all such main roads bridges and ferries.

Buildings chattels &c vested in council.

56. The right interest and property of and in all toll-houses toll-gates and other erections and buildings lamps bars toll-boards direction-boards milestones posts rails chains fences and other things and all ferries which shall hereafter be placed erected or provided under this Ordinance or any main road bridge or ferry in or for any county or be placed under the control of the council thereof as herein provided with the several appurtenances thereof and the materials of which the same shall consist and all materials tools and implements which shall be provided for constructing repairing or maintaining the main roads bridges or ferries within the county or such bridges or ferries as may be placed under the control of the council under this Ordinance and the scrapings of all such roads shall be vested in the council of the county.

New roads &c.

57. The council of every county may from time to time subject to the provisions herein contained open or make new main roads and divert or alter or increase the width or cause to be raised or lowered the ground or soil of any road under their care or management within the county or without the county if approved of by the Superintendent.

New road may be in lieu of old.

58. The council by order may direct that any land taken purchased or acquired by them under the provisions hereof for any purpose mentioned in the last preceding section shall be a road within the meaning of this Ordinance from such time as shall be named in such order and every such order on being approved of by the Superintendent shall be published in the *Provincial Government Gazette*.

Council may from road adjoining to county.

59. If any part of a main road shall lie along and upon or be adjoining lengthwise to the limits of any county but a portion of the breadth of such part shall lie outside such county and if such part shall not as to the portion of the breadth so lying outside such county be adjoining or be within the limits of any other county or of any borough the council of such first-mentioned county shall have power to drain form macadamise and otherwise make good and to repair and maintain such part of such public highway in like manner as any road within the county.

If such road lie along another county council may give notice to treat with respect to it.

60. If any such part of a main road as lastly before-mentioned shall as to the breadth of such part so lying outside such county be adjoining to or within any limits of any other county or any borough city town or place within the said Province and if such main road shall not as to such part theretofore have been drained formed macadamised or otherwise made good or shall be ruinous or out of repair the council of such first-mentioned county may cause to be given to the council or other governing body of the said county borough city town or place a notice stating the desire of the council giving the notice that such part of such main road as aforesaid and described in such notice may be drained formed macadamised or otherwise made good or repaired and offering to treat and agree with the council board or governing body receiving the notice with respect to the performance by either party of the whole or part of such work and the future maintenance and repair of such part of the said road and such agreement may as to any or all of such matters be made accordingly and every such council or governing body giving or receiving such notice shall for the purpose of carrying out any such agreement have power to perform any such work or any part thereof and to provide for such maintenance and repair.

61. If the council of any county shall desire to construct establish or repair any bridge or ferry over any river or creek at a place where one bank and one-half only of the whole breadth of such river or creek lie within the county and if there be in such case no other council body corporate or governing body duly empowered as herein provided to treat with such council with respect to the remaining part of such breadth and the opposite bank then the said council may with the approval of the Superintendent if both banks of such river or creek are within the same Province or in other cases with the approval of the Superintendent of the adjoining Province construct establish or repair such bridge or ferry and the approaches thereto as though the whole breadth and both banks were within the county and if there be any such council body corporate or governing body as lastly mentioned then the council of the county may treat and agree with such council body corporate or governing body with respect to such work and either party may execute such work or any part thereof according to the tenor of such agreement.

Bridges &c. at boundaries of counties.

62. The Superintendent may by proclamation appoint that any bridge or ferry which may have been or may hereafter be placed or provided at the boundary of any county on or over any river or creek whereof the whole breadth and both banks shall not at the site of such bridge or ferry lie or be within such county shall with the approaches thereto be under the control of the council of such county and the same shall be under their control accordingly.

Control of such appointed to council.

63. If at any time there shall be within any county a main road continuing up to the boundary of such county and there shall not be within the adjoining county a main road or a main road sufficiently formed continuing from such first-mentioned road through such last-mentioned county it shall be lawful for the council of either of such counties to petition the Superintendent for an order that a sufficient road shall be formed through such last-mentioned county and such petition if it shall be from the council of such first-mentioned county and if the council is willing that some portion of the share of the roads subsidy payable or to become payable to such first-mentioned county should be applied towards the formation of such road shall state that the council is willing that a portion of the share of such county in such fund shall be so applied and on the receipt of such petition the Superintendent shall transmit a copy of such petition to that other council which shall not have petitioned and the Superintendent shall fix a time and place at which he will proceed to enquire as to the necessity for the formation of such road and give notice to the council of each of such counties of the time and place so fixed and shall then proceed to inquire in such manner as he shall think fit into the circumstances of the case and if the Superintendent shall think fit it shall be lawful for him by an order in writing published in the Provincial Government *Gazette* to order that a road of such length and direction as he shall think fit shall be formed in or through the country hereinbefore in this section secondly mentioned by the council of such secondly-mentioned county and if he shall think that the expense of such formation should be borne alone by the county within which such road is to be formed he shall in the said order so declare and if he shall think that such expense should be borne partly by such last-mentioned county and partly by the other counties he shall in and by such order as aforesaid direct what proportion of the cost of the construction of such road shall be borne by each of such counties out of their respective shares in such fund.

Where a main road formed up to boundary of a county and no continuous road in adjoining county council of either county may apply to Superintendent to order road to be made and expense to be borne out of roads subsidy payable to adjoining county or jointly out of shares of both counties in such fund.

64. Before any order for the formation of any such road as last aforesaid shall be made the Superintendent shall notify to the council of the county within which such road is to be formed that it is intended to make such order and he shall describe the road or part of road which is to be the subject of such order with sufficient particularity to enable such council to cause a sufficient plan specification and estimate of cost of such road to be prepared and upon the receipt of such notification the council shall cause to

Before order made Superintendent to call on council for plans and estimates to be certified by persons appointed by Superintendent.

be prepared and transmitted to the Superintendent a plan and estimate of the cost of the work together with a certificate under the hand or hands of such person or persons as the Superintendent shall for the purpose appoint (whose name or names shall be specified in the notification sent by the Superintendent) that the plan is sufficient and such certificate shall also contain a statement that the estimated cost is in the opinion of such person or persons as aforesaid fair and reasonable and after the receipt of such plan and estimate and certificate if the Superintendent shall approve of the same it shall be lawful for him to make such order as in the last preceding section is provided and the order shall refer to the plan and if after such notification shall have been made to such council such council shall neglect within such time as the Superintendent shall think reasonable to forward such plan estimate and certificate it shall be lawful for the Superintendent to cause a plan and estimate to be prepared and to make such order as aforesaid and the council shall comply with such order.

After compliance with order is certified Superintendent empowered to issue order for payment to the contractor &c.

65. When any order made under the last two preceding sections shall have been complied with by the council bound to comply therewith and they shall have forwarded to the Superintendent a certificate by such person or persons as the Superintendent shall appoint for the purpose that such order has been complied with the Superintendent may issue his certificate to the Provincial Treasurer certifying what amount shall be paid out of any subsidy or money payable out of the Provincial Revenue to the county in which the work is not executed to the county which shall have performed the work and in like manner the Superintendent may from time to time during the progress of such works and after the completion thereof authorise the Provincial Treasurer to make payments on account of such work out of such subsidy.

Provincial Treasurer on receipt of order to issue money out of the subsidy.

66. The Provincial Treasurer upon the receipt of any such certificate from the Superintendent authorising him to pay any such sum as in the last preceding section mentioned shall pay such sum to the council which shall have formed such road or been ordered to form such road out of the share or proportion of the share named in such certificate in such subsidy if there shall be sufficient money payable out of the said subsidy to such county or if not so much as shall then be payable to such county and shall out of any moneys which may thereafter become payable or accrue due to such county pay thereout the moneys so authorised to be paid or so much as shall not have theretofore been paid.

If orders not complied with Superintendent may appoint persons to effect construction who are to have same power as Council.

67. If the council of any county shall fail to comply with any order made under this Ordinance within the time appointed by the order the Superintendent may if he think fit order that such person or persons as he shall think proper and appoint for the purpose shall have power to effect the construction of the works specified in such order and the person or persons appointed by the Superintendent to effect such construction is or are hereby authorised upon such order being made to effect such construction and such person or persons shall for the purpose aforesaid have all the powers which by this Ordinance are vested in the council in that behalf and it shall be lawful for the Superintendent to notify to the Provincial Treasurer that he has made such order as last aforesaid and to request the Provincial Treasurer to retain and to pay to such person or persons as the Superintendent shall appoint to construct the road out of any moneys then or thereafter payable to the county the council of which shall have failed to comply with the order as aforesaid out of any subsidy payable to such county such sum as the Superintendent shall think will be required for the formation of such road or such sum which together with any sums payable out of any subsidy payable to any adjoining county will be sufficient for such purpose and the Provincial Treasurer shall then issue and pay to such person or persons so appointed to construct such road the sum (if any) ordered to be paid out of any subsidy payable to such

adjoining county in like manner as such moneys would have been payable to the council ordered to construct such road.

68. All main roads shall not be less than one chain wide including Width of roads. footpaths but this provision shall not be deemed to affect highways dedicated or existing before the commencement of this Ordinance.

69. It shall be lawful for the council of every county to stop all traffic Temporary roads. upon any road bridge ferry or ford within the county whilst being constructed repaired or widened and to make and construct through or on the adjoining land not being Crown lands or lands over which the Native title shall not have been extinguished and not being the site where any house stands nor being a garden yard park planted walk or avenue to a house or any enclosed ground planted or set apart as an ornament or shelter to a house or planted or set apart as a nursery for trees or any part thereof respectively the owner or occupier of which lands herein lastly excepted respectively shall not consent in writing in that behalf a temporary road bridge ferry or ford to be used as a public highway in lieu of the old bridge ferry or ford while being constructed repaired or widened and such temporary road bridge ferry or ford shall be and be kept fenced in or otherwise so secured by the council as to afford the person through whose land the same may pass an equal protection against trespass as was possessed by such person previously to such temporary road bridge ferry or ford being made and the council shall make reasonable compensation to the owners and occupiers of such adjoining ground upon or through which such temporary road bridge ferry or ford shall be made for the damage which they shall thereby sustain.

70. It shall be lawful for the council of every county by their engineer or surveyor or other person authorised by them after giving the owners or occupiers of the land not less than three nor more than fourteen days' notice of the intention so to do to enter upon any land adjoining any road not being such land as is excepted in the last preceding section whereof the owner or occupier does not consent as therein mentioned for the purpose of constructing altering or repairing any drains sewers culverts causeways or bridges of or on such road or of repairing such road and the council shall make reasonable compensation to such owner or occupier for any damage sustained by him in consequence of such entry. Entry on lands to construct drains.

71. It shall be lawful for the council of every county by their engineer or surveyor or other person authorised by them to enter and search for dig raise gather take and carry away on and from any land within the county not being such land as is excepted by the last two preceding sections whereof the owner or occupier does not consent as therein mentioned and in and from any river or creek any materials necessary for making or repairing any road or bridge but nevertheless so as not to damage any building road or ford or to divert or interrupt the course of any river or creek or to search for dig raise gather or take any such materials within fifty yards of any bridge dam jetty or other structure and the council shall make reasonable compensation to the owners and occupiers of such land or of the soil of or adjoining such river or creek for the damage which they may sustain by or through the exercise of any of the powers conferred by this section. Right to procure materials for road.

72. If the council or their engineer surveyor or other person as aforesaid shall by reason of the exercise of the powers conferred by the last preceding section make or cause to be made any pit or hole in any land river or creek they shall forthwith cause the same to be sufficiently fenced off and such fence to be supported and repaired during such time as the pit or hole shall continue open and not sloped down or filled up as herein provided and shall within three days after such pit or hole shall be opened or made where no materials suitable for making or repairing the road or bridge shall be found cause the same to be filled up with the clay or soil taken Place from which materials are taken to be forced in.

therefrom and levelled and shall where any such material shall be found within fourteen days after having procured sufficient materials in such pit or hole cause the same to be filled up sloped down or fenced off and so continued and if this section be not complied with the surveyor of the council or such other person as the case may be shall for every instance of non-compliance forfeit and pay a penalty not exceeding five pounds.

Drains &c. near roads.

73. It shall be lawful for the council to cut make and maintain drains or watercourses upon or through any lands lying contiguous to any road making reasonable compensation to the owners and occupiers of such lands for any damage they may sustain thereby.

Power to impound.

74. It shall be lawful for the council of any county by some person duly authorised by such council in that behalf to distrain and impound any cattle that may be found straying on any road within the boundaries of such county if such road shall have a substantial fence on both sides thereof.

PART VI.

(1.) *Tolls Letting Tolls and Application.*

Toll-houses &c.

75. The council of any county may from time to time place erect and maintain and may continue and maintain if lawfully existing at the time of the constitution of such county under this Ordinance upon the main roads within the county and at or near any bridge or ferry within the county or placed under the control of the council and such toll-bars toll-gates toll-houses and ferry-houses chains rails and fences as shall appear to them necessary for the purpose of enforcing the payment of tolls upon or at such roads bridges or ferries and the same may remove or alter.

"Turnpikes Ordinance 1866" to apply.

76. The provisions of the "Turnpikes Ordinance 1866" and the "Turnpikes Ordinance 1866 Amendment Ordinance 1867" so far as the same can be made applicable shall be applied to all tolls toll-bars toll-gates and toll-houses within any county under this Ordinance and the expression "Superintendent and Executive Council" or any similar expression wherever used in the said Ordinance shall mean the council of any county constituted or existing hereunder.

Superintendent may direct tolls to cease.

77. It shall be lawful for the Superintendent if satisfied that any road bridge or ferry at which such tolls are payable is in a ruinous state or incapable of being used or worked to direct that such tolls shall cease to be payable until the same have been effectually repaired or put in working order and such tolls shall cease to be payable accordingly.

Application of tolls and rents.

78. All tolls received under or by virtue of this Ordinance by the council of any county and all rents and moneys received under or in respect of any lease of tolls by such council shall be paid to the county fund.

Separate account of tolls and expenditure on each road.

79. A separate account shall be kept by the council of every county of the tolls received by them at each toll-bar toll-gate toll-house and ferry within the county or under the control of the council and also of all moneys expended upon the same and on the roads on which the same are placed respectively and all such accounts shall be open for the inspection of any ratepayer at all reasonable times.

(2.) *Common Toll Roads.*

Toll road passing through different counties &c. may be proclaimed common toll road.

80. If any main road shall pass or extend through or into two or more counties or into one or more counties or boroughs or cities or towns and if tolls shall be payable upon such road and at any bridge or ferry thereon to

the council or other governing body of any such county or borough city or town and if such road be commonly used for direct traffic by persons passing with animals or vehicles along such road for a length thereof which shall extend not only through or into the county borough city or town to the council or other governing body of which such tolls are payable but also through or into another or others of such counties boroughs cities or towns of all which matters the Superintendent alone shall judge and if the council of any one or more of such last-mentioned counties shall in writing under their common seal complain to the Superintendent that they ought by reason of such traffic being common to their own county with the county borough city or town in which such tolls shall be payable or for other like cause to have a share of such tolls it shall be lawful for the Superintendent to proclaim if it shall seem fit such road for such length thereof as shall be as well within the county from which such complaints shall proceed and within the county borough city or town in which such tolls are payable as also between the boundaries of both to be a "common toll road" as well of such county borough city or town as of all counties boroughs cities and towns lying between the same respectively and along the line of the said road.

81. In and by the last-mentioned proclamation or by any other proclamation or order it shall be lawful for the Superintendent from time to time to determine in what proportions the tolls payable at each and every toll-bar toll-gate or toll-house upon such common toll road or at any bridge or ferry thereon shall after the deduction hereinafter mentioned be distributed among the several councils or other governing bodies through or into whose counties boroughs cities or towns such common toll road shall extend and every order made under this or the last section shall take effect accordingly upon publication thereof in the Provincial Government *Gazette*.

And tolls apportioned to different councils &c.

82. It shall be lawful for all the councils or councils and boards or other governing bodies as each case may be of the counties road districts or boroughs severally for which any common toll road shall have been proclaimed as aforesaid from time to time together under the common seal of the several bodies corporate or in their default for forty days after the proclamation of such common toll road or notice from the Superintendent so to do for the Superintendent as and for such councils or councils boards or other governing bodies to appoint a manager of the common toll road and for all the said councils or councils boards and other governing bodies from time to time with the consent of the Superintendent and at all times for the Superintendent to remove such manager and such manager shall at such fixed times as the Superintendent shall appoint receive from the collectors and lessees of all tolls upon such road and the bridges and ferries thereon all moneys collected by them as and for such tolls or due by them as the rents thereof and still unpaid respectively and if at any time after the proclamation of such common toll road there be no such manager the said collectors and lessees respectively shall pay the said several moneys to the Provincial Treasurer to be held by him until there shall be such manager empowered to deal with the same as hereinafter provided and the said treasurer shall then pay over the same to such manager.

Manager of common toll road.

83. Every manager of a common toll road shall receive such salary or other pecuniary remuneration as the council or councils boards and other governing body appointing him or if they shall have failed to appoint then as the Superintendent shall have fixed in that behalf and such salary remuneration as the same becomes due may and shall from time to time be deducted by such manager from the moneys having come to his hands by virtue of his office and the residue shall be dealt with as next hereinafter mentioned.

Salary &c. of manager.

84. Every such manager shall at all times and in such manner as shall be fixed by the Superintendent in that behalf pay over to each of such councils or other governing bodies in the proportions aforesaid and separately

Manager to distribute moneys.

for each place of taking toll the moneys so received by him as aforesaid and every such manager before he shall enter upon any of the duties of his office shall give sufficient security to the satisfaction of the Provincial Treasurer for the due and faithful execution of the same.

Moneys received to be deemed tolls collected.

85. All moneys so received through any such manager by any such council or other governing body shall be deemed to be moneys received by such council or other governing body at or in respect of the particular place of taking toll in respect of which the same shall have been received from such manager.

Tolls may be abolished.

86. The council of any county may by special order confirmed by the Superintendent direct that all tolls upon main roads within the county shall cease to be payable within the said county and thereupon all tolls except as aforesaid in force within the county under this Ordinance and received and collected or let or farmed by the council shall cease to be payable and shall no longer be collected or paid: From and after the making and confirmation of such special order the council of the said county may make and levy a general rate of sixpence in the pound of the net annual value upon all rateable property within the county in addition to the amount of general rates hereby authorised or the amount made and levied under the authority hereof within the said county and the proceeds of such additional general rate shall be applied to the construction improvement repair and maintenance of all main roads not being common toll roads within the county and all the provisions of this Ordinance respecting the making and recovery and the appeals against rates shall be applied to such additional general rate.

PART VII. MARKETS.

Power of council to provide markets.

87. The council of every county shall have the power to do the following things or any of them within the county:—

To provide a market-place and construct a market-house and other conveniences for the purpose of holding markets;

To provide houses and places for weighing carts:

To make convenient approaches to such market:

To provide all such matters and things as may be necessary for the convenient use of such market.

Market, &c. tolls.

88. It shall be lawful for the council to demand receive and have of and from every person exposing or offering for sale or selling any corn grain hay straw meat poultry eggs milk butter vegetables or other provisions or any cattle in any market provided hereunder or who shall rent or use any stall or standing place in such market and also from every person who shall use any building place or machine for the weighing of carts and from every person who shall at any time use for the sale of cattle any yards or premises within the county and outside the market provided hereunder such sums of money as and for stallages rents tolls and dues as shall be appointed by special order of the council in such behalf respectively.

Letting of tolls.

89. It shall be lawful for the council to demise or let to farm for any term not exceeding twelve months all or any of the stallages rents and tolls from time to time payable under this Ordinance in respect of any market provided hereunder and also to demise or let for any term not exceeding twelve months any stall or standing in such market.

Interpretations in this Part.

90. The following words and expressions in this Part shall have the meanings hereby assigned to them unless there be something in the subject or context repugnant to or inconsistent with such construction (that is to say):—

"The market."

The expression "the market" shall mean the market and the works.

connected therewith by this Ordinance authorised to be provided constructed or regulated :

The word "cart" shall include waggon and also any carriage used wholly or chiefly for the conveyance of goods : "Cart."

The word "driver" shall include the carter or other person having the care of any cart : "Driver."

The expression "the collector" shall mean the person appointed by the council to collect the stallages rents or tolls authorised by this Ordinance and shall include the assistants of the collector. "Collector."

91. Before any market shall be opened for public use the council shall give not less than ten days' notice of the time when the same will be opened and such notice shall be given by the publication thereof in some newspaper generally circulating within the limits of the county and by printed handbills posted on some conspicuous place within those limits. Before the market shall be opened notice to be given by the council.

92. After the market-place is opened for public use every person other than a licensed hawker who shall sell or expose for sale in any place within the limits of the county except in his own dwelling-place or shop or except in the market place or in yards or premises licensed by the council under a market by-law under this Ordinance any articles in respect of which tolls are by this Ordinance authorised to be taken in the market shall for every such offence be liable to a penalty not exceeding forty shillings : Provided that every lease of any stall or standing in any such market shall as to the lessee thereof be deemed within the county to be a hawker's and pedler's license of both the descriptions mentioned in the "Licensed Hawkers Ordinance 1864." Sales elsewhere than in markets prohibited under a penalty not exceeding forty shillings.

93. After the market-place is opened for public use the council shall hold markets therein on such days as the council shall appoint from time to time by any by-law to be made in pursuance of this Ordinance. Market days.

94. Every person who shall sell or expose for sale any unwholesome meat or provisions in the market shall be liable to a penalty not exceeding ten pounds, or to be imprisoned for any period not exceeding one month for every such offence. Penalty for selling or exposing for sale unwholesome meat &c.

95. The council shall provide sufficient and proper weighing houses or places for weighing or measuring the commodities sold in the market and shall keep in them proper weights scales and measures according to the standard weights and measures for the time being for weighing such commodities as aforesaid. The council to provide proper weights and measures for weighing commodities sold at markets.

96. Every person selling or offering for sale any articles in the market shall if required so to do by the buyer cause the same to be weighed or measured by the weights and scales or measures provided by the council and any such person who shall refuse on demand to cause such articles to be weighed or measured in manner aforesaid shall be liable to a penalty not exceeding forty shillings. Articles to be weighed if requested by the buyer. Penalty for refusal.

97. The council shall provide sufficient and proper buildings or places for weighing carts in which goods are brought for sale within the market and shall keep therein machines and weights proper for that purpose and shall from time to time appoint a person in every such building or place to afford the use of such machines to the public by weighing such carts with or without their loading as may be required. The council to keep proper machines for weighing carts laden with goods.

98. The driver of every such cart shall at the request of the buyer or seller of such goods or his agent take such cart with or without the loading thereof to the nearest of the said weighing machines and shall permit the Carts to be weighed at one of the machines erected by the council.

same to be weighed and if such cart be weighed with its load thereupon the driver shall if required take such cart after its load has been discharged to the weighing machine nearest to such place of discharge and permit it to be reweighed without such load and if any such driver shall for the purposes aforesaid be required to take such cart a greater distance than half-a-mile including the going to and returning from such machines respectively the owner of the cart shall be paid for every horse which shall be used in drawing such cart sixpence for the first half-mile and a like sum for every additional half-mile and such payment shall be made by the person requiring such cart to be weighed as aforesaid before the driver thereof shall be obliged to take it as aforesaid for the purpose of having it weighed.

Penalty on drivers
for refusing to take
carts to be weighed
&c.

99. The driver of any such cart who shall not upon being so requested as aforesaid and having such payment made or tendered as aforesaid take such cart to such weighing machine as hereinbefore directed or who shall refuse to assist in the weighing of the same shall be liable to a penalty not exceeding twenty shillings.

Penalties on drivers
of carts &c. committing
frauds in weighing.

100. Every driver of any such cart weighed at any weighing machine to be provided in pursuance of this Ordinance who shall commit any of the following offences shall be liable to a penalty not exceeding five pounds or to be imprisoned for a period not exceeding one month for each offence (that is to say)—

If he at the time of weighing any such cart knowingly have anything in or about the same other than the proper loading thereof :

If he alter any ticket denoting the weight of any such cart or the loading of the same :

If he make or use or be privy to making or using any ticket falsely stating the weight of any such cart or the loading thereof :

If he after weighing of any such cart with the loading thereof remove any part of such loading and afterwards dispose of or attempt to dispose of or represent as being the full loading denoted by such ticket the residue of such loading :

If he between the time when the cart and the loading thereof have been so weighed and the time when such cart is weighed without such loading change the wheels of such cart or make any other change upon it after being required to allow such cart to be weighed without the loading thereof :

If he be guilty of any other fraudulent contrivance to misrepresent the weight of any such cart or the loading thereof.

Penalty on buyers or
sellers for committing
frauds in weighing.

101. If the buyer or seller of any goods brought in any cart for sale within the market and which shall be required to be weighed as aforesaid shall do anything to such cart or its loading whereby the true weight thereof respectively shall be altered before such weighing he shall for every such offence be liable to a penalty not exceeding five pounds or to be imprisoned for a period not exceeding one month.

Penalties for frauds
committed by the
machine keeper.

102. The person for the time appointed to keep any weighing machine provided in pursuance of this Ordinance shall be liable to a penalty not exceeding five pounds or to be imprisoned for a period not exceeding one month in any of the following cases (that is to say) :—

If he wilfully neglect on application duly to weigh any cart with or without its loading as the case may be that is brought to the machine kept by him to be weighed :

If he do not fairly weigh every such cart with or without loading as the case may be :

If he do not deliver to the buyer or seller of any such loading or to any person interested therein on application a ticket or account specifying the true weight of such cart with or without such loading as may be required :

If he give a false ticket or account of the weight of such cart with or without the loading thereof :

If he weigh any cart with or without its loading knowing that anything had been done to such cart or to the loading thereof to alter the true weight thereof respectively :

If he knowingly assist in or connive at any fraud concerning the weighing of any cart or the loading thereof or make or connive at making any false representation of the weight of the same respectively.

103. Every person who shall knowingly act or assist in committing any fraud respecting the weighing or weight of any cart or the loading thereof in pursuance of this Ordinance shall for every such offence be liable to a penalty not exceeding five pounds. Penalty on other parties committing frauds as to weighing.

104. The council shall not demand or receive any stallage rent or toll until the market-place in respect of the use of which the same shall be demanded shall be completed and fit for the use of the persons resorting thereunto. Tolls &c. not to be demanded until market completed.

105. A certificate under the hand of any two justices shall be evidence that the same is completed and fit for public use as aforesaid and any such justices shall sign such certificate on proof being adduced to them that the market-place is so completed and fit for public use. Certificate of two justices to be considered evidence that market is completed.

106. The several stallages rents or tolls payable in respect of the market shall be paid from time to time on demand to the council or the collector or other person authorised by the council to receive the same. Stallages &c. when to be paid.

107. The tolls payable in respect of weighing or measuring market-able commodities or carts with or without goods shall be paid to the person authorised by the council to weigh the same by the persons bringing such carts to be weighed before the same are weighed. Tolls to be paid to persons authorised before goods &c. are weighed.

108. The tolls in respect of cattle brought to the market for sale shall become due as soon as the cattle in respect whereof they are demandable are brought into the market-place and before the cattle are put into any pen or tied up in such market-place and if the cattle be not removed within forty-eight hours after the close of the market another toll shall become due in respect of the cattle so omitted to be removed. Tolls in respect of cattle when due.

109. The council may from time to time by special order change the stallages rents and tolls to be taken in respect of the market and for weighing and in respect of the yards or premises for the sale of cattle: Provided that the stallages rents and tolls in no case exceed the amounts authorised under this Ordinance: Provided also that no such change shall be made during the continuance of any lease of such stallages rents or tolls or during the continuance of any license in respect of which dues are paid without the consent of the lessee or farmer or licensee respectively. Stallages tolls &c. may be varied from time to time.

110. Every person who shall demand and take a greater toll than that authorised to be taken under this Part shall for every such offence be liable to a penalty not exceeding forty shillings. Penalty on taking a greater toll than authorised.

Recovery of tolls.

111. If any person liable to the payment of any stallage rent or toll or dues authorised by this Ordinance to be taken do not pay the same when demanded the council or their lessee or any person authorised by the council or their lessee to collect the same may levy the same by distress of all or any of the cattle or other articles in respect of which such stallage rent toll or dues is or are payable or of any other cattle or other articles in the market belonging to the person liable to pay such stallage rent toll or dues or under his charge or such tolls may be recovered in any Court having competent jurisdiction.

List of tolls &c. to be set up and placed in conspicuous places.

112. The council or their lessee shall from time to time cause to be painted on boards or to be printed and attached to boards in large and legible characters a list of the several stallages rents and tolls from time to time payable under this Ordinance and shall cause a board containing such list to be conspicuously set up and continued in the market and in each weighing-house provided by the council to which each such list shall relate and no stallage rent or toll shall be payable during the time such list is not so set up or for anything not specified therein: Provided always that if such list shall be destroyed injured or obliterated the stallage rents and tolls shall continue to be payable during such time as shall be reasonably required for the restoration of such list in the same manner as if such list had continued in the state required by this Ordinance.

By-laws relating to markets.

113. The council may from time to time make such by-laws as they may be empowered to make hereafter under "The Highway Boards Empowering Act 1871" and such regulations as they think fit for all or any of the following purposes (that is to say):—

For regulating the market-place and the buildings stalls pens and standings therein and for preventing nuisances or obstructions therein or in the immediate approaches thereto:

For fixing the days and the hours during each day on which the market shall be held:

For licensing yards and premises for the sale of cattle within the county and for fixing (subject to the limitation hereinbefore mentioned) the dues to be paid for such license:

For regulating the carriers resorting to the market and fixing the rates for carrying articles carried therefrom within the limits of the county:

For regulating the use of the weighing machines provided by the council and for preventing the use of false or defective weights scales or measures:

For preventing the sale or exposure for sale of unwholesome provisions in the market.

PART VIII.

(1.) *Miscellaneous.*

Council may establish and aid charitable and other institutions.

114. The council of every county may from time to time on such terms and conditions as may appear expedient appropriate such portion of the county fund as they may see fit to erecting establishing maintaining or otherwise aiding any hospital asylum or other institution or society within or (if the Superintendent consent) without the county for the relief of such poor persons as through age sickness infirmity or accident are unable to help themselves and also to the relief at their own houses or elsewhere within the county of such poor persons as aforesaid and also (if the Superintendent consent) to erecting establishing maintaining or otherwise aiding baths wash-

houses athenæums mechanics institutes museums and libraries not conducted for the purpose of private profit within the county.

(2.) *Co-operation of Councils.*

115. Subject to the approval of the Superintendent it shall be lawful for the council of any county from time to time to contract upon such terms and conditions as they may think fit with the council of any other county or with any other body corporate or public body empowered in that behalf for or with respect to the doing and the control or management by either or both of the contracting parties of any matter or thing which the council of the county and such other council or body is by law empowered to do control and manage.

Co-operation of Councils.

(3.) *Miscellaneous as to Roads.*

116. Upon the application of the council of any county the Superintendent may from time to time if it shall seem fit so to do by proclamation appoint that any roads or parts of roads whether within or upon the boundary of such county shall be main roads and every such appointment on the like application from time to time may if it shall seem fit so to do revoke and every such proclamation shall be published in the Provincial Government Gazette.

Superintendent to appoint main roads.

117. If any person shall without lawful authority make or cause to be made any dwelling-house or other building or any hedge or other fence at the sides of or on or across any main road in such a manner as to reduce the breadth or confine the limits thereof or to stop or obstruct the same or shall fill up or obstruct any ditch at the side thereof or make any drain gutter sink or watercourse across or otherwise break or injure the surface of such main road or any part thereof or in any other manner obstruct the free passage of such road or of any bridge or shall unlawfully before the commencement of this Ordinance have done any such acts it shall be lawful for the council of the county to cause such dwelling-house or other building hedge fence ditch drain gutter sink or watercourse breaking or injuring the surface or other obstruction to be taken down cleaned filled up made good or removed as the case may be and the expenses of so doing may be recovered from such person in any Court of competent jurisdiction.

Obstructions to high way.

118. Every person who shall commit any of the offences enumerated in the last preceding section shall on conviction forfeit and pay for every such offence a penalty not exceeding twenty pounds.

Penalty in such cases.

119. If previously to the commencement of this Ordinance any dwelling-house or other building or any hedge or other fence drain or watercourse or any other obstruction whatsoever on or at the sides of any road marked out as a main road shall without breach of any Act or Ordinance then in force relating to roads have been made or placed across such road or in such manner as to reduce the breadth or confine the limits of such road or otherwise to obstruct the same it shall be lawful for the council of the county in every such case if they shall see fit to cause notice to be placed upon such building or fence and in some public and conspicuous place adjacent to any such obstruction and also to be published in the Provincial Government Gazette and twice in some newspaper generally circulating in the county requiring that such building fence or other obstruction shall be removed filled up or made good within ninety days after the date of the first publication of such notice in the Provincial Government Gazette and if such building fence or other obstruction shall not have been effectually removed filled up or otherwise made good within the time limited by such notice it shall be lawful for the council to cause the same to be removed filled up or otherwise made good and the expense of so doing shall be paid to the council by the person having made or caused any such obstruction or to whom the same

Obstructions before Ordinance.

shall pertain and in default of payment may be recovered in any Court of competent jurisdiction.

Trees obstructing or
injuring road.

120. If the Council shall be of opinion that any main road within the county is obstructed by any tree growing or being on land adjoining thereto it shall be lawful for the council and after notice duly served on the owner and occupier or upon the occupier only if the owner cannot be found of the land on which such tree may be to require the removal of such tree or any part thereof by such owner or occupier as may be obstructing any such road and in default of compliance with such requisition within eight days after a copy thereof shall have been served personally on such owner or occupier such owner or occupier as the case may be shall on conviction forfeit and pay for such default a penalty not exceeding five pounds.

Tramways tramroads
&c. may be con-
structed.

121. It shall be lawful for the council of any county with the consent of two-thirds of the ratepayers in such county to make and construct a wooden or iron or other tramway or tramroad or any railway or railroad in such district in lieu of or in addition to any other sort of road or roads and the provisions of this Ordinance shall so far as the same can be applied be made to extend to any such tramway or tramroad.

Right of making
roads &c. reserved
to Government.

122. Notwithstanding anything herein contained it shall be lawful for the Superintendent to cause to be made constructed maintained and repaired within any county all such roads and bridges as he shall think fit and also to cause to be constructed and maintained in or through any county any railway canal or any other work whatsoever which shall be authorised by law and for all such purposes as aforesaid such persons as the Superintendent shall appoint shall have all the powers which are hereby vested in the council of such county in the like behalf for the construction maintenance or repair of roads or bridges or for the execution of any permanent work or undertaking.

Certain roads &c. ex-
empted from control
of council.

123. Nothing herein shall authorise the interference by any council with any public road railway bridge ferry cemetery market wharf aqueduct public place or building whatsoever not formed constructed or erected by such council which may be excepted from the jurisdiction of such council by any proclamation made or to be made by the Superintendent or respecting which provision shall have been made or shall be made by any Act of the General Assembly or by the Legislature of the Province of Otago: Provided that the Superintendent may by proclamation authorise the council to take upon itself the charge of any such excepted public road railway bridge ferry cemetery market wharf aqueduct public place or building within the limits of the county and in actual use by the people of such county upon such conditions as shall be specified in such proclamation with reference to the amount of compensation to be paid by the council.

(4.) *General Miscellaneous.*

Obstruction &c. of
officers.

124. Any person who shall obstruct or attempt to obstruct the council or any person employed by them in the performance of anything which they are respectively empowered or required to do by this Ordinance or any other Ordinance or Act shall upon conviction forfeit and pay for every such offence a penalty not exceeding ten pounds.

Provisions for Sun-
days and holidays.

125. Whenever any day provided or appointed by or under this Ordinance for any purpose shall in any year happen on Sunday New Year's Day Good Friday or Christmas Day or any day proclaimed as a public holiday then such provision and appointment shall take effect as for the following day.

Certain documents
how authenticated by
the council.

126. Every order summons notice or other such document requiring authentication by the council shall be sufficiently authenticated if signed by

two members thereof duly authorised in that behalf or by the chairman and clerk of the council and it need not be under the common seal of the body corporate and the same may be in writing or in print or partly in writing and partly in print.

127. In all cases in which any matter or thing is hereby required to be published advertised or inserted by the council in a newspaper generally circulating in the district the said newspaper shall be such newspaper as the council shall from time to time by order have appointed in that behalf or in the Provincial Government *Gazette*.

Council may appoint in what newspaper publication shall be made.

128. Every person who shall object to the valuation of any rateable property included in any rate or in the amount assessed thereon shall deliver to the clerk of the council at any time within one month after such rate is made a statement in writing of the grounds of his objection and all such objections shall be heard at a special meeting of the council to be held after seven days notice by advertisement in some newspaper circulating in the county and also in writing posted to or delivered at such address as the objecting party shall specify in his objection and the council shall amend the valuation or assessment or disallow the objection and no such valuation or assessment shall be quashed or set aside for or on account of any irregularity or error but any such irregularity or error shall and may be amended by the council at the special meeting for hearing objections or any adjournment thereof and every such amended valuation or assessment shall be as valid and effectual as if no such error or irregularity had existed therein or as if no objection had been made thereto.

Objections against rates.

129. In all cases in which no provision or no sufficient provision is in the opinion of the Superintendent made by this Ordinance it shall be lawful for the Superintendent from time to time for the purpose of facilitating or more effectually carrying into execution any of the objects thereof to make and prescribe all such regulations and orders either general or applicable to particular cases only as he shall think fit and such regulations and orders from time to time to revoke or alter as to the Superintendent shall appear to be requisite and all such regulations and orders shall be published in the Provincial Government *Gazette* and being so published shall have the force of law and if any dispute shall arise between the council of any county and the governing body of any county borough city town or place or any other persons or body as to the right to receive tolls or rates or to the possession care or control of any bridge road toll-house or other property the Superintendent shall alone and finally decide the same upon such enquiry as he shall think fit to make and in such manner as he shall think fit: Provided always that a copy of all such regulations and orders shall be laid upon the table of the Provincial Council within seven days after the commencement of the Session next ensuing the publication thereof and in the event of the Provincial Council within twenty-one days thereafter by resolution disallowing the same such resolution shall be published in the Provincial Government *Gazette* and thereupon the regulations or orders so disallowed shall cease to have any force or effect.

Superintendent may make regulations and orders.

130. The Superintendent shall in doing any act matter or thing hereunder or exercising any power conferred on him hereby act by and with the advice and consent of his Executive Council.

Superintendent to act with advice of Executive Council.

131. Every person who acts as a member of a county council being incapacitated under the provisions hereof to be and continue such shall save in cases of incapacity proceeding from unsoundness of mind be liable for every such offence to a penalty of fifty pounds nevertheless all acts as a member of any person incapacitated as aforesaid done previously to the recovery of the penalty shall be as valid as if such person had been capable.

Penalty on person, incapacitated acting as member.

Misnomer &c. not to prejudice.

132. No misnomer or inaccurate description contained in this Ordinance or in any proclamation or order in council made hereunder shall in anywise prevent or abridge the operation of this Ordinance with respect to the subject of such description provided the same shall have been designated so as to be understood: Every proclamation and order in council made hereunder shall be forthwith published in the Provincial Government Gazette and shall take effect upon such publication.

Petitions may be repeated till granted.

133. Petitions for constitution of districts under this Ordinance may be repeated from time to time until granted and the presentation of one petition shall not be deemed to prevent the presentation of another petition having the same or a like prayer.

Annual report.

134. It shall be lawful for the Superintendent to cause a report to be prepared annually by the council of each county on the execution of this Ordinance and to make or direct such enquiries as may seem fit relating thereto and the council shall send a copy of such report to the Superintendent who shall cause the same to be forwarded to the Provincial Council within ten days of the commencement of its next session.

Interpretation.

135. Save where there is something in the context repugnant thereto or inconsistent therewith the following words and expressions shall mean or include the matters following—

The word "cattle" shall include horses asses mules sheep goats and swine :

The word "road" shall mean and include any public highway :

The word "county" shall mean any county constituted under or by virtue of this Ordinance :

The word "council" shall mean the council of any county constituted under or by virtue of this Ordinance :

The word "district" shall mean any road district constituted under or by virtue of the "Otago Roads Ordinance 1871" :

The word "board" shall mean any district road board constituted under or by virtue of the "Otago Roads Ordinance 1871" :

The word "ferry" shall include any punt or floating bridge :

The word "owner" where used with reference to any lands in respect to which any rate is to be paid or work is to be done shall mean the person for the time being entitled to receive or who if the land were let to a tenant at a rack-rent would be entitled to receive the rack-rent from the occupier thereof :

The word "occupier" shall mean the inhabitant occupier of land within the county :

The word "borough" shall mean any borough constituted or to be hereafter constituted under "The Municipal Corporations Act 1867" or under the "Otago Municipal Corporations Ordinance 1865" or any Act or Ordinance constituting Municipal Corporations :

The expression "governing body" where used with reference to any city town or place in the Province of Otago specified in the first column of the first Schedule of "The Municipal Corporations Act 1867" shall mean the persons or body as the case may be having the management or control or government of the local affairs of such city town or place under any of the Acts or Ordinances specified in the said Schedule to "The Municipal Corporations Act 1867."

The word "Superintendent" shall mean the Superintendent for the time being of the Province of Otago :

The expression "order in council" shall mean any order made by the Superintendent by and with the advice of the Executive Council :

The word "Gazette" shall mean the Government Gazette of the Province of Otago :

The expression "rateable value" when used with reference to rateable property shall mean the annual value of any such property appearing in a valuation for the time being in force under this Ordinance and on which value rates made by any council are to be made :

The expression "public highway" shall mean any main road within the county.

FIRST SCHEDULE.

Section 6.

To His Honor the Superintendent of Otago.

WE the undersigned being such number of persons as is required by the sixth section of the "Counties Ordinance 1872" respectfully request that your Honor will under the provisions of the said Ordinance constitute the district described in the Schedule hereto a County under the said Ordinance.

And your Petitioners will ever pray &c.

SECOND SCHEDULE.

Section 7.

PROXY PAPERS.

To A.B. of [giving description and place of abode]

By virtue of the provisions of the "Counties Ordinance 1872" I C.D. of [state residence and description] being enrolled on the electoral roll for the district of in respect of [state what property] hereby authorise you to sign my name for me and on my behalf to a petition for the constitution of the district specified in the Schedule hereto into a County under the said Ordinance.

Dated this day of 187

Signed before me at this day of J.P.

C.D.

THIRD SCHEDULE.

Section 50.

Form of Rate.

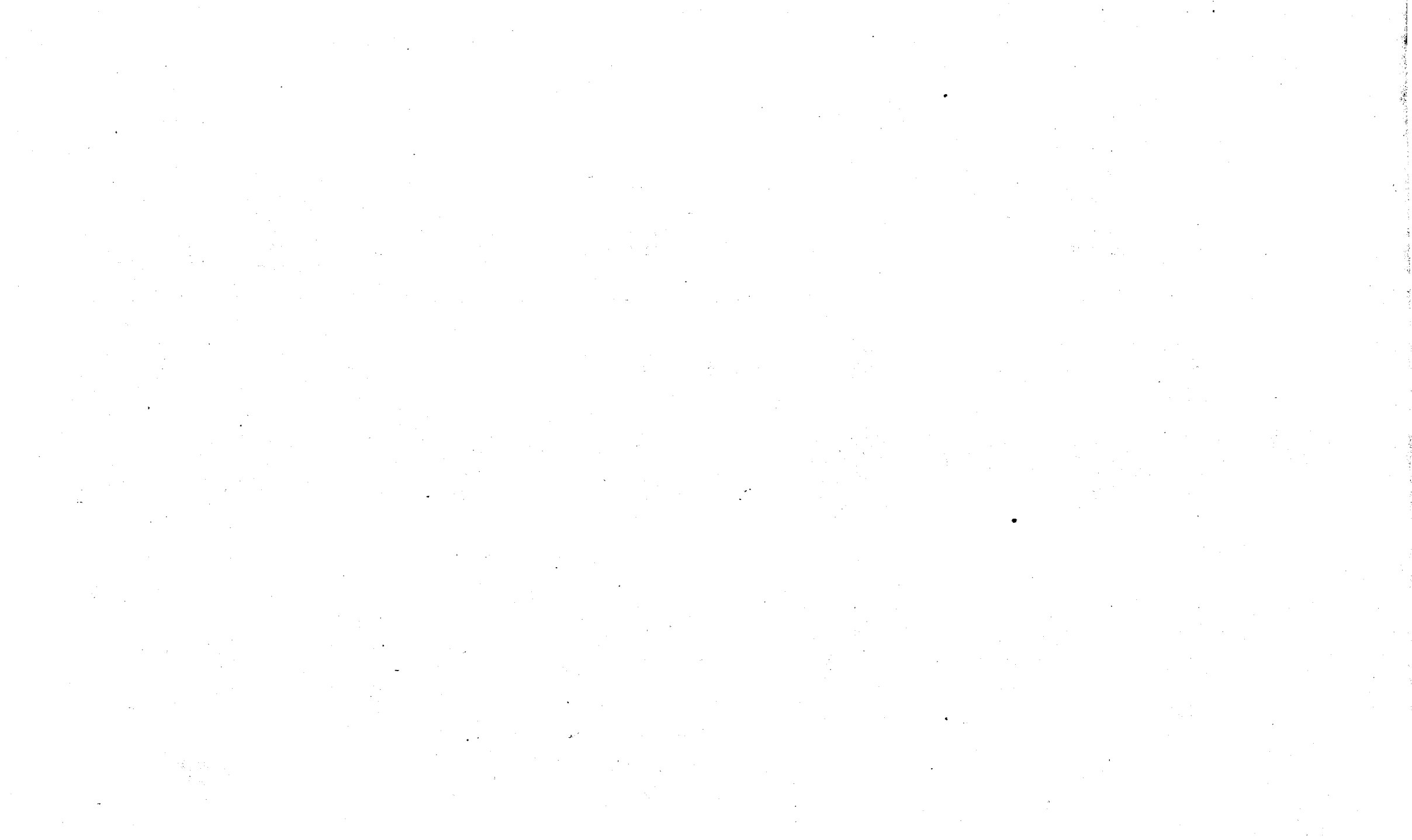
An Assessment to the County Rate made this day of in the year of our Lord 18 after the rate of pence in the pound by virtue of the "Counties Ordinance 1872."

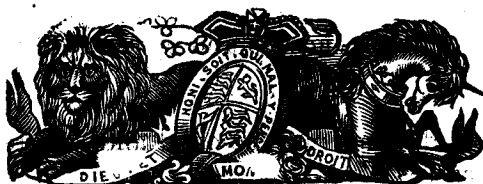
No. on the Rate.	Surname of Person rated.	Christian names of Person rated.	Trade or Occupation	Name of Owner of rateable Property.	Description and Situation of rateable Property.	Riding of County [where divided into Ridings.]	Annual Value.	Rate at d. in the Pound.

Signed by us this day of in the year of our Lord 18

A.B. }
C.D. } Members of the Council of the County of
E.F. }

DUNEDIN, NEW ZEALAND :





ROADS DIVERSION ORDINANCE 1872.

IN THE THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXX. No. 390.

ANALYSIS:

- | | |
|---|--|
| <p>Title.
Preamble.
1. Short Title.
2. Superintendent authorised to stop up certain portions of roads.
3. Sixty days notice of intention to stop up to be given &c.
4. After expiration of notice Superintendent to determine whether the road shall be stopped up.</p> | <p>5. Superintendent authorised to contract for the sale &c. of land over which stopped up portions of road passed.
6. Superintendent empowered to exchange land.
7. Map of road to be deposited.
8. Interpretation.
Schedule.</p> |
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AN ORDINANCE *to authorise and empower the Superintendent of Otago to stop up certain roads and portions of roads in the Province of Otago and to sell exchange or otherwise dispose of the lands over which such roads or portions of roads passed.* Title.

[RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON, 31ST MAY 1872.]

WHEREAS by an Act of the General Assembly of New Zealand intitled "The Highways and Watercourses Diversion Act 1858" it is enacted that it shall be lawful for the Superintendent of any Province with the advice and consent of the Provincial Council thereof by any law or Ordinance to be made or ordained for that purpose to authorize and empower the Superintendent to stop up any public street road highway or thoroughfare in any such Province and also to sell exchange or otherwise dispose of the land over which such public street road highway or thoroughfare so stopped up was laid out or passed: And whereas in making the roads in the said Province of Otago it has been found that certain of the roads and certain portions of the roads are either from their situation or other causes unsuitable for the proper construction of good roads: And whereas other roads on the Maps hereinafter mentioned have been surveyed laid out and opened to the public in lieu of such roads or portions of roads so found to be unsuitable: And whereas in consequence of the permanent roadway having been laid out over other lands the roads and the portions of the roads so found to be unsuitable for good roads as aforesaid have become disused as public roads or thoroughfares and it is expedient that such roads and such portions of roads so disused should be stopped up and should cease to be public roads and thoroughfares and it is also expedient that the Superintendent should be empowered to sell exchange or otherwise dispose of the lands over which such roads or portions of roads passed: 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 :—

Short Title.

1. This Ordinance may be cited and referred to as the "Roads Diversion Ordinance 1872."

Superintendent authorised to stop up certain portions of roads.

2. It shall be lawful for the Superintendent of Otago and he is hereby authorised and empowered to stop up all or any of such of the roads and all or any of such portions of the roads as are particularly described with regard to their situation courses boundaries and admeasurements in the Schedule to this Ordinance annexed and are delineated on the Maps and are therein colored red : Provided that such power shall be exercised within twelve months from and after the time when this Ordinance shall receive the Governor's assent.

Sixty days notice of intention to stop up to be given &c.

3. Before any of the roads or any portions of the roads are stopped up by the Superintendent he shall cause a notice to be inserted in the Government *Gazette* of the Province of Otago or in at least one newspaper published in Dunedin or elsewhere in the said Province referring to the maps and describing in general terms the situation length and course of the road or portions of road intended to be stopped up and calling upon all persons objecting to the stopping up of such road or portions of road to state in writing any well-grounded objections they may have to the stopping up of such road or portions of road and to leave within sixty days from the first publication of such notice such statement addressed to the Superintendent at his office in Dunedin and on or before the day of the publication of the said notice a copy of the maps shall be deposited at one or more of the public schools in the road district or road districts in which such road or portions of road intended to be stopped up is or are situated or pass or if there be no such public school in such road district or road districts then at any one or more of the public schools in the nearest adjoining road district or road districts in which there shall be established a public school or public schools and there shall be printed written or lithographed on the said copy a notice intimating the last day for lodging such objections : Provided that if the delineation of the road intended to be stopped up in any road district is not contained in a map of a single sheet but is contained in a map of more sheets than one it shall be sufficient to deposit at such school or schools the sheet or sheets of such map on which are delineated the road or portions of road intended to be stopped up or copies thereof respectively.

After expiration of notice Superintendent to determine whether the road shall be stopped up.

4. At the expiration of the said sixty days' notice if no objections have been made or if the Superintendent upon consideration of the objections made shall determine nevertheless that such portions ought to be stopped up the Superintendent shall declare by proclamation in the Government *Gazette* of the said Province that such road or portions of road shall thenceforth cease to be a public road or thoroughfare and shall no longer form part of the roads and the Superintendent may thereupon take such proceedings as he may think fit for stopping up such road or portions of road.

Superintendent authorised to contract for the sale &c. of land over which stopped up portions of road passed.

5. It shall be lawful for the said Superintendent and he is hereby authorised and empowered to contract with any person or persons or body or bodies corporate for the sale exchange or disposal in any way he may think fit of the land over which any of the roads or portions of the roads stopped up under the provisions of this Ordinance passed.

Superintendent empowered to exchange land.

6. It shall be lawful for the Superintendent to exchange any of the said lands over which any of the roads or portions of the roads stopped up under the provisions of this Ordinance passed for any other lands and to complete and perform any contracts heretofore entered into for the exchange of such

lands for other lands over which new roads have been made in lieu of the roads or the portions of the road stopped up under the provisions of this Ordinance so soon as the lands over which such new roads have been made shall have been conveyed to the Superintendent in exchange for any lands over which the stopped-up roads or portions of roads passed and the lands so conveyed in exchange to the Superintendent shall be by the Superintendent dedicated to the public as a public highway and thoroughfare and the fee simple shall be vested in Her Majesty her heirs and successors for ever subject to the rights of the public to use the surface thereof as public highways.

7. At all times after the passing of this Ordinance maps of the roads referred to in this Ordinance and which are particularly described in the Schedule hereto shall be kept at the office of the Superintendent of Otago for the time being in Dunedin and be at all convenient times open for public inspection and all persons may at all convenient times examine gratis at such office such maps. Map of road to be deposited.

8. The terms hereinafter mentioned shall for the purpose of construing this Ordinance have the force and signification hereby attached to them that is to say: The term "the maps" shall mean the map or maps or plan or plans bearing an inscription signed by the Speaker of the Provincial Council referring to this Ordinance and which map or maps or plan or plans are hereafter to be deposited in the office of the Superintendent of the Province of Otago: The term "the roads" shall mean the roads mentioned in the Schedule to this Ordinance and particularly delineated in the maps certified by the Speaker of the Provincial Council and deposited at the office of the Superintendent of Otago. Interpretation.

SCHEDULE.

1. Akatore Road District 2. Beaconsfield " 3. Chelsea " 4. Cranbourne " 5. Flagstaff " 6. Goodwood " 7. Highcliffe " 8. Kaikorai " 9. Lovellsbrook " 10. Milburn " 11. Milton " 12. N. E. Valley "	13. Popotunoa Road District 14. Portobello " 15. Tuakitoto " 16. Tomahawk " 17. Totara " 18. Waiholo West " 19. Waipahae Survey District 20. Wakari Road District 21. West Taieri " 22. Road Line at Botanical Gardens 23. Lawrence Road District	24. Roslyn Road District 25. North Molyneux " 26. Jacob's River " 27. Block VIII., New River Hundred 28. Anderson's Bay Road District 29. Meadowbank " 30. Puerua " 31. Sandymount " 32. Coombe Hay " 33. Harewood "
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1. Akatore Road District.

(1.) All that area in the Province of Otago containing by admeasurement 3a 2r 18p more or less being a road line situate in the Akatore Survey District bounded towards the north-east by sections numbered 30 31 and 32 block III seven thousand one hundred and sixty (7160) links more or less and towards the south south-west and west by other part of said sections 30 31 and 32 seven thousand three hundred (7300) links more or less.

2. Beaconsfield Road District.

(1.) All that area in the Province of Otago containing by admeasurement 2a 1r 8p more or less being a road line situate in the Waikouaiti Survey District bounded towards the north-east by section numbered 3 block I two thousand five hundred (2500) links more or less and towards the south-west by section numbered 3 block I two thousand one hundred (2100) links more or less.

(2.) All that area in the Province of Otago containing by admeasurement 3a 0r 6p more or less being a road line situate in the Waikouaiti Survey District bounded towards the east by sections numbered 4 and 5 block I three thousand two hundred (3200) links more or less and towards the west by sections numbered 4 and 5 block I three thousand one hundred (3100) links more or less.

(3.) All that area in the Province of Otago containing by admeasurement 1a 3r 16p more or less being a road line situate in the Waikouaiti Survey District bounded towards the north-west by section numbered 33 block I and section 60 block II two thousand (2000) links more or less and towards the south-east by section numbered 33 block I one thousand seven hundred (1700) links more or less.

(4.) All that area in the Province of Otago containing by admeasurement 2a more or less being a road line situate in the Waikouaiti Survey District bounded towards the north and north-west by sections numbered 34 35 and 38 block I four thousand two hundred (4200) links more or less and towards the south and south-east by section numbered 35 and part 39 block I four thousand (4000) links more or less.

(5.) All that area in the Province of Otago containing by admeasurement 2a 3r 32p more or less being a road line situate in the Waikouaiti Survey District bounded towards the north by sections numbered 36 38 and 39 block I five thousand three hundred and fifty (5350) links more or less and towards the south by sections numbered 37 38 and 39 block I five thousand four hundred and fifty (5450) links more or less.

3. Chelsea Road District.

(1.) All that area in the Province of Otago containing by admeasurement 3a 2r 36p more or less being a road line situate in the Otepopo Survey District bounded towards the east by sections numbered 51 52 and 42 block IV seven thousand four hundred and fifty (7450) links more or less and towards the west by sections numbered 47 and 48 block IV seven thousand four hundred and fifty (7450) links more or less.

4. Cranbourne Road District.

(1.) All that area in the Province of Otago containing by admeasurement 1a 2r 39p more or less being a road line situate in the Hawksbury Survey District bounded towards the east by section 40 block II three thousand five hundred (3500) links more or less and towards the west by section numbered 1 of 13 and 2 of 13 block III three thousand four hundred and eighty (3480) links more or less.

5. Flagstaff Road District.

(1.) All that area in the Province of Otago containing by admeasurement 1a 2r 12p more or less being a road line situate in the Dunedin and East Taieri Survey District bounded towards the north-west by sections numbered 20 and 24 block IV three thousand two hundred (3200) links more or less and towards the south-east by part of section numbered 51 block IV three thousand one hundred (3100) links more or less excepting that portion which is crossed by the new district road.

6. Goodwood Road District.

(1.) All that area in the Province of Otago containing by admeasurement 3a 0r 24p more or less being a road line situate in the Hawksbury Survey District bounded towards the north-east by sections numbered 28 31 and 33 block I six thousand three hundred (6300) links more or less and towards the south-west by other part of said sections 28 31 and 33 six thousand three hundred (6300) links more or less.

7. Highcliffe Road District.

(1.) All that area in the Province of Otago containing by admeasurement 6a 2r more or less being a road line situate in the Otago Peninsula Survey District bounded towards the north-east by parts of sections numbered 35 39 50 and 51 block I thirteen thousand (13000) links more or less and towards the south-west by other parts of said sections 35 39 50 and 51 block I thirteen thousand (13000) links more or less excepting those portions which are crossed by the district roads.

(2.) All that area in the Province of Otago containing by admeasurement 0a 2r 0p more or less being a road line situate in the Otago Peninsula Survey District bounded towards the north-west by part of section numbered 39 block I five hundred (500) links more or less and towards the south-east by other part of said section numbered 39 block I five hundred (500) links more or less.

8. Kaikorai Road District.

(1.) All that area in the Province of Otago containing by admeasurement 2a 0r 36p more or less being a road line situate in the Dunedin and East Taieri Survey District bounded towards the north-east by section numbered 1 of 49 and 2 of 49 block VI four thousand four hundred and fifty (4450) links more or less and towards the south-west by section numbered 48 and 2 of 49 block VI four thousand four hundred and fifty (4450) links more or less.

(2.) All that area in the Province of Otago containing by admeasurement 0a 2r 8p more or less being a road line situate in the Lower Kaikorai Survey District bounded towards the north-west and north-east by section numbered 1 Lower Kaikorai and section 10 block IV Upper Kaikorai Survey District nine hundred and ninety (990) links more or less and towards the south-east and south-west by section numbered 1 Lower Kaikorai Survey District eight hundred and sixty (860) links more or less.

9. Lovell's Brook Road District.

(1.) All that area in the Province of Otago containing by admeasurement 0a 2r 30p more or less being a road line situate in the North Tuakitoto Survey District bounded towards the north-west by sections 5 and 6 block VII one thousand one hundred and fifty (1150) links more or less and towards the south-east by section 5 block VI one thousand one hundred and fifty (1150) links more or less.

10. Milburn Road District.

(1.) All that area in the Province of Otago containing by admeasurement 4a 3r 27p more or less being a road line situate in the Table Hill Survey District bounded towards the south-east by section numbered 34 block I four thousand eight hundred and forty (4840) links more or less and towards the north-west by sections numbered 20 21 and 22 block I five thousand (5000) links more or less.

(2.) All that area in the Province of Otago containing by admeasurement 3a 1r 4p more or less being a road line situate in the Table Hill Survey District bounded towards the south-east by sections numbered 4 5 and 6 block I Waihola five thousand four hundred and sixty (5460) links more or less and towards the north-west by section numbered 34 block I Table Hill five thousand four hundred and sixty (5460) links more or less.

11. Milton Road District.

(1.) All that area in the Province of Otago containing by admeasurement 2a 2r more or less being a road line situate in the Tokomairiro Survey District bounded towards the north by the Tokomairiro river four thousand one hundred and eighty (4180) links more or less and towards the south by sections numbered 6 and 7 block XXX four thousand one hundred and eighty (4180) links more or less.

12. North-East Valley District.

(1.) All that area in the Province of Otago containing by admeasurement 0a 1r 06p more or less being a road line situate in the North-East Valley Survey District bounded towards the north-east by part of section numbered 78 six hundred (600) links more or less and towards the south-west by part of section numbered 76 five hundred and sixty (560) links more or less.

13. Popotunoa Road District.

(1.) All that area in the Province of Otago containing by admeasurement 2a 1r 08p more or less being a road line situate in the Pomahaka Survey District bounded towards the east and north-east by sections numbered 24 and 25 block IX Pomahaka and 2 block XI Clinton two thousand three hundred (2300) links and towards the west and south-west by part of sections numbered 25 block IX Pomahaka and 1 block XI Clinton two thousand three hundred (2300) links more or less.

(2.) All that area in the Province of Otago containing by admeasurement 3r 04p more or less being a road line situate in the Pomahaka Survey District bounded towards the north by part of section 13 block XI one thousand five hundred (1500) links more or less and towards the south by section 52 and part of 8 block XI one thousand six hundred (1600) links more or less.

(3.) All that area in the Province of Otago containing by admeasurement 1a 1r 08p more or less being a road line situate in the Pomahaka Survey District bounded towards the north by part of section 72 block IX one thousand six hundred (1600) links more or less and towards the south by other part of said section 72 block IX one thousand (1000) links more or less.

(4.) All that area in the Province of Otago containing by admeasurement 1a 0r 22p more or less being a road line situate in the Pomahaka Survey District bounded on the north-east by section numbered 26 block IX 2300 links more or less and on the south-west by section numbered 26 block IX 2250 links more or less.

(5.) All that area in the Province of Otago containing by admeasurement 1a 1r 0p more or less being a road line situate in the Pomahaka Survey District bounded towards the north by section numbered 44 block IX 2550 links more or less and on the south by sections numbered 44 and 78 block IX 2500 links more or less.

(6.) All that area in the Province of Otago containing by admeasurement 3a 2r 16p more or less being a road line situated in the Pomahaka Survey District bounded towards the north by parts of sections numbered 87 88 89 and 1 of 50 block IX seven thousand two hundred (7200) links more or less and towards the south by other parts of said sections numbered 87 88 89 and 1 of 50 block IX seven thousand two hundred (7200) links more or less.

(7.) All that area in the Province of Otago containing by admeasurement 4a 1r 32p more or less being a road line situate in the Pomahaka Survey District bounded towards the north by sections numbered 19 20 and 21 block VIII eight thousand nine hundred (8900) links more or less and towards the south by other part of said sections numbered 19 20 and 21 block VIII eight thousand nine hundred (8900) links more or less.

(8.) All that area in the Province of Otago containing by admeasurement 7a 2r 16p more or less being a road line situate in the Pomahaka Survey District bounded towards the north and east by sections 21 23 24 25 and 26 block VIII fifteen thousand two hundred (15200) links more or less and towards the south and west by sections numbered 37 38 39 40 22 21 block VIII and 47 block IX fifteen thousand two hundred (15200) links more or less.

(9.) All that area in the Province of Otago containing by admeasurement 1a 2r 20p more or less being a road line situate in the Pomahaka Survey District bounded towards the east by sections 45 59 60 and 64 block VIII three thousand five hundred (3500) links more or less and towards the west by other parts of said sections 45 59 60 and 64 block VIII three thousand five hundred (3500) links more or less except such parts of the said area as are intersected by the Main South Road and a District Road.

14. Portobello Road District.

(1.) All that area in the Province of Otago containing by admeasurement 2a 1r 32p more or less being a road line situate in Portobello Bay Survey District bounded towards the north-east by part of sections numbered 1 2 5 and 6 block II and 20 22 24 26 and 28 block V five thousand three hundred (5300) links more or less and towards the south-west by part of sections numbered 1 2 5 and 6 block II and 25 27 and 29 block V four thousand three hundred (4300) links more or less except that part of said area which is crossed by the new District Road.

15. Tuakitoto Road District.

(1.) All that area in the Province of Otago containing by admeasurement 28a 3r 18p more or less being a road line situate in the Kaitangata Survey District bounded towards the north-east by sections numbered 23 21 and 17 block VIII 35 34 21 37 16 and part 2 block V twenty-eight thousand eight hundred and sixty (28860) links more or less and towards the south-west by sections numbered 1 2 3 4 5 6 7 and 8 block II 1 2 3 4 5 and 6 block III 1 2 3 4 5 6 7 and 8 block IV and 1 2 3 4 and part 5 block V South Tuakitoto District twenty-eight thousand eight hundred and seventy (28870) links more or less excepting such parts of the said area which are intersected by district roads.

(2.) All that area in the Province of Otago containing by admeasurement 2a 3r 25p more or less being a road line situate in the Tuakitoto Survey District bounded towards the north-west by section numbered 1 block VI four thousand eight hundred and forty (4840) links and towards the south-west by section 8 block V four thousand eight hundred and sixty (4860) links more or less.

(3.) All that area in the Province of Otago containing by admeasurement 3a 0r 27p more or less being a road line situate in the Tuakitoto Survey District bounded towards the north-west by section numbered 1 block V five thousand two hundred and eighty (5280) links more or less and towards the south-east by section numbered 8 block IV five thousand three hundred (5300) links more or less.

(4.) All that area in the Province of Otago containing by admeasurement 2a 2r 15p more or less being a road line situate in the Tuakitoto Survey District bounded towards the north-west by section numbered 1 block IV four thousand three hundred and thirty (4330) links more or less and towards the south-east by section numbered 6 block III four thousand three hundred and twenty (4320) links more or less.

(5.) All that area in the Province of Otago containing by admeasurement 3a 1r 05p more or less being a road line situate in the Kaitangata Survey District bounded towards the north by section numbered 16 block V three thousand two hundred and ninety (3290) links more or less and towards the south by section numbered 37 block V three thousand two hundred and eighty-three (3283) links more or less.

(6.) All that area in the Province of Otago containing by admeasurement 4a 0r 18p more or less being a road line situate in the Kaitangata Survey District bounded towards the north and west by section numbered 37 block V four thousand and seventy (4070) links more or less and towards the south and east by sections numbered 20 and 21 block V four thousand one hundred and sixty (4160) links more or less.

16. Tomahawk Road District.

(1.) All that area in the Province of Otago containing by admeasurement 1r 24p more or less being a road line situate in the Otago Peninsula Survey District bounded towards the north-east by section numbered 1 block I Tomahawk District eight hundred (800) links more or less and towards the south-west by section 19 block VII Otago Peninsula Survey District eight hundred (800) links more or less.

17. Totara Road District.

(2.) All that area in the Province of Otago containing by admeasurement 5a 1r 22p more or less being a road line situate in the Oamaru Survey District bounded towards the north and north-west by section 9 block VI and 37 block VII and the Kakanui River ten thousand seven hundred and seventy-eight (10778) links more or less and towards the south and south-east by section 10 block VI and 37 block VII ten thousand seven hundred and seventy-eight (10778) links more or less.

18. Waihola West Road District.

(1.) All that area in the Province of Otago containing by admeasurement 5a 1r 14p more or less being a road line situate in the Waihola Survey District bounded towards the north-east and north-west by part of sections numbered 1 2 and 3 block IX and 1 2 and 3 block XVIII eight thousand nine hundred and fifty (8950) links more or less and towards the south-east and south-west by section numbered 46 block VII and 58 block VIII Waihola and part of 1 of 22 block III Clarendon eight thousand eight hundred and fifty (8850) links more or less.

19. Waipahee Survey District.

(2.) All that area in the Province of Otago containing by admeasurement 4a 1r 24p more or less being a road line intersecting Pre-emptive Right on Run No. 167A under Application No. 5830 Waipahee District bounded towards the north by Application No. 5830 four thousand five hundred and fifty (4550) links more or less and towards the south by other part of said Application No. 5830 four thousand two hundred and fifty (4250) links more or less.

20. Wakari Road District.

(1.) All that area in the Province of Otago containing by admeasurement 0a 2r 28p more or less being a road line situate in the Upper Kaikorai Survey District bounded towards the north by sections 13 and 14 block I one thousand two hundred (1200) links more or less and towards the south by other part of the said sections 13 and 14 block I and section 8 block II one thousand five hundred (1500) links more or less.

21. West Taieri Road District.

(1.) All that area in the Province of Otago containing by admeasurement 12a 3r 15p more or less situate in the Maungatua Survey District bounded towards the north-east by part of section numbered 29 block VII twelve thousand eight hundred and fifty (12850) links more or less and towards the south-west by other part of said section 29 block VII twelve thousand nine hundred (12900) links more or less.

22. Road Line at Botanical Gardens.

(1.) All that area in the Province of Otago containing by admeasurement 0a 3r 35p more or less being a road line situate at the Water of Leith and intersecting the Botanical Gardens bounded towards the north-west by the Town Belt of Dunedin seven hundred and fifty (750) links and a road line three hundred and ninety (390) links more or less towards the south-east by other portion of the said Town Belt one thousand two hundred and twenty-five (1225) links more or less and towards the west by the Water of Leith one hundred and forty (140) links more or less.

23. Lawrence.

(1.) All that area in the Province of Otago containing by admeasurement 0a 1r 34p more or less being a road line situate in the Township of Lawrence bounded towards the north by section 18 block VIII and block LI four hundred and thirty-six (436) links towards the north-east by Harrington street one hundred and twenty and eight-tenths (120·8) links towards the south by the Hospital Reserve five hundred (500) links and towards the west by Whitehaven street one hundred (100) links.

(2.) All that area in the Province of Otago containing by admeasurement 0a 1r 27p more or less being a road line situate in the township of Lawrence bounded towards the west by the Hospital Reserve five hundred (500) links towards the north east by Harrington Place one hundred and eighty-nine and two-tenths (189·2) links towards the east by block LII three hundred and forty-one and six-tenths (341·6) links and towards the south by Harrington street one hundred (100) links.

(3.) All that area in the Province of Otago containing by admeasurement 0a 3r 39p more or less being a road line situate in the township of Lawrence bounded towards the north by sections numbered 1 2 3 and 4 block XV and 1 and 16 block XIV nine hundred and eighty (980) links towards the north-east by Peel street one hundred and ten (110) links towards the south by sections numbered 1 2 3 and 4 block XVIII and 1 and 23 block XIX one thousand one hundred and seven (1107) links and towards the west by Ardrossan street one hundred (100) links.

(4.) All that area in the Province of Otago containing by admeasurement 2a 0r 16p more or less being a road line situate in the township of Lawrence bounded towards the west by sections numbered 14 15 16 17 18 19 20 and 1 block XVIII and 14 15 16 17 18 19 20 and 1 block XV and Harrington street two thousand one hundred (2100) links towards the north by Stranraer street one hundred (100) links towards the east by sections numbered 1 2 3 4 5 6 7 8 9 and 10 block XIV and 1 2 3 4 5 6 7 8 9 and 10 block XIX and Harrington street two thousand one hundred (2100) links and towards the south by Thurso street one hundred (100) links.

(5.) All that area in the Province of Otago containing by admeasurement 3a 0r 17p more or less being Carsewall street and part of Harrington street town of Lawrence bounded towards the north by block XV said town of Lawrence five hundred (500) links by Stranraer street one hundred (100) links and by block XIV four hundred and ninety-eight (498) links towards the north-east by Peel street one hundred and two (102) links towards the east by block XIV one thousand (1000) links and by block XIX one thousand (1000) links towards the south by block XIX five hundred and seventeen (517) links by Thurso street one hundred (100) links and by block XVIII five hundred (500) links and towards the west by block XVIII one thousand (1000) links by Ardrossan street one hundred (100) links and by block XV one thousand (1000) links.

24. Roslyn Road District.

(1.) All that area in the Province of Otago containing by admeasurement 2a 0r 17p more or less being a road line situate in the Upper Kaikorai Survey District bounded towards the north-west by sections numbered 10 11 12 13 14 15 and part of 16 block IV three thousand five hundred (3500) links more or less and towards the south-east by sections numbered 9 8 7 6 5 4 3 and part of 2 block IV three thousand five hundred and forty (3540) links more or less.

25. North Molyneux Road District.

(1.) All that area in the Province of Otago containing by admeasurement 2a 2r 03p more or less being a road line situate in the North Molyneux Survey District bounded towards the east by section 8 block XI four thousand two hundred and three (4203) links more or less and towards the west by section 6 block XIV four thousand two hundred and three (4203) links more or less.

(2.) All that area in the Province of Otago containing by admeasurement 3a 1r 16p more or less being a road line situate in the North Molyneux Survey District bounded towards the east by section 7 block XII five thousand five hundred and eighty-eight (5588) links more or less and towards the west by section 1 block XIII five thousand five hundred and eighty-eight (5588) links more or less.

(3.) All that area in the Province of Otago containing by admeasurement 2a 3r 1p more or less being a road line situate in the North Molyneux Survey District bounded towards the north-east by section 1 block X four thousand six hundred (4600) links more or less and towards the south-west by section 8 block VI four thousand six hundred (4600) links more or less.

(4.) All that area in the Province of Otago containing by admeasurement 2a 3r 2p more or less being a road line situate in the Hillend Survey District bounded towards the east by section 42 block I five thousand five hundred (5500) links more or less and towards the west by section 44 block I five thousand five hundred and sixty (5560) links more or less.

26. Jacob's River Road District.

(1.) All that area in the Province of Otago containing by admeasurement 4a 2r 0p more or less being a road line situate in the Jacob's River Survey District bounded towards the north-east by section numbered 10 block IX four thousand five hundred (4500) links more or less and towards the south-west by section numbered 54 block IV four thousand five hundred (4500) links more or less.

27. *Block VIII New River Hundred.*

(1.) All that area in the Province of Otago containing by admeasurement 1a 3r 34p more or less being a road line situate in the New River Hundred bounded towards the north-west by parts of sections numbered 35 and 36 block VIII three thousand eight hundred (3800) links more or less and towards the north-east by other parts of said sections 35 and 36 block VIII three thousand eight hundred and twenty-five (3825) links more or less.

28. *Anderson's Bay Road District.*

(1.) All that area in the Province of Otago containing by admeasurement 1a 1r 0p more or less being a road line situate in the Anderson's Bay Road District bounded towards the north by sections numbered 13 14 15 and 16 block V two thousand three hundred (2300) links more or less and towards the south by section numbered 12 two thousand three hundred (2300) links more or less.

29. *Meadowbank Road District.*

(1.) All that area in the Province of Otago containing by admeasurement 1a 3r 16p more or less being a road line situate in the Moeraki Survey District bounded towards the north-west by parts of sections 40 and 41 block X one thousand eight hundred (1800) links more or less and towards the south-east by other parts of sections 41 and 42 one thousand nine hundred (1900) links more or less.

(2.) All that area in the Province of Otago containing by admeasurement 16p more or less being a road line situate in the Moeraki Survey District bounded towards the west by part of section 41 block X ninety (90) links more or less and towards the east by other parts of said section 41 one hundred and ten (110) links.

30. *Puerua Road District.*

(1.) All that area in the Province of Otago containing by admeasurement 2a 0r 16p more or less being a road line situate in Glenomaru Survey District bounded towards the north-east by section numbered 2 block XIV Clutha three thousand five hundred (3500) links more or less and towards the south-west by section numbered 2 of 4 part of 1 of 4 block II Glenomaru three thousand five hundred (3500) links more or less.

31. *Sandymount Road District.*

(1.) All that area in the Province of Otago containing by admeasurement 1a 1r 11p more or less being a road line situate in the Otago Peninsula Survey District bounded towards the north-west by sections numbered 26 and part of 27 block III two thousand seven hundred and fifty (2750) links more or less and towards the south-east by other part of said sections numbered 26 and 27 block III two thousand seven hundred and fifty (2750) links more or less.

32. *Coomb Hay Road District.*

(1.) All that area in the Province of Otago containing by admeasurement 9a 0r 8p more or less being a road line situate in the Kaitangata Survey District bounded towards the north-east by sections numbered 4 5 6 7 and 8 block XXVIII nine thousand and fifty (9050) links more or less and towards the south-west by sections numbered 19 20 and 33 block I nine thousand and fifty (9050) links more or less.

(2.) All that area in the Province of Otago containing by admeasurement 3a 0r 8p more or less being a road line situate in the Kaitangata Survey District bounded towards the south-east by sections numbered 20 and 21 block I six thousand one hundred (6100) links more or less and towards the north-west by sections numbered 31 32 and 33 block I six thousand one hundred (6100) links more or less.

(3.) All that area in the Province of Otago containing by admeasurement 17a 3r 0p more or less being a road line situate in Kaitangata Survey District bounded towards the south-east by sections numbered 15 16 17 18 and 19 block I seventeen thousand nine hundred (17900) links more or less and towards the north-west by sections numbered 20 21 22 23 block I seventeen thousand six hundred (17600) links more or less.

33. *Harewood.*

(1.) All that area in the Province of Otago containing by admeasurement 1a 3r 25p more or less being part of original section 28 block I Invercargill Hundred and now known as a portion Avenal Road Township of Harewood bounded towards the north by the remaining part of section 28 block I aforesaid one thousand and fifty (1050) links and nine hundred and twenty (920) links towards the east by the other part of Avenal Road ninety-seven (97) link towards the south by the other part of section 28 block I aforesaid nine hundred (900) links and one thousand and seventy (1070) links and towards the west by High Water mark one hundred (100) links be all the aforesaid linkages more or less and intersected by the Oreti Railway Reserve.

DUNEDIN, NEW ZEALAND:

Printed under the Authority of the Provincial Government of Otago, by MILLS, DICK & Co., Stafford Street, Printers to the said Provincial Government for the time being.