

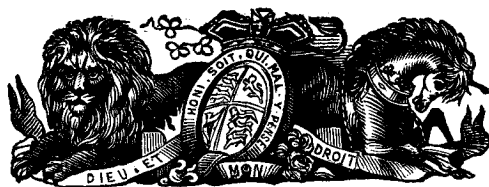
OTAGO ORDINANCES.

SESSION XXIII, 1867.

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GOLD FIELDS PROVINCIAL MANAGEMENT ORDINANCE, 1867.

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

SESSION XXIII., No. 245.

ANALYSIS :

<p>Title. Preamble. 1. Short Title. 2. General vote to be taken throughout Province. 3. Superintendent to appoint necessary officers, &c.</p>	<p>4. Qualification of Voter. 5. Provision for conduct of voting. 6. Provision in case of Voter being unable to write. 7. Questions to be put by Presiding Officer. 8. Duty of Presiding Officer.</p>
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“ An Ordinance to Provide for Testing Public Opinion in the Province of Otago with reference to the Management and Administration of the several Gold Fields in the said Province by the Provincial Government thereof.” Title.
[21st MAY, 1867.]

WHEREAS it is expedient that provision should be made for testing the feeling of the People of Otago in reference to the Management and Administration of the Gold Fields in the said Province and as to whether such Management and Administration should be left in the hands of the Superintendent and his Executive Council as heretofore or should be conducted in any other manner :— 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 “ Gold Fields Provincial Management Ordinance 1867”. Short Title.

II. Upon the first day of June 1867 votes shall be taken in every Electoral District throughout the Province at such place or places within each Electoral District as the Superintendent of Otago shall by proclamation in the *Government Gazette* of the said Province appoint and the object of such voting shall be to ascertain in manner hereinafter provided whether the people resident in the said Province are desirous that the management and administration of the Gold Fields in the said Province shall be conducted by the Superintendent and Provincial Government of the said Province or otherwise. General vote to be taken throughout Province.

III. It shall be lawful for the Superintendent of Otago by warrant under his hand to appoint fit and proper persons to preside at each place which he may appoint in manner aforesaid for taking such votes and also to appoint in like manner such and so many Clerks Secretaries Scrutineers and other persons as may be necessary to perform any of the acts by this Superintendent to appoint necessary officers, &c.

Ordinance required to be done for the due and efficient carrying out of the provisions of this Ordinance and for the purpose of obtaining the fullest expression of public opinion on the matters thereof.

Qualification of voter.

IV. Every male of the age of 21 years or upwards who shall have been resident in the said Province for at least six calendar months previous to the said first day of June 1867 shall be entitled to vote under this Ordinance for the purposes thereof.

Provision for conduct of voting.

V. The voting for the purposes of this Ordinance shall be held in each District before the person or persons appointed by the Superintendent in manner aforesaid to preside at the voting place or places therein (hereinafter called the Presiding Officers) and the voting shall commence at 9 o'clock in the forenoon and shall finally close at 5 o'clock in the afternoon of the said first day of June 1867 and shall be conducted in manner following that is to say: Every person claiming to vote shall on presenting himself at a voting place in any District be furnished by the Presiding Officer with a printed paper marked with the initials of such Presiding Officer containing the words following "Are you desirous that the management and administration of the Gold Fields in this Province shall be conducted by the Superintendent and Provincial Government?" And there shall be provided separate apartments or places forming part of the voting booth into which the voter shall immediately retire and there alone and in private without interruption shall write the word "Yes" if he is desirous of such management and administration being conducted by the Superintendent and Provincial Government or the word "No" if he shall not so desire and the voter shall then fold the same paper and immediately deliver it so folded to the Presiding Officer who shall forthwith publicly and without opening the same deposit it in a box provided for that purpose and no voting paper so deposited in any box shall on any account be taken therefrom till after the close of the voting and then only in the presence of the Presiding Officer and one Scrutineer: Any voter wilfully infringing any of the provisions of this section or obstructing the voting by any unnecessary delay in performing any act within the voting place or room shall be liable to a penalty not exceeding Twenty Pounds to be recovered in a summary way before two or more Justices of the Peace of the Colony of New Zealand in manner provided by law.

Provision in case of voter being unable to write.

VI. If any person entitled to vote under this Ordinance is unable to write it shall be lawful for the Presiding Officer on any such person by whom he shall be furnished a voting paper stating his inability to write and requesting such Presiding Officer so to do to write for such person the word "Yes" or the word "No" upon the voting paper according to the instructions of the voter and the Presiding Officer shall then sign such voting paper with the name of the voter in the presence of two persons present at the time when the voter shall have requested his vote to be recorded in manner aforesaid who shall see that such vote is recorded in the manner requested by the voter and shall subscribe their names as witnesses.

Questions to be put by Presiding Officer.

VII. The Presiding Officer shall put to every voter at the time of his claiming his voting paper the following questions:—

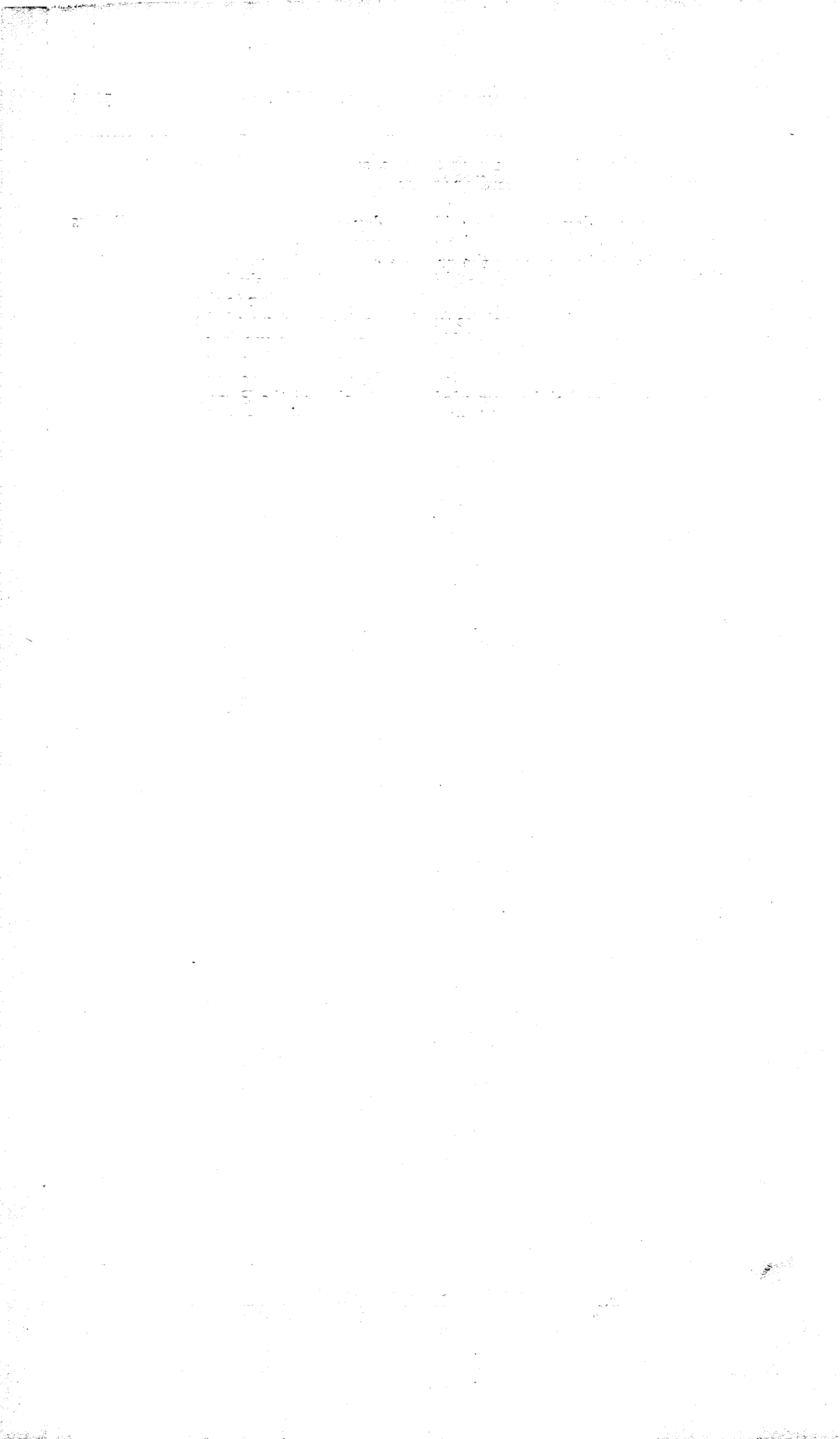
1. Are you of the full age of 21 years?
2. Have you been resident in this Province for six months at least?
3. Have you already voted upon the question contained in this voting paper?

No person shall be entitled to vote unless and until he shall have answered the first and second questions in the affirmative and the third question in the negative and if any person shall wilfully make a false answer to any or either of the questions aforesaid or shall vote or offer to vote more than once or shall personate any other person for the purpose of voting he shall be liable

to a penalty not exceeding £50 to be recovered in a summary way before two or more Justices of the Peace according to law.

VIII. Within seven days after the said first day of June 1867 the Presiding Officer in each Electoral District shall prepare two correct lists each of which lists shall be headed with the question contained in the voting papers as before-mentioned and underneath in separate columns shall be stated the answers given by the voters to such question according to the voting papers and each of such lists shall be verified by the signature of the Presiding Officer and by the signatures of Two Scrutineers to be appointed in manner hereinbefore mentioned and one of such lists shall be forwarded by such Presiding Officer to the Superintendent and the other thereof accompanied by the voting papers shall be forwarded to the Speaker of the Provincial Council who shall forward same without delay to His Excellency the Governor.

Duty of Presiding Officer.





FENCING ORDINANCE, 1867.

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

SESSION XXIII, No. 246.

ANALYSIS.

- | | |
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| <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 matters to be settled by two Justices.
7. Fence shall then be made.
8. If default made by one party other may fence and recover one half of actual cost.</p> | <p>9. Occupier may recover from owner. In certain cases occupier not to recover. Existing agreements.
10. Half of dividing fence may be on adjoining land. Posts may be placed on boundary line.
11. Owner or occupier of land to keep road clear of young gorse plants.
12. A boundary fence may be made of thorns and the adjoining proprietor shall be liable for the half of the value of it.
13. Half the cost of repairing fence to be paid by adjoining owner or occupier.
14. Not a sheep fence. Shall be made a sheep fence.
15. 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.
[27th May, 1867.]

WHEREAS it is expedient to consolidate and amend the Laws now in force Preamble.
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 :—

I. This Ordinance may be cited and referred to as the “Fencing Ordinance 1867.” Short Title.

II. 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.

III. In the construction of this Ordinance the term “sufficient fence” shall be taken to include all fences of the description 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 of Schedule B within the limits of a town and that the fence described in the said Clause No. 14 Fences described in the Schedule to be deemed a sufficient fence

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.

IV. 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 persons 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.

V. 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 matters to be settled by two Justices.

VI. 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 or agree as to the value of any fence already erected as provided for in Clause IV such matters or any of them as may be in difference shall be settled by a Resident Magistrate or two or more Justices of the Peace sitting in open Court.

Fence shall then be made.

VII. When such matters shall have been settled either by agreement between the parties or by a Resident Magistrate or two or more Justices as aforesaid a fence shall be made by the persons or one of them of the description and in the manner so agreed upon or decided but if no agreement shall be entered into between the parties and neither of them shall within the said period of two months apply to a Resident Magistrate or two or more Justices to decide upon the description of fence to be made 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 six 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.

VIII. 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 or to obey any part of any decision of any such Resident Magistrate or Justices which should be obeyed by him 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 decided as aforesaid 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 together with a sum of five pounds for his costs of suit over and above the ordinary fees of Court.

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

IX. 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 agreements.

X. 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 of 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 and 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.

XI. 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 General Road Board shall on the complaint of the Road Board of the district in which such road is or 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 General 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.

XII. 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.

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

XIII. 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 of the cost of so cutting trimming cleansing or repairing such fence: Provided always that the party making such repairs shall be bound to prove to the satisfaction of the Resident Magistrate or Justices before whom any action is brought for the expense of such repairs that the sum expended and sought to be recovered was necessarily and properly expended.

Not a sheep fence.

Shall be made a sheep fence.

XIV. 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 costs of such construction.

Limitation of amount to be recovered.

XV. No greater sum shall be recovered under the provisions of Clause VII. 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.

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 four 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 seven 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 with four wires, the posts to be not more than seven 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 seven wires with posts not more than seven 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 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.

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 briar 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 briars.

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.

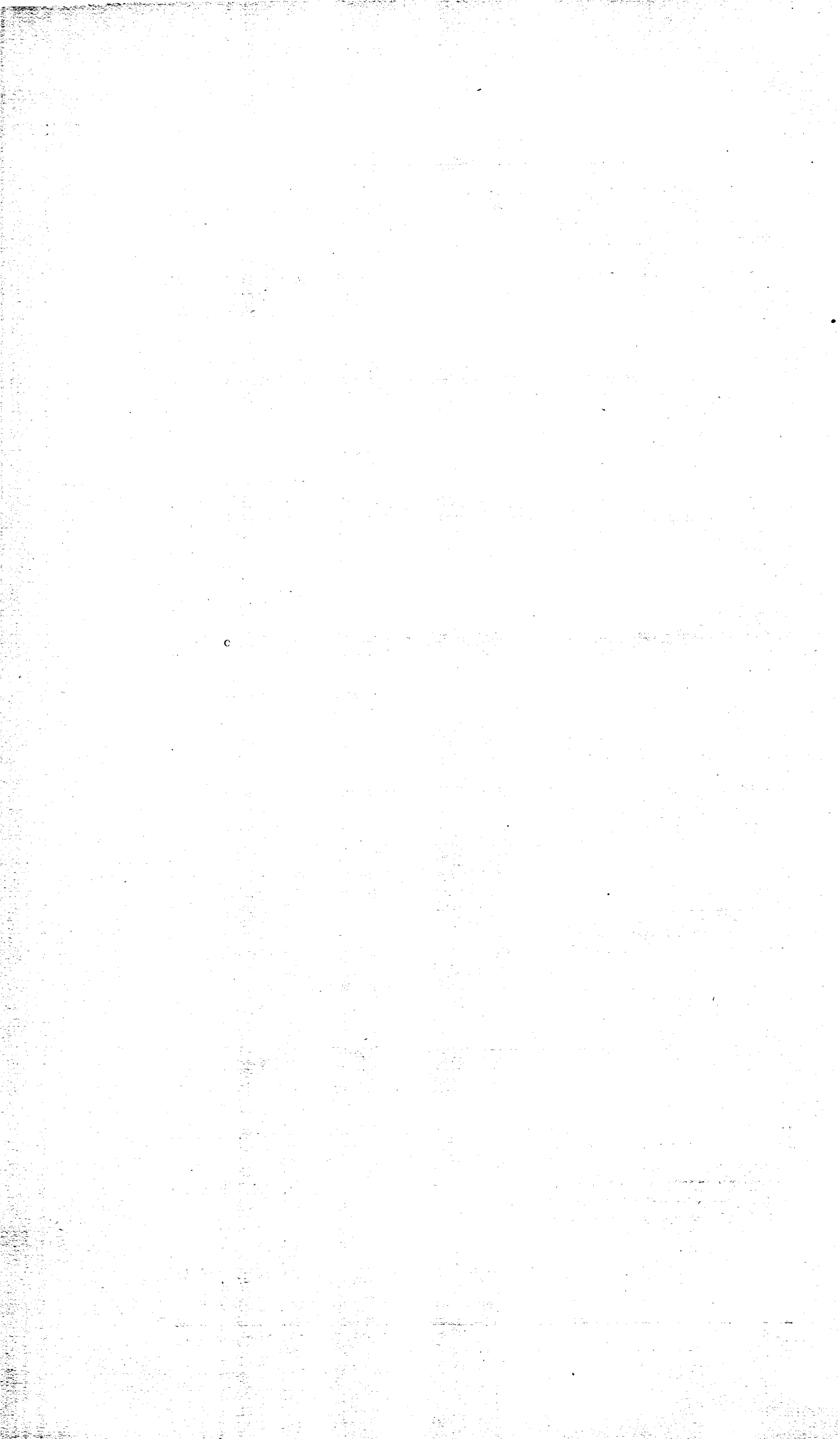
SCHEDULE C.

(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 _____ 186) 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.





TURNPIKES ORDINANCE, 1866, AMENDMENT ORDINANCE, 1867.

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

SESSION XXIII., No. 247.

ANALYSIS.

Title.
Preamble.
1. Short Title.

2. Repeal of Section 25 of "Turnpikes Ordinance, 1866."
3. Enabling Superintendent to take possession of Toll-house, &c., on default of Lessee.

AN ORDINANCE to Amend the *Turnpikes Ordinance, 1866.*

[5th June, 1867.]

Title.

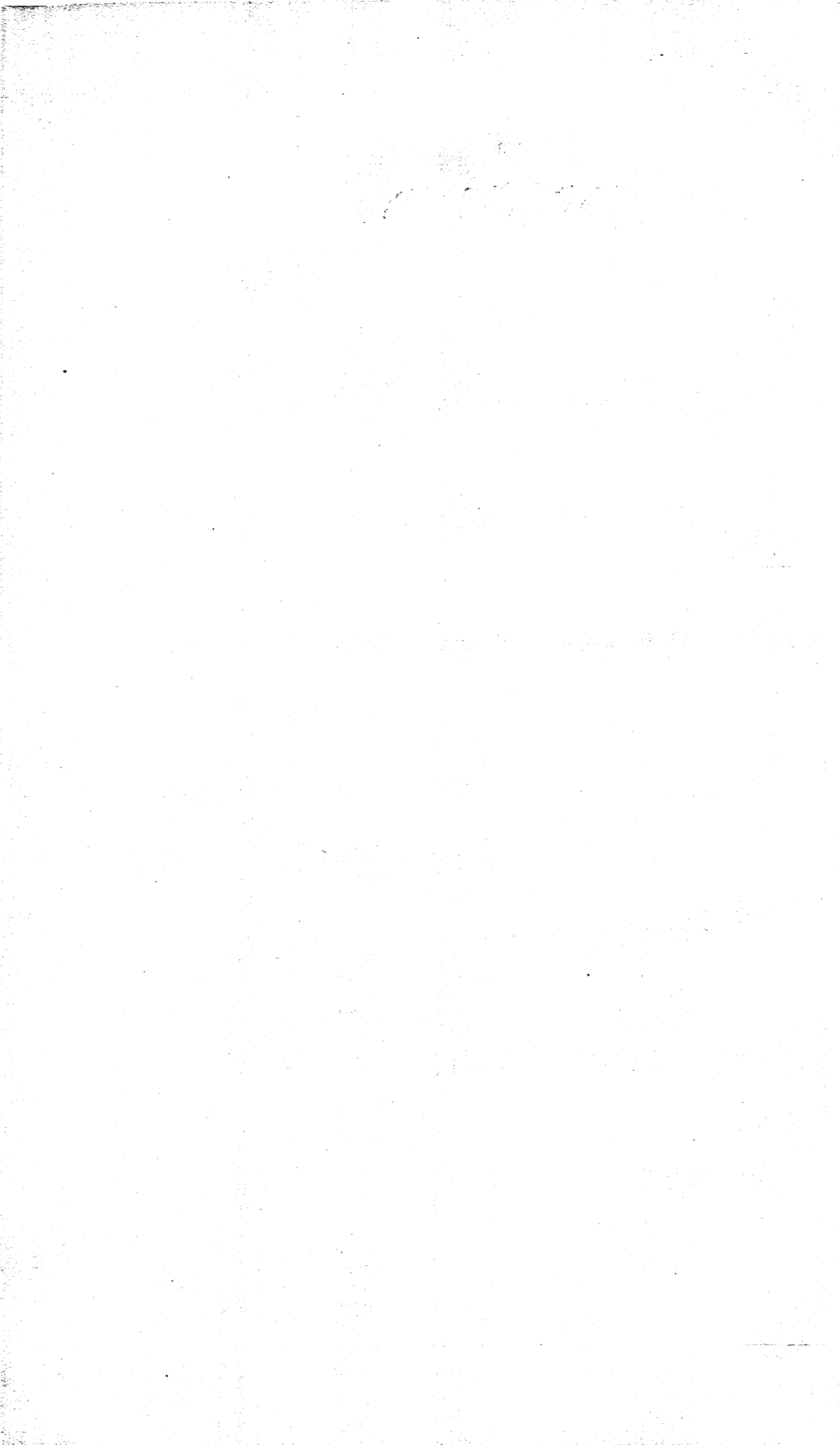
WHEREAS it is expedient to amend the "Turnpikes Ordinance 1866" in certain particulars : Preamble.

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

I. This Ordinance may be cited and referred to as the "Turnpikes Ordinance 1866 Amendment Ordinance 1867." Short Title.

II. Section 25 of the said "Turnpikes Ordinance 1866" is hereby repealed. Repeal of Section 25 of "Turnpikes Ordinance, 1866."

III. In case all or any of the tolls arising by virtue of the "Turnpikes Ordinance 1866" shall have been demised or let to farm to any person in any manner whatsoever and the lessee or farmer thereof shall neglect or refuse to perform the terms and conditions on which the same shall have been so demised or let or in case the rent or rents agreed to be paid by him shall be in arrear for the space of seven days next after any of the days on which the same ought to be paid pursuant to the agreement or lease whether such rent or rents shall or shall not have been lawfully demanded or in case any such agreement or lease shall in any other manner become void then and in any of those cases it shall be lawful for the Superintendent or any person acting under his authority to enter upon and take possession of the toll-house or toll-gate comprised in such agreement or lease and the buildings and appurtenances thereunto belonging or any part thereof in the name of the whole and thereupon the existing agreement or lease of such toll-house or toll-gate buildings and appurtenances shall be and become absolutely void (except as to covenants and agreements for payment up to that time of the rents thereby reserved or other covenants or agreements on the part of the lessee or farmer which may have then been broken) : And it shall be lawful for the Superintendent or any person authorised by him to expel put out and remove such lessee or farmer his executors administrators assigns and all others from the toll-house or toll-gate buildings appurtenances and premises comprised in such agreement or lease such agreement or lease or anything therein contained to the contrary thereof in any wise notwithstanding : And it shall be lawful for the Superintendent and Executive Council to demise or let to farm the said tolls to any person or to cause the same to be collected as if no former demise or agreement had been made relative thereto. Enabling Superintendent to take possession of Toll-house, &c., on default of Lessee.





ADMINISTRATION OF JUSTICE ORDINANCE, 1867.

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

SESSION XXIII, No. 248.

ANALYSIS.

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|--|--|
| <p>Title.
Preamble.
1. Short Title.
2. Provincial Wardens' Courts established.
3. Superintendent may appoint Wardens.
4. Ministerial Officers of Court.
5. Jurisdiction of Courts.
6. Sections in Justice of Peace Act, 1866, incorporated.
7. Power of Warden to issue Warrant of Distress.</p> | <p>8. Superintendent may make Regulations, &c.
9. Proceedings not to be questioned for want of form.
10. No action against Warden unless act done maliciously and without probable cause.
11. Jurisdiction of Resident Magistrates and Justices same.
12. The period during which this Ordinance to continue in force.</p> |
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AN ORDINANCE to make Temporary Provision for the Administration of ^{Title.}
Justice in the Province of Otago. [27th May, 1867.]

WHEREAS by an Act of the Imperial Parliament passed in the Session ^{Preamble.}
held in the fifteenth and sixteenth years of the reign of her present
Majesty intituled "An Act to grant a representative Constitution to the
Colony of New Zealand" it is amongst other things enacted that it shall be
lawful for the Superintendent of each Province established by the said Act
with the advice and consent of the Provincial Council thereof to make and
ordain all such laws and ordinances (subject and except as hereinafter men-
tioned) as may be required for the peace order and good government of such
Province provided that the same be not repugnant to the law of England :
And it is by the said Act further enacted that it shall not be lawful for any
such Superintendent and Provincial Council to make or ordain any law or
ordinance for the establishment or abolition of any Court of Judicature or
Civil or Criminal Jurisdiction except Courts for trying and punishing such
offences as by the law of New Zealand are or may be made punishable in a
summary way or for altering the constitution jurisdiction or practice of any
such Court except as aforesaid : And whereas it is requisite to make tempo-
rary provision for the administration of justice in the Province of Otago :

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

I. This Ordinance may be cited and referred to as the "Administration ^{Short Title.}
of Justice Ordinance 1867."

II. There shall be established throughout the Province of Otago from ^{Provincial Wardens' Courts established.}
time to time Courts (to be called Provincial Wardens' Courts) for trying and
punishing such offences as by the law of New Zealand are or may be made
punishable in a summary way and the Superintendent of the said Province is
hereby empowered from time to time by Proclamation in the *Provincial
Government Gazette* to declare that any such Court is established at such
place within the Province as he may think fit and such Court shall thereupon
be and be deemed to be duly constituted and established.

Superintendent may
appoint Wardens.

III. The Superintendent is hereby empowered from time to time to appoint by warrants under his hand as many fit persons as are needed to be Wardens of such Courts and from time to time to remove any such Warden and the same person may be appointed Warden of two or more such Courts.

Ministerial Officers of
Court.

IV. Every such Court shall have a Clerk and such other Ministerial Officers for the execution of the judgments orders and process thereof as the Superintendent from time to time may deem necessary and all such Clerks and other officers shall be appointed by the Superintendent.

Jurisdiction of Courts.

V. Every such Court shall have cognizance of all such offences as by the law of New Zealand are punishable in a summary way and every Warden of any such Court shall when sitting in Court have all such powers of dealing summarily with any such offences which may be brought before him as may by the law of New Zealand be exercised by any two Justices of the Peace.

Sections of Justice of
Peace Act, 1866, in-
corporated.

VI. The following sections of the Act of the General Assembly of New Zealand intituled "The Justices of the Peace Act 1866" shall be and the same are hereby incorporated with this Ordinance and shall be construed together herewith as forming one Ordinance that is to say:

Sections Nos. 4 to 35 both inclusive Sections Nos. 37 to 46 both inclusive Sections Nos. 77 to 86 both inclusive Sections Nos. 112 to 116 both inclusive Section No. 119 Sections Nos. 127 to 130 both inclusive Section No. 141 and Sections Nos. 143 to 150 both inclusive: Provided always that wherever in the said Act the following words and expressions are used such words and expressions when read herewith shall have the meanings hereby assigned to them unless there be something in the context repugnant to such construction that is to say

The expressions "Justice of the Peace" "two or more Justices of the Peace" "Justices" "Resident Magistrate" shall mean respectively any Warden appointed under the provisions of this Ordinance.

The expression "The Colony of New Zealand" shall mean the Province of Otago.

The expressions "Clerks of Petty Sessions" "Clerks to Resident Magistrates" "Clerks to Justices of the Peace" shall mean any Clerk of a Provincial Warden's Court appointed under this Ordinance.

The expressions "Resident Magistrates' Districts" "Petty Sessions District" shall mean respectively the Province of Otago.

The expressions "Resident Magistrate's Court" "Court of Petty Sessions" shall mean respectively any Court established under this Ordinance.

Power of Warden to
issue warrant of dis-
tress.

VII. In all cases where a conviction adjudges a pecuniary penalty or compensation to be paid if such penalty or compensation be not paid within the time limited by such conviction for the payment thereof and if no different mode of raising or of enforcing payment of the same is provided by any Act or Ordinance it shall be lawful for any Warden appointed under this Ordinance to issue his warrant of distress for the purpose of levying the same or so much thereof as shall then remain unpaid which warrant of distress shall be given under the hand of the Warden making the same.

VIII. It shall be lawful for the Superintendent at any time after the passing of this Ordinance and so from time to time as he may deem expedient to settle such forms of process and establish such rules of practice and proceedings for the conduct of business in the said Courts and to fix and allow such reasonable costs and fees to be taken therein respectively as to him shall seem proper : Provided always that before any such form or rule or the allowance of any such costs or fees shall be binding the same shall be published in the *Provincial Government Gazette* and after such publication shall be of the same force and effect as if they had been inserted in the present Ordinance : Provided also that until other forms of process are settled and other fees fixed and allowed and published as aforesaid the forms of process and scale of fees settled and authorised under the said "Justices of the Peace Act 1866" with such alterations as are rendered necessary by the provisions of this Ordinance shall be used in such Courts so far as the same are applicable.

Superintendent may make regulations, &c.

IX. No information complaint conviction order or other proceeding before any Warden appointed under this Ordinance shall be quashed or set aside or adjudged void or insufficient for want of form.

Proceedings not to be questioned for want of form.

X. In every action brought against any Warden appointed under this Ordinance for any act done by him in the execution of his duty as such Warden in the declaration or statement of the cause of action it shall be expressly alleged that such act was done maliciously and without reasonable and probable cause and if the defendant shall put in issue such allegation and at the trial of any such action the plaintiff shall fail to prove such allegation he shall be nonsuit or a verdict shall be given for the defendant.

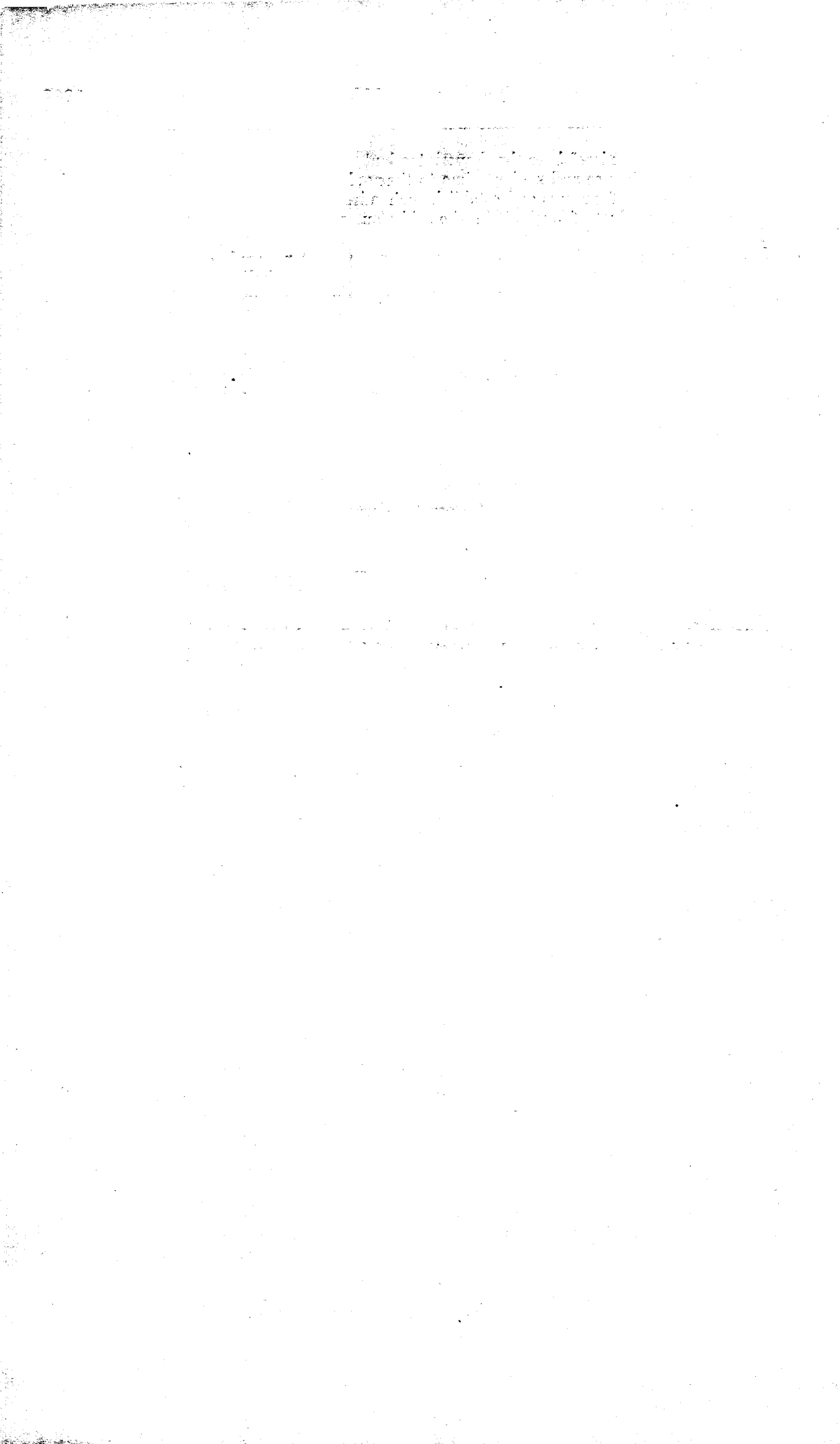
No action against Warden unless act done maliciously and without probable cause.

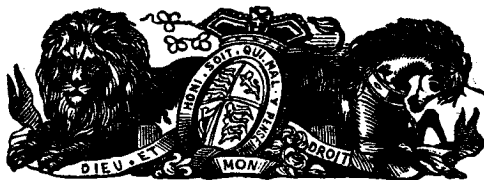
XI. Nothing in this Ordinance contained shall be deemed to take away the jurisdiction of any Resident Magistrate or Justice of the Peace.

Jurisdiction of Resident Magistrates and Justices same.

XII. This Ordinance and all regulations and appointments made in pursuance thereof and not revoked shall be and continue in force until the expiry of fourteen days after the commencement of the next session of the Provincial Council.

The period during which this Ordinance to continue in force.





PROVINCIAL WARDENS' COURTS JURISDICTION EXTENSION ORDINANCE, 1867.

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

SESSION XXIII., No. 249.

ANALYSIS :

Title.
Preamble.

1. Jurisdiction of Wardens' Courts extended to £20.
2. Short Title.

AN ORDINANCE for *Extending the Jurisdiction of Provincial Wardens' Courts.* Title.
[5th June, 1867.]

WHEREAS by an Act of the General Assembly of New Zealand passed Preamble.
in the twentieth year of Her Majesty Queen Victoria intituled the
"Provincial Councils' Powers Act 1856" it is enacted that it shall be lawful
for the Superintendent and Provincial Council of any Province in New
Zealand to make or ordain Laws and Ordinances for altering the Civil Juris-
diction of any Court of summary procedure having jurisdiction in such Pro-
vince in all suits or proceedings when the debt or damage claimed shall not
exceed £20 : And whereas an Ordinance has been passed in the present
Session of the Provincial Council of Otago intituled the "Administration of
Justice Ordinance 1867" whereby it is enacted that there shall be established
throughout the Province of Otago from time to time Courts (to be called
Provincial Wardens' Courts) for trying and punishing such offences as by
the Law of New Zealand are or may be made punishable in a summary way :
And the Superintendent of the said Province is thereby empowered from
time to time by proclamation in the *Provincial Government Gazette* to declare
that any such Court is established at such place within the Province as he
shall think fit and such Court shall thereupon be and be deemed to be duly
instituted and established : And whereas it is expedient to alter the Juris-
diction of such Provincial Wardens' Courts :

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

I. Every Provincial Warden's Court now constituted and established or Jurisdiction of War-
dents' Courts extended
to £20.
which shall hereafter be constituted and established in the Province of Otago
shall have jurisdiction in the said Province in all suits and proceedings where
the debt or damage claimed shall not exceed £20 : Provided always that no
such Court shall have power to try or decide in any case where the claim or
demand has reference to the validity of any devise bequest or limitation
under any will or settlement or any action for malicious prosecution or for
libel or slander or any action wherein the title to land is disputed or any
action for criminal conversation seduction or breach of promise of marriage.

II. This Ordinance may be cited for all purposes as the "Provincial Short Title.
Wardens' Courts Jurisdiction Extension Ordinance 1867."



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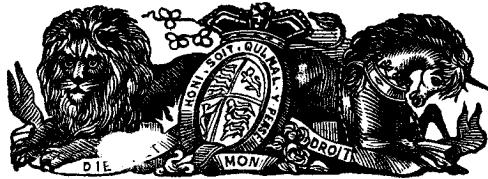
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APPROPRIATION ORDINANCE, 1867-8.

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

SESSION XXIII., No. 250.

ANALYSIS.

Title.

Preamble.

1. Certain sums to be applied out of Provincial Revenues for the service for the twelve months commencing 1st April, 1867, and ending 31st March, 1868.
2. Superintendent authorised to transfer one item to another of the same subdivision.

3. Treasurer to pay moneys under warrant of the Superintendent, and to be allowed credit for all moneys so paid.
4. Provision for continuing Payments until May 31 1868.
5. Certain amounts to be payable out of Loan if obtained, and if Loan refused out of Revenue.
6. Short Title.

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 ending the thirty-first day of March one thousand eight hundred and sixty-eight.* Title.
[31st May, 1867.]

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

I. Out of the Revenues of the Province of Otago subject to the appropriation of the Provincial Council there may be issued and applied for 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 sixty-seven and ending upon the thirty-first day of March one thousand eight hundred and sixty-eight the sum of three hundred and ninety thousand two hundred and thirty-five pounds twelve shillings or any sum or sums not exceeding the several sums for the several purposes first hereafter particularly specified that is to say :

Certain sums to be applied out of Provincial Revenues to the Service for the twelve months commencing 1st April, 1867, and ending 31st March, 1868.

I.—SUPERINTENDENT AND EXECUTIVE COUNCIL.

		SALARIES.			CONTINGENCIES.			TOTALS.		
		£	s.	d.	£	s.	d.	£	s.	d.
DIVISION No. 1.										
SUPERINTENDENT.										
1	Superintendent	1200	0	0						
1	Secretary to do. and Storekeeper	350	0	0				1550	0	0
DIVISION No. 2.										
EXECUTIVE COUNCIL.										
1	Provincial Secretary and Treasurer	800	0	0						
1	Secretary for Land and Works... ..	800	0	0						
1	Provincial Solicitor	600	0	0						
3	Non-Official Members	600	0	0						
								2800	0	0
Total Superintendent carried to total Provincial Council...								4350	0	0

II.—PROVINCIAL COUNCIL.

				SALARIES.			CONTINGENCIES.			TOTALS.		
				£	s.	d.	£	s.	d.	£	s.	d.
DIVISION No. 3.												
PROVINCIAL COUNCIL.												
	Speaker	...	...	200	0	0						
1	Chairman of Committees	...	...	100	0	0						
1	Clerk and Librarian	...	...	350	0	0						
1	Assistant Clerk	...	...	175	0	0						
1	Serjeant at Arms	...	...	20	0	0						
1	Messenger	...	...	100	0	0						
	Expenses of Country Members	...	...				1000	0	0			
	Council Accommodation, and Expenses of Select Committees	...	...				350	0	0			
	Printing and Stationery	...	...				650	0	0			
	Incidental Expenses	...	...				25	0	0			
	Total Provincial Council	...	...							2025	0	0
	Amount brought forward, Total Superintendent	...	...							2970	0	0
										4350	0	0
										7320	0	0

III.—PROVINCIAL SECRETARY AND TREASURER.

				SALARIES.			CONTINGENCIES.			TOTALS.		
				£	s.	d.	£	s.	d.	£	s.	d.
DIVISION No. 4.												
PROVINCIAL SECRETARY'S OFFICE.												
1	Under Secretary	...	...	500	0	0						
1	Chief Clerk	...	...	280	0	0						
1	Clerk	...	...	240	0	0						
	SUB-DIVISION No. 1.											
	Printing and Stationery	...	...				50	0	0			
	Clerical Assistance	...	...				25	0	0			
	Incidental Expenses	...	...				50	0	0			
	DIVISION No. 5.											
PROVINCIAL SOLICITOR.												
1	Clerk	...	...	265	0	0						
	SUB-DIVISION No. 2.											
	Incidental Expenses and Clerical Assistance	...	...				200	0	0			
	DIVISION No. 6.											
POLICE.												
1	Commissioner	...	...	600	0	0						
1	Clerk and Accountant	...	...	300	0	0						
1	Inspector	...	...	350	0	0						
2	Sub-Inspectors	...	...	600	0	0						
1	Mounted Sergeant	...	...	228	15	0						
5	Do. do.	...	...	1052	5	0						
9	Do. Constables	...	...	1729	7	0						
3	Do. do.	...	...	521	11	0						
1	Foot Sergeant	...	...	219	12	0						
9	Do. do.	...	...	1811	14	0						
	Carry forward	...	...	7413	4	0				1610	0	0

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

				SALARIES.			CONTINGENCIES.			TOTALS.		
				£	s.	d.	£	s.	d.	£	s.	d.
Brought forward				7413	4	0				1610	0	0
POLICE— <i>Continued.</i>												
24	Foot Constables	(10s. 0d.)	4392	0	0							
10	Do. do.	(9s.)	1647	0	0							
1	Quarter-Master Sergeant	(12s.)	219	12	0							
1	Water Police do.	(12s.)	219	12	0							
2	Do. Constables	(10s.)	366	0	0							
2	Detectives, 1st Class	(12s.)	439	4	0							
1	Do. 2nd Class	(11s.)	201	6	0							
1	Do. 3rd Class	(10s.)	183	0	0							
3	Female Cooks and Searchers		75	0	0							
										15,155	18	0
SUB-DIVISION No. 3.												
Goldfields Allowance							20	0	0			
Travelling Expenses							200	0	0			
Transport of Prisoners							150	0	0			
Saddlery and Repairs							30	0	0			
Stores and Furniture							50	0	0			
Printing, Stationery, &c.							180	0	0			
Transport of Stores							40	0	0			
Compensation for Loss of Clothing and Medical Expenses							30	0	0			
Fuel and Light							600	0	0			
Special Detective Service							20	0	0			
Rewards							20	0	0			
Police Paddocks							80	0	0			
Temporary Accommodation							20	0	0			
Prisoners' Rations							30	0	0			
Incidental Expenses							50	0	0			
Forage							500	0	0			
Arms, Accoutrements, &c.							25	0	0			
Shoeing and Farriery							120	0	0			
Telegraphic Messages							70	0	0			
Compensation to Discharged Officers							308	1	0			
										2543	1	0
SUB-DIVISION No. 4.												
ESCORT.												
	Sub-Inspector		300	0	0							
	Mounted Sergeant, at 12s. 6d. per diem		228	15	0							
	Do. Constable, at 10s. 6d.		192	3	0							
TUAPEKA BRANCH.												
1	Escort Driver, at 10s.		183	0	0							
1	Mounted Constable, at 10s. 6d.		192	3	0							
MAORI POINT BRANCH.												
1	Mounted Constable, at 10s. 6d.		192	3	0							
										1288	4	0
SUB-DIVISION No. 5.												
Gold Fields Allowance							150	0	0			
Travelling Expenses							100	0	0			
Forage							300	0	0			
Shoeing and Farriery							100	0	0			
Saddlery and Repairs							50	0	0			
Vehicles and Repairs							20	0	0			
Carry forward							720	0	0			
										20,597	3	0

III.—PROVINCIAL SECRETARY AND TREASURER—Continued.

				SALARIES.			CONTINGENCIES.			TOTALS.		
				£	s.	d.	£	s.	d.	£	s.	d.
Brought forward							720	0	0	20,597	3	0
POLICE—Continued.												
Stores and Furniture	...	...	...				20	0	0			
Fuel and Light	...	...	...				60	0	0			
Hoyt's Contract	...	...	...				800	0	0			
Incidental Expenses	...	...	...				50	0	0			
Compensation to Discharged Officers	...	...	...				190	13	6			
										1840	13	6
DIVISION No. 7.												
HARBOR DEPARTMENT:												
Harbor Master	...	...	...	500	0	0						
Assistant do.	...	...	...	300	0	0						
Apprentice Pilot	...	...	...	150	0	0						
Master of Launch	...	...	...	240	0	0						
Crew of do.	...	...	...	240	0	0						
Signal Masters	...	...	...	450	0	0						
Jetty Light-keeper	...	...	...	30	0	0						
Beach Master	...	...	...	250	0	0						
										2160	0	0
SUB-DIVISION No. 6.												
Boats	...	...	...				50	0	0			
Signals and Flagstaves	...	...	...				50	0	0			
Buoys and Beacons	...	...	...				75	0	0			
Fuel and Light	...	...	...				30	0	0			
Travelling Expenses	...	...	...				60	0	0			
Printing and Stationery	...	...	...				25	0	0			
Incidental Expenses	...	...	...				20	0	0			
Oamaru, Boating Expenses	...	...	...				120	0	0			
Ways for Life-boat	...	...	...				150	0	0			
										580	0	0
GAOL.												
DIVISION No. 8.												
Gaoler	...	...	...	400	0	0						
1 Do., nine months	...	...	...	300	0	0						
1 Matron	...	...	...	60	0	0						
1 Do., nine months	...	...	...	45	10	0						
1 Clerk and Storekeeper	...	...	...	300	0	0						
1 Sergeant Warders, at 12s. per day	...	...	...	439	4	0						
2 Sergeant Warder, at 11s.	...	...	...	201	6	0						
1 Warders, at 10s....	...	...	...	1830	0	0						
10 Do., at 9s.	...	...	...	988	4	0						
6 Female do., at 5s.	...	...	...	91	10	0						
1										4655	14	0
SUB-DIVISION No. 7.												
Rations	...	...	...				1,500	0	0			
Stores and Furniture	...	...	...				200	0	0			
Library	...	...	...				15	0	0			
Fuel and Light	...	...	...				400	0	0			
Medicines and Medical Comforts	...	...	...				150	0	0			
Tools and Materials for the employment of Prisoners	...	...	...				1,600	0	0			
Clothes and Bedding	...	...	...				350	0	0			
Printing and Stationery	...	...	...				30	0	0			
Relief to destitute Prisoners discharged	...	...	...				40	0	0			
Incidental Expenses	...	...	...				120	0	0			
										4,405	0	0
Carry forward										34,238	10	6

III. —PROVINCIAL SECRETARY AND TREASURER—Continued.

					SALARIES.			CONTINGENCIES.			TOTALS.		
					£	s.	d.	£	s.	d.	£	s.	d.
Brought forward											34,238	10	6
SUB-DIVISION No. 8.													
DISTRICT GAOLS.													
9	Gaolers		(at £180)		1,620	0	0				1,620	0	0
	Rations, Stores, &c.,	...	...	...				800	0	0	800	0	0
DIVISION No. 9.													
GOLD FIELDS.													
	Provincial Management of Gold Fields	...	...	...	9,000	0	0				9,000	0	0
DIVISION No. 10.													
PROVINCIAL TREASURER.													
	Sub-Treasurer	...	...	...	450	0	0						
1	Clerk to Treasurer	...	...	...	350	0	0						
1	Cashier	...	...	...	280	0	0				1080	0	0
SUB-DIVISION No. 9.													
	Printing, Advertising, and Stationery	...	...	...				200	0	0			
	Incidental Expenses	...	...	...				50	0	0	250	0	0
DIVISION No. 11.													
COLLECTION OF JETTY DUES													
1	Collector	...	...	...	240	0	0						
2	Sub-Collectors	...	...	...	330	0	0						
1	Watchman	...	...	...	130	0	0				700	0	0
SUB-DIVISION No. 10.													
	Incidental Expenses	...	...	...				120	0	0	120	0	0
DIVISION No. 12.													
SHEEP INSPECTOR'S DEPARTMENT.													
1	Chief Inspector	...	...	...	600	0	0						
1	Clerk and Registrar of Brands	...	...	...	240	0	0						
7	Sub-Inspectors	...	...	...	2100	0	0				2940	0	0
SUB-DIVISION No. 11.													
	Horse Allowance	...	...	...				450	0	0			
	Incidental Expenses	...	...	...				50	0	0	500	0	0
DIVISION No. 13.													
IMMIGRATION.													
1	Immigration Agent	...	...	...	400	0	0						
1	Clerk	...	...	...	200	0	0						
1	Matron	...	...	...	100	0	0				700	0	0
Carry forward											51,948	10	6

III.—PROVINCIAL SECRETARY AND TREASURER—Continued.

				SALARIES.			CONTINGENCIES.			TOTALS.			
				£	s.	d.	£	s.	d.	£	s.	d.	
Brought forward										51,948 10 6			
IMMIGRATION—Continued.													
SUB-DIVISION No. 12.													
Travelling Expenses							60 0 0						
Fuel and Light							50 0 0						
Rations							150 0 0						
Printing, Advertising, and Stationery							40 0 0						
Incidental Expenses							60 0 0						
										360 0 0			
SUB-DIVISION No. 13.													
QUARANTINE.													
Board of Health							100 0 0						
Rations							400 0 0						
										500 0 0			
DIVISION No. 14.													
EDUCATION.													
1	Secretary and Inspector				500 0 0								
1	Clerk				90 0 0								
1	Music Master				400 0 0								
										990 0 0			
SUB-DIVISION No. 14.													
DISTRICT SCHOOLS.													
17	Teachers in Dunedin Schools				1185 0 0								
37	Do. at £100				3700 0 0								
21	Do. at £75				1575 0 0								
Salaries, Unforeseen				450 0 0									
										6910 0 0			
SUB-DIVISION No. 15.													
Travelling Expenses							110 0 0						
Expenses of Pupil Teachers							150 0 0						
Public Libraries							1200 0 0						
Rents, Insurance, Repairs, &c.							800 0 0						
Purchase of Sites							100 0 0						
Fees for Orphan and Destitute Children							150 0 0						
Free Schools							450 0 0						
Schoolmasters' Library							30 0 0						
School Maps and Appliances							125 0 0						
School Books							7 9 0						
Prizes for District Schools							150 0 0						
Printing, Advertising, and Stationery							25 0 0						
Incidental Expenses							50 0 0						
										3,347 9 0			
SUB-DIVISION No. 16.													
HIGH SCHOOL.													
1	Rector				550 0 0								
2	Masters at £450				900 0 0								
1	Master				300 0 0								
1	Do				250 0 0								
1	Janitor				80 0 0								
										2,080 0 0			
SUB-DIVISION No. 17.													
Rent Allowance to two Masters							150 0 0						
Prizes							35 0 0						
Printing, Fuel, Repairs, &c.							115 0 0						
										300 0 0			
Carry forward										66,435 19 6			

III.—PROVINCIAL SECRETARY AND TREASURER—Continued.

					SALARIES.			CONTINGENCIES.			TOTALS.		
					£	s.	d.	£	s.	d.	£	s.	d.
Brought forward											66,435	19	6
DIVISION No. 15.													
HOSPITAL.													
1	Provincial Surgeon	...	...	...	500	0	0						
1	Resident do	...	...	...	300	0	0						
1	Assistant and Dispenser	...	...	...	150	0	0						
1	Storekeeper	...	...	...	200	0	0						
1	Matron	...	...	...	70	0	0						
1	Midwife	...	...	...	60	0	0						
1	Laundress	...	...	...	60	0	0						
1	Assistant do	...	...	...	50	0	0						
3	Male Attendants £100	...	...	...	300	0	0						
6	do do £80	...	...	...	480	0	0						
1	Assistant do £50	...	...	...	50	0	0						
5	Female do £50	...	...	...	250	0	0						
1	Do do £40	...	...	...	40	0	0						
											2,510	0	0
SUB-DIVISION No. 18.													
	Rations	...	...	...				2,800	0	0			
	Stores and Furniture	...	...	...				300	0	0			
	Fuel and Light	...	...	...				500	0	0			
	Instruments	...	...	...				40	0	0			
	Medicines and Medical Comforts	...	...	...				700	0	0			
	Bedding and Clothing	...	...	...				300	0	0			
	Stationery	...	...	...				25	0	0			
	Incidental Expenses	...	...	...				300	0	0			
											4,965	0	0
DIVISION No. 16.													
LUNATIC ASYLUM.													
1	Surgeon	...	...	...	100	0	0						
1	Superintendent	...	...	...	300	0	0						
1	Matron	...	...	...	100	0	0						
6	Male Attendants	...	...	...	600	0	0						
3	Female do	...	...	...	150	0	0						
1	Laundress	...	...	...	50	0	0						
1	Kitchen Maid	...	...	...	45	0	0						
											1,345	0	0
SUB-DIVISION No. 19.													
	Rations	...	...	...				1,750	0	0			
	Stores and Furniture	...	...	...				250	0	0			
	Fuel and Light	...	...	...				250	0	0			
	Medicines and Medical Comforts	...	...	...				260	0	0			
	Bedding and Clothing	...	...	...				250	0	0			
	Printing and Stationery	...	...	...				10	0	0			
	Incidental Expenses	...	...	...				100	0	0			
											2,870	0	0
DIVISION No. 17.													
	Inspectors of Weights and Measures	...	...	...	300	0	0						
	Cattle Inspector	...	...	...	250	0	0						
3	Messengers, 2 @ £160, 1 @ £140	...	...	...	460	0	0						
	Keeper of Quarantine Hospital	...	...	...	50	0	0						
											1060	0	0
Total, Provincial Secretary and Treasurer											79,185	19	6
Total Superintendent and Provincial Council											7,320	0	0
Total Provincial Secretary and Treasurer											79,185	19	6
Carried to total Secretary for Lands and Works											86,505	19	6

IV.—SECRETARY FOR LAND AND WORKS.

				SALARIES.			CONTINGENCIES.			TOTALS.		
				£	s.	d.	£	s.	d.	£	s.	d.
DIVISION No. 18.												
CROWN LANDS.												
1	Chief Commissioner	...	...	600	0	0						
1	Do. Clerk	...	...	350	0	0						
1	Clerk	...	...	240	0	0						
1	Do.	...	...	200	0	0						
1	Assistant Clerk to Receiver of Land Revenue	...	...	200	0	0						
1	Clerk for Crown Grants	...	...	240	0	0						
2	Assistant do., at £200 per annum	...	...	400	0	0						
1	Do. Youth	...	...	110	0	0						
										2340	0	0
SUB-DIVISION No. 20.												
	Rangers of Bush Reserves	...	...				100	0	0			
	Refunds on Land...	...	...				1000	0	0			
	Printing, Advertising, and Stationery	...	...				500	0	0			
	Incidental Expenses	...	...				100	0	0			
	Printing for Receiver of Land Revenue	...	...				50	0	0			
	Travelling Expenses	...	...				100	0	0			
	Engrossing Crown Grants	...	...				150	0	0			
	Extra Assistance	...	...				600	0	0			
										2600	0	0
DIVISION No. 19.												
SURVEY DEPARTMENT.												
1	Chief Surveyor	...	...	600	0	0						
1	Geodesical do.	...	...	450	0	0						
5	District and Mining Surveyors, at £350 per annum	...	...	1750	0	0						
7	Assistant do. do., at £280 per annum	...	...	1960	0	0						
3	Sub-Assistant do. do., at £230 per annum...	...	...	690	0	0						
1	Chief Draughtsman	...	...	400	0	0						
1	Assistant do.	...	...	300	0	0						
1	Do. do.	...	...	275	0	0						
6	Do. do., at £250	...	...	1500	0	0						
1	Do. do., at £225	...	...	225	0	0						
1	Do. do.	...	...	200	0	0						
1	Do. do.	...	...	100	0	0						
1	Apprentice do.	...	...	50	0	0						
1	Lithographic do.	...	...	300	0	0						
1	Do. Printer	...	...	250	0	0						
1	Apprentice do.	...	...	52	0	0						
										9102	0	0
SUB-DIVISION No. 21.												
	Laborers' Wages	...	...				5960	0	0			
	Allowance in lieu of Rations	...	...				3760	0	0			
	Equipment of Survey Parties	...	...				1400	0	0			
	Travelling Expenses	...	...				750	0	0			
	Lithographic Materials	...	...				150	0	0			
	Incidentals	...	...				300	0	0			
	Outstanding Accounts	...	...				150	0	0			
	Printing and Stationery	...	...				250	0	0			
	Instruments and Repairs	...	...				340	0	0			
										13,060	0	0
	Carry forward	...	...							
										27,102	0	0

IV.—SECRETARY FOR LAND AND WORKS—Continued.

				SALARIES.			CONTINGENCIES.			TOTALS.		
				£	s.	d.	£	s.	d.	£	s.	d.
Brought forward										27,102	0	0
DIVISION No. 20.												
ROADS AND WORKS.												
1	Chief Engineer	...	...	600	0	0						
4	District Engineers	...	...	1,500	0	0						
2	Surveying Inspectors	...	...	500	0	0						
1	Inspector of Works	...	...	300	0	0						
1	Draughtsman's Apprentice	...	...	50	0	0				2,950	0	0
SUB-DIVISION No. 22.												
Horse Allowance							200	0	0			
Travelling Expenses							750	0	0			
Printing, Advertising, and Stationery							50	0	0			
Incidentals							30	0	0			
										1,030	0	0
DIVISION No. 21.												
TELEGRAPHS.												
1	Inspector	...	...	300	0	0						
1	Lineman and Operator	...	...	175	0	0						
1	Operator, Queenstown	...	...	150	0	0						
3	Do., Alexandra, Cromwell, Teviot	...	...	300	0	0						
2	Do., Lawrence and Clyde, at £75	...	...	150	0	0				1,075	0	0
SUB-DIVISION No. 23.												
Travelling Expenses							100	0	0			
House Rent							39	0	0			
New Poles							24	0	0			
Printing, Advertising and Stationery							20	0	0			
Fuel and Light							15	0	0			
Incidental Expenses							20	0	0			
										218	0	0
GENERAL ROAD BOARD.												
DIVISION No. 22.												
1	Clerk	...	...	300	0	0						
1	Surveyor and Draughtsman	...	...	300	0	0						
1	Surveyor	...	...	280	0	0				880	0	0
SUB-DIVISION No. 24.												
Laborers' Wages, Allowance in lieu of Rations, and Equipment of Field Parties							300	0	0			
Printing, Advertising, and Stationery							60	0	0			
Incidental Expenses							60	0	0			
Travelling Expenses							100	0	0			
										520	0	0
Total Secretary for Land and Works ...										33,775	0	0
Brought forward from												
Total Provincial Secretary and Treasurer...										86,505	19	6
Total Secretary for Land and Works ...										33,775	0	0
										120,280	19	6

V. PROVINCIAL TREASURER—GENERAL.

				CONTINGENCIES.			TOTALS.		
				£	s.	d.	£	s.	d.
LOANS.									
DIVISION No. 23.									
Interest on Loan, 1856	...	...	...	2,000	0	0			
Interest on Loan, 1861-2	...	...	...	4,000	0	0			
Interest on Loan, 1862	...	...	...	30,000	0	0			
Interest on Harbor Loan	...	...	...	4,000	0	0			
Interest on Public Buildings Loan	...	...	...	4,000	0	0			
Sinking Fund, Public Buildings	...	...	...	1,500	0	0			
Sinking Fund, Harbor Loan	...	...	...	1,500	0	0			
Sinking Fund, Loan, 1862	...	...	...	5,000	0	0			
Sinking Fund, Loan, 1861-2	...	...	...	1,500	0	0			
Interest, Exchange, and Commission	...	...	...	1,000	0	0			
							54,500	0	0
STEAM SERVICE.									
DIVISION No. 24.									
Dunedin to Clutha Ferry	...	...	...	2,400	0	0			
Steam Tug, Port Otago	...	...	...	1,000	0	0			
							3,400	0	0
HOME AGENCY.									
DIVISION No. 25.									
Expenses of Home Agency	..	...	...	2,000	0	0			
							2,000	0	0
IMMIGRATION.									
DIVISION No. 26.									
Immigration	...	...	...	15,000	0	0			
							15,000	0	0
GRANTS IN AID.									
DIVISION No. 27.									
Grants-in-Aid to the undermentioned Charitable Institutions, on condition that a statement of transactions, and account of receipts and expenditure be furnished quarterly to the Government, and that a sum equal to one-third of the grant, be raised by private subscription; and further, that the Secretary, or some other officer of such Institution, shall, before the last day of each quarter, make a Return, verified by his solemn declaration before a Justice of the Peace, to the Treasurer, of the number of persons received during the year preceding, the number of officials and servants, and the vital statistics of such Institution, together with such other and further information as the Superintendent by rules and regulations from time to time may direct:—									
Clyde Hospital	...	...	...	1,500	0	0			
Lawrence do.	...	...	...	2,300	0	0			
Wakatipu	...	...	...	1,500	0	0			
Oamaru Hospital	...	...	...	750	0	0			
							6,050	0	0
Grants-in-Aid on condition that a statement of transactions, and account of receipt and expenditure be furnished quarterly to the Government:—									
Municipalities—District Road Boards and Supplemented Roads									
Municipalities—District Road Boards and Supplemented Roads	...	...	...	23,500	0	0			
Benevolent Institution	...	...	...	1,500	0	0			
							23,500	0	0
							1,500	0	0
MISCELLANEOUS.									
DIVISION No. 28.									
SUB-DIVN									
1 ¹	Volunteers	...	...	1,500	0	0			
2	Burial of Paupers	...	...	120	0	0			
3	Expenses of Returning Officers	...	...	150	0	0			
Carry forward							1,770	0	0
							105,950	0	0

V.—PROVINCIAL TREASURER—GENERAL.—Continued.

				CONTINGENCIES.			TOTALS.		
				£	s.	d.	£	s.	d.
		Brought forward	..	1,770	0	0	105,950	0	0
4	Advertising	...	...	300	0	0			
5	Printing	...	...	250	0	0			
6	Do <i>Gazette</i>	...	...	600	0	0			
7	Rent of Site, Cape Saunders Lighthouse	...	...	20	0	0			
8	Prospecting	...	...	2,000	0	0			
9	Worthington's Deficiency	...	...	331	19	8			
10	Standard Weights and Measures	...	...	50	0	0			
11	Insurance on Government Buildings	...	...	300	0	0			
12	Fuel and Light	...	...	250	0	0			
13	Stationery	...	...	100	0	0			
14	Dog Tax—Collecting	...	...	250	0	0			
15	Compensation for Deviation of Roads Purchase of Land and Runs and Agricultural Land Blocks	...	...	6,000	0	0			
16	Meteorological Observer and Instruments	...	...	60	0	0			
17	General Contingencies	...	...	1,000	0	0			
18	Unforeseen do	...	...	4,000	0	0			
19	Fire Brigade	...	...	100	0	0			
20	Premiums on Guarantee Policies	...	...	150	0	0			
21	Refund of Land Tax	...	...	79	15	0			
22	Relief of Orphans and Destitute Children	...	...	500	0	0			
23	Relief to Destitute	...	...	600	0	0			
24	Astronomical Clock	...	...	50	0	0			
25	North Dunedin Cemetery	...	...	400	0	0			
26	Purchase of Park House	...	...	1,100	0	0			
27	Stamps	...	...	150	0	0			
28	Eradication of Thistles	...	...	600	0	0			
29	Snow Poles	...	...	250	0	0			
30	Acclimatisation Society	...	...	500	0	0			
31	Compensation to Mr. Wilkin, contingent on Sale of Wakatip Runs	...	...	2,000	0	0			
32	Purchase of Mr Harris's Land	...	...	246	0	0			
33	Fencing Cemeteries	...	...	800	0	0			
34	Auctioneers' Expenses	...	...	1,000	0	0			
35	Introduction of Salmon and Trout	...	...	1,000	0	0			
36	Railway, Preliminary Expenses	...	...	3,000	0	0			
37	Botanical Gardens	...	...	400	0	0			
38	Cultivation of Flax	...	...	100	0	0			
39	Prizes to Pastoral, Agricultural, and Horticultural Societies	...	...	600	0	0			
40	Encouragement of Manufactures	...	...	2,000	0	0			
41	Pilot Board	...	...	50	0	0			
42	Purchase of Reynolds's Bonded Store	...	...	4000	0	0			
43	Keeper of Time Ball	...	...	50	0	0			
44	Reformatory School and Maintenance	...	...	1000	0	0			
45	Arbitrations and Actions	...	...	500	0	0			
46	Collecting Agricultural Statistics	...	...	150	0	0			
47	Assessors under Waste Land Act	...	...	100	0	0			
48	Public Vaccinators	...	...	250	0	0			
49	Surveying Water Reservoirs	...	...	1000	0	0			
50	Expenses carrying out Gold Fields Management Ordinance	...	...	1500	0	0			
51	Benevolent Asylum Building Fund	...	...	250	0	0			
52	Southern Steam Navigation Company	...	...	950	0	0			
53	Cleaning and Repairing Clocks	...	...	50	0	0			
							42,757	14	8
Brought forward from total Secretary for Land & Works							148,707	14	8
Carried to total Roads and Works							120,280	19	6
							268,988	14	2

ROADS AND WORKS.

						TOTALS.					
DIVISION No. 29.						£	s.	d.	£	s.	d.
ROADS.											
<i>Main North Road.</i>											
Dunedin to Waikouaiti	...	...	...	...	...	2500	0	0			
Waikouaiti to Palmerston	...	...	...	...	...	3000	0	0			
Palmerston to Oamaru	...	...	...	...	...	800	0	0			
Oamaru to Waitaki	...	...	...	...	...	155	0	0	6,455	0	0
<i>Main South Road.</i>											
Dunedin to East Taieri Bridge	...	...	...	...	...	4000	0	0			
East Taieri Bridge to Tokomairiro	...	...	...	...	...	2100	0	0			
Tokomairiro to Clutha	...	...	...	...	...	4000	0	0			
Clutha to Mataura	...	...	...	...	...	1000	0	0	11,100	0	0
<i>Central Interior.</i>											
Saddle Hill to West Taieri Bridge	...	...	...	...	...	1000	0	0			
West Taieri Bridge to Rock and Pillar	...	...	...	...	...	500	0	0			
Tokomairiro to Tuapeka	...	...	...	...	...	8486	14	0			
Tuapeka to Teviot	...	...	...	...	...	800	0	0			
Rock and Pillar to Dunstan	...	...	...	...	...	200	0	0			
Teviot to Dunstan	...	...	...	...	...	100	0	0			
Dunstan to Cromwell	...	...	...	...	...	300	0	0			
Cromwell to Queenstown	...	...	...	...	...	2900	0	0			
Cromwell to Queenstown : Kirby's Contract	...	...	...	...	...	3000	0	0			
Teviot to Alexandra, by bank of Clutha River	...	...	...	...	...	3000	0	0	20,286	14	0
<i>Northern Interior.</i>											
Oamaru to Lindis	...	...	...	...	...	989	11	0			
Lindis Road	...	...	...	...	...	450	0	0			
Palmerston to Eweburn	...	...	...	...	...	3432	10	0			
Lindis to Wanaka	...	...	...	...	...	700	0	0			
Eweburn to Manuherikia	...	...	...	...	...	200	0	0	5,772	1	0
<i>Main Branch Roads.</i>											
Northern Trunk to Port Chalmers	...	...	...	...	...	189	4	0			
" to Moeraki	...	...	...	...	...	624	6	0			
" to Oamaru Port	...	...	...	...	...	100	0	0			
Dunedin to Portobello	...	...	...	...	...	1541	14	6			
Southern Trunk to Molyneux	...	...	...	...	...	848	17	0			
Dunedin to North Taieri	...	...	...	...	...	620	4	0			
Pine Hill Road	...	...	...	...	...	1344	8	0			
Lawrence to Wetherstones	...	...	...	...	...	50	0	0			
" to Gabriels	...	...	...	...	...	55	0	0			
Cromwell to Wanaka	...	...	...	...	...	130	0	0	5,503	13	6
<i>Miscellaneous Roads.</i>											
Main Road through Dunedin	...	...	...	...	...	950	0	0			
" " Oamaru	...	...	...	...	...	700	0	0			
Lee Stream to Waipori	...	...	...	...	...	960	12	0			
Northern Trunk to Waikouaiti	...	...	...	...	...	37	15	0			
Albertown to Cardrona	...	...	...	...	...	20	0	0			
Roads and Bridges on Gold-fields	...	...	...	...	...	3000	0	0			
Hill's Creek to Dunstan Creek	...	...	...	...	...	100	0	0			
Gentle Annie to Arrow	...	...	...	...	...	100	0	0			
Arrow to Frankton	...	...	...	...	...	50	0	0			
Queenstown to Maori Point and Skippers...	...	...	...	...	...	500	0	0			
Arrow to Twelve-Mile	...	...	...	...	...	50	0	0			
Nokomai to Mataura	...	...	...	...	...	50	0	0			
Dunstan to Nevis	...	...	...	...	...	500	0	0			
Cromwell to Nevis	...	...	...	...	...	1,000	0	0			
Carry forward...	...	...	...	...	...	8,018	7	0	49,117	8	6

ROADS AND WORKS—Continued.

						TOTALS.					
						£	s.	d.	£	s.	d.
Brought forward	...	...	...	...	...	8,018	7	0	49,117	8	6
<i>Miscellaneous Roads—Continued.</i>											
Clutha Mouth by Main Trunk to Warepa...	...	...	...	...	...	500	0	0			
Main Road, Port Molyneux	...	...	...	...	...	100	0	0			
Inch Clutha	...	...	...	...	...	200	0	0			
Main Branch Glenoamaru to Catlin's River	...	...	...	...	...	200	0	0			
West Coast Stock Track, <i>vid</i> Haast River, viz. :—											
From foot to head of Lake Wanaka	...	...	...	...	...	500	0	0			
From head of Lake Wanaka to West Coast	...	...	...	...	...	2500	0	0			
West Taieri Church to Bush	...	...	...	...	...	300	0	0			
Main Road through Port Chalmers	...	...	...	...	...	280	0	0			
Port Chalmers to Heads	...	...	...	...	...	500	0	0			
Tuapeka to Smith's Bush	...	...	...	...	...	200	0	0			
Do. to Switzer's	...	...	...	...	...	1000	0	0			
East Taieri Bridge to Beach	...	...	...	...	...	150	0	0			
Waiwera to Nokomai	...	...	...	...	...	500	0	0			
Main Trunk Road to Waihemo	...	...	...	...	...	1000	0	0			
Hyde to Kyeburn	...	...	...	...	...	500	0	0			
Naseby to Eden Creek	...	...	...	...	...	1000	0	0			
Macrae's to Hyde	...	...	...	...	...	500	0	0			
Clutha to Maitaha	...	...	...	...	...	1000	0	0			
Wetherstone's to Blue Spur	...	...	...	...	...	250	0	0			
Waihola to Taieri Beach	...	...	...	...	...	500	0	0			
Port Chalmers to Blueskin	...	...	...	...	...	1,000	0	0			
Waitahuna to Main Line	...	...	...	...	...	400	0	0			
Tuapeka to Switzer's	...	...	...	...	...	2,000	0	0			
Approaches to Nevis and Arrow Ferries	...	...	...	...	...	350	0	0			
Waipori to Main Trunk Road	...	...	...	...	...	500	0	0			
West Taieri Bush to Waipori	...	...	...	...	...	500	0	0			
Otaiki to Kuri Bush	...	...	...	...	...	300	0	0			
Tapanui to Waipahi	...	...	...	...	...	300	0	0			
Waikouaiti to Beach	...	...	...	...	...	600	0	0			
Peninsula Beach Road	...	...	...	...	...	700	0	0			
Dunedin to Portobello	...	...	...	...	...	500	0	0			
DIVISION No. 30.									26,848	7	0
WORKS AND BUILDINGS.											
Weighing Machine	...	...	...	...	...	50	0	0			
Snow Poles and Shelter Sheds	...	...	...	...	...	250	0	0			
Shag Harbor	...	...	...	...	...	300	0	0			
Waitaki Ferry (half cost of Boats)	}	...	...	...	...	250	0	0			
Do. Maintenance		...	...	...	...		
Telegraph Office (Teviot)	...	...	...	...	...	100	0	0			
Fittings Council Chamber	...	...	...	...	...	1500	0	0			
Extra Foundations Provincial Buildings	...	...	...	...	...	987	19	0			
Fencing Unprotected Roads	...	...	...	...	...	800	0	0			
Removing Snags (Clutha)	...	...	...	...	...	100	0	0			
Crane (Port Molyneux Jetty)	...	...	...	...	...	100	0	0			
Do. (Oamaru do.)	...	...	...	...	...	250	0	0			
Moeraki Jetty	...	...	...	...	...	100	0	0			
Lunatic Asylum	...	...	...	...	...	500	0	0			
Hospital	...	...	...	...	...	500	0	0			
Central Police Station	...	...	...	...	...	100	0	0			
District Police Stations	...	...	...	...	...	600	0	0			
Immigration Barracks	...	...	...	...	...	250	0	0			
Gaol, Dunedin	...	...	...	...	...	50	0	0			
Repairs to Buildings	...	...	...	...	...	50	0	0			
Provincial Buildings	...	...	...	...	...	2,000	0	0			
Harbor Reclamation	...	...	...	...	...	3,500	0	0			
Quarantine Buildings	...	...	...	...	...	1,000	0	0			
District Court Houses	...	...	...	...	...	1,464	0	0			
Carry forward	...	...	...	...	...	14,801	19	0	75,965	15	6

ROADS AND WORKS—Continued.

				TOTALS.					
				£	s.	d.	£	s.	d.
Brought forward	...	...	...	14,801	19	0	75,965	15	6
WORKS AND BUILDINGS—Continued,									
District Gaols	...	...	...	1,600	0	0			
Goldfields' Buildings	...	...	...	250	0	0			
Survey Offices, Queenstown and Clyde	...	...	...	280	0	0			
Court House, Dunedin	...	...	...	150	0	0			
Dredging Harbor, and fitting up Dredge	...	...	...	5,000	0	0			
School Buildings	...	...	...	6,220	0	0			
Works not provided for	...	...	...	750	0	0			
Unforeseen Contingencies	...	...	...	3,000	0	0			
Powder Magazine	...	...	...	600	0	0			
Repairs to Balclutha Ferry	...	...	...	200	0	0			
Telegraph Offices, Queenstown, Alexandra and Cromwell	...	...	...	300	0	0			
Moorings—									
Moeraki	...	...	...	50	0	0			
Clutha	...	...	...	50	0	0			
Oamaru	...	...	...	300	0	0			
Removing Rocks entrance of Molyneux River	...	...	...	1,000	0	0			
DIVISION No. 31.							34,551	19	0
BRIDGES.									
Mataura Bridge	...	...	...	1250	0	0			
Clutha do.	...	...	...	2650	0	0			
Waitahuna do.	...	...	...	500	0	0			
Pomahaka do.	...	...	...	500	0	0			
East Taieri	...	...	...	100	0	0			
West Taieri	...	...	...	100	0	0			
Waikouaiti	...	...	...	30	0	0			
Waitahuna	...	...	...	20	0	0			
Waipori	...	...	...	20	0	0			
Waipahi	...	...	...	20	0	0			
Tokomairiro	...	...	...	20	0	0			
Kawarau	...	...	...	50	0	0			
Shotover above Maori Point, on Skipper's Road	...	...	...	1500	0	0			
Bridge over Silver Stream at junction with Taieri River	...	...	...	250	0	0			
Bridge over Carron Creek, and constructing Road from Glen Carron to Sea Coast	...	...	...	200	0	0			
Pleasant River	...	...	...	19	3	4			
Main South Road, near Tokomairiro Toll Bar	...	...	...	500	0	0			
Waitati	...	...	...	350	0	0			
Mokarita	...	...	...	300	0	0			
DIVISION No. 32.							8379	3	4
JETTIES.									
Dunedin (4)	...	...	...	800	0	0			
Port Chalmers	...	...	...	50	0	0			
Oamaru	...	...	...	500	0	0			
Waikouaiti	...	...	...	1000	0	0			
							2,350	0	0
Total Roads and Works							121,246	17	10
Brought forward from total "Treasurer General"							268,988	14	2
							390,235	12	0

Superintendent authorized to transfer one item to another of the same subdivision.

II. The Superintendent with the advice and consent of his Executive 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.

III. 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 hereinbefore mentioned not exceeding in the whole the sums respectively above 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" 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.

IV. 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 31st day of March 1868 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 purpose of defraying the charges of the Government of the said Province during a period not exceeding two months from the said 31st day of March 1868 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 31st day of March aforesaid.

Provision for continuing payments to 31st May, 1868.

V. If the Loan authorised by the Ordinance of the Superintendent and Provincial Council intituled the Otago Loan Ordinance 1867 shall be raised there may be applied out of the said Loan for the purposes hereinafter mentioned any sum not exceeding the sum of one hundred and forty-two thousand pounds for the following purposes :—

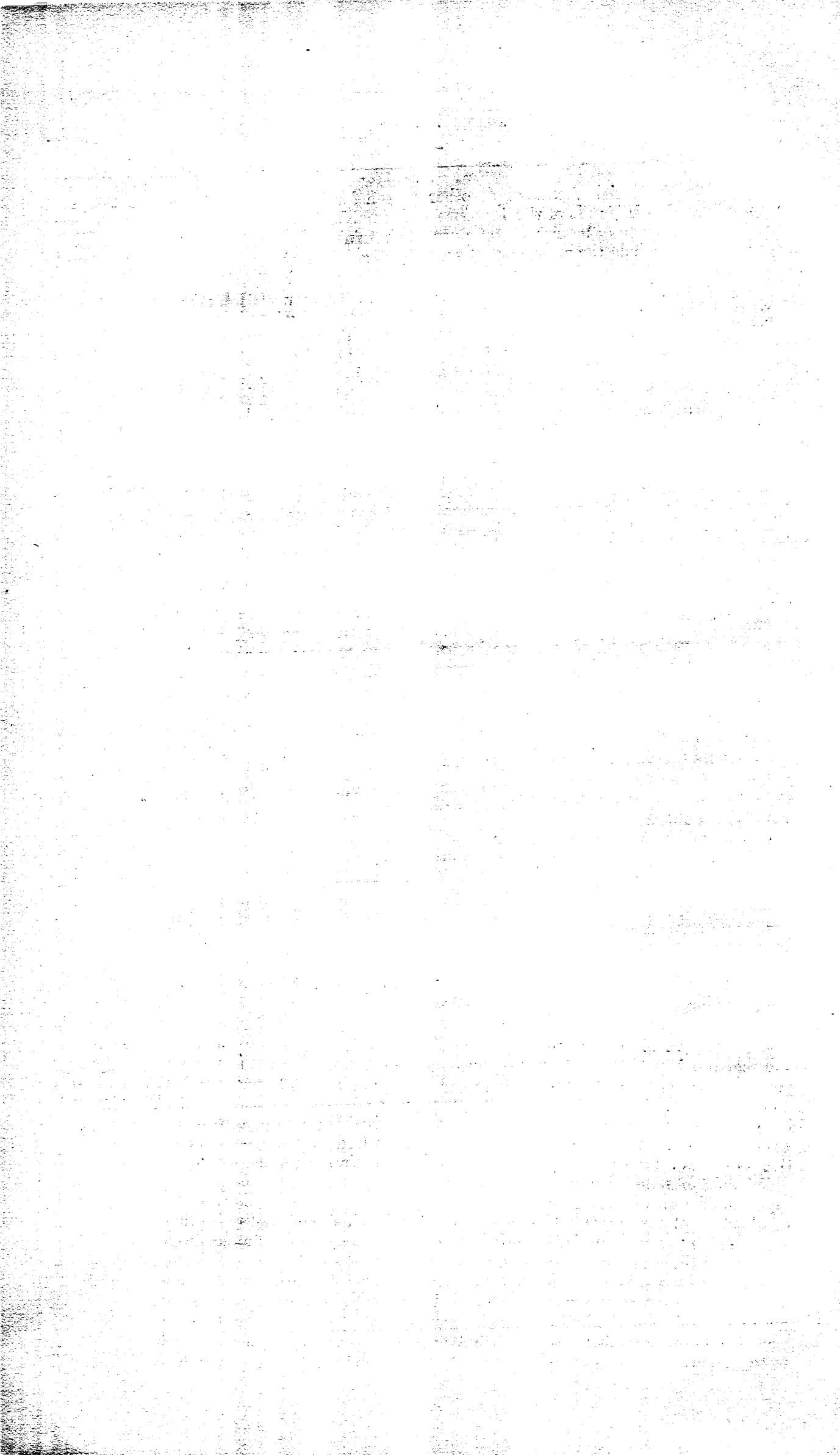
Certain amounts to be payable out of loan if obtained, and if loan refused out of revenue.

						TOTALS.					
						£	s.	d.	£	s.	d.
OUT OF REVENUE, OR OUT OF LOAN IF AUTHORISED BY THE ASSEMBLY :—											
Immigration	...	...	...	...	...	35,000	0	0			
Breakwater, Oamaru	...	...	...	...	...	20,000	0	0			
Dock	...	...	...	...	...	50,000	0	0			
Bridge, Waitaki	...	...	...	...	...	25,000	0	0			
Do., Otepopo	...	...	...	...	...	5,000	0	0			
Do., Shotover	...	...	...	...	...	5,000	0	0			
Do., Water of Leith	...	...	...	...	...	2,000	0	0			
									142,000	0	0

Provided always that if the said loan shall not be raised the amounts aforesaid for the purposes aforesaid may be paid out of the Ordinary Revenues of the said Province in the manner and form and by the direction specified in Section III of this Ordinance.

VI. This Ordinance shall be termed and may be cited and referred to as the "Appropriation Ordinance 1867-8."

Short Title.





SOUTHERN TRUNK RAILWAY GUARANTEED INTEREST ORDINANCE, 1867.

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

SESSION XXIII, No. 251.

ANALYSIS.

<p>Title. Preamble.</p> <p>1. Short Title.</p> <p>2. Superintendent with consent of Executive Council may guarantee to a Company interest on capital paid up.</p>	<p>3. Interest chargeable on and made payable out of Provincial Revenues.</p> <p>4. Fares and charges subject to approval of Superintendent.</p> <p>5. Repeal of existing Ordinance.</p>
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AN ORDINANCE to authorise the Superintendent of Otago to guarantee to any ^{Title.} Joint Stock Company which may be formed for the purpose of constructing a Railway from Dunedin to the Clutha River within a period of two years from the passing of this Ordinance interest on its paid-up capital not exceeding £500,000. [20th May, 1867.]

WHEREAS it is expedient that a Railway from Dunedin to the Clutha ^{Preamble.} River should be constructed and in order to encourage the formation of a Joint Stock Company for that purpose that interest on the capital of such Company shall be guaranteed and paid out of Provincial Revenues :

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

I. This Ordinance may be cited and referred to as the “Southern Trunk ^{short Title.} Railway Guaranteed Interest Ordinance 1867.”

II. In case at any time hereafter any Joint Stock Company constituted ^{Superintendent with consent of Executive Council may guarantee to a Company interest on capital paid up.} and registered under the “Joint Stock Companies Act 1860” shall be formed for the purpose of constructing a Railway from Dunedin to the Clutha River it shall be lawful for the Superintendent with the advice and consent of the Executive Council of the Province of Otago to enter into any agreement with such Company for the purpose of guaranteeing to the shareholders thereof for and during any period not exceeding fifteen years the payment of any sum or sums of money either as dividend or interest on the paid-up capital of the said Company at a rate which shall be sufficient to increase the dividend or interest payable to such shareholders to an amount not exceeding eight per cent. per annum such period of fifteen years to be computed from the date of the commencement of such Railway Works and such guarantee to extend to the amount of the paid-up capital of such Company at the time of commencement of such works : Provided that such paid-up capital shall not exceed the sum of £100,000 and if such paid up capital at the time of such commencement shall exceed £100,000 then such guarantee shall extend to the amount of £100,000 of such paid-up capital and no more until a period

of six months shall have elapsed from the commencement of such works and until the paid up capital of such Company shall be increased by payment of calls to £150,000 and then said guarantee shall extend to the amount of £150,000 and when the paid-up capital of such Company shall be increased by payment of calls by a further sum of £50,000 over and above such sum of £150,000 such guarantee shall then extend to such additional sum and so on in the same proportion for every additional £50,000 of paid-up capital until the whole capital of the Company shall be paid up: Provided always that the amount or portion of such paid-up capital upon or in respect of which such dividend or interest shall be so guaranteed as aforesaid shall not exceed the sum of £500,000: And provided also that interest shall not be paid upon more than two-thirds of the paid-up capital of the Company until one-half of the entire length of the line of Railway is completed and that the construction of the entire line shall be completed within five years from the commencement of the works and that such constructions shall be carried on subject to such conditions provisions and agreements as the Superintendent with the advice and consent of the said Executive Council shall before agreeing to guarantee such dividends or interest think fit to impose: And provided also that such Company shall be completely formed and registered under the said "Joint Stock Companies Act 1860" within two years from the passing of this Ordinance.

Interest chargeable on and made payable out of Provincial Revenues.

III. The amount of all such dividends or interest as shall from time to time be so guaranteed as aforesaid shall be and is hereby charged upon and made payable out of all the Revenues of the said Province of Otago which are now or hereafter may be subject to be appropriated by the Superintendent and Provincial Council thereof.

Fares and charges subject to approval of Superintendent.

IV. The fares rates and charges for passengers and for goods and other things conveyed by the said Railway chargeable to the public and receivable by such Company shall be subject to the approval of the said Superintendent and his Executive Council.

Repeal of existing Ordinance.

V. From and after the passing of this Ordinance "The Southern Trunk Railway Guaranteed Interest Ordinance 1865" shall be and is hereby repealed.



SOUTHERN TRUNK RAILWAY GUARANTEED INTEREST ORDINANCE (No. 2) 1867.

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

SESSION XXIII, No. 252.

ANALYSIS.

<p>Title. Preamble.</p> <p>1. Short Title.</p> <p>2. Superintendent with consent of Executive Council may guarantee to a Company interest on capital paid up.</p>	<p>3. Interest chargeable on and made payable out of Provincial Revenues.</p> <p>4. Fares and charges subject to approval of Superintendent.</p> <p>5. Repeal of existing Ordinance.</p>
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AN ORDINANCE to authorise the Superintendent of Otago to guarantee to any Title.
Joint Stock Company which may be formed for the purpose of constructing a Railway from Dunedin to the Clutha River within a period of two years from the passing of this Ordinance interest on its paid-up capital not exceeding £400,000.

[RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON, 5TH JUNE, 1867]

WHEREAS it is expedient that a Railway from Dunedin to the Clutha Preamble.
River should be constructed and in order to encourage the formation of a Joint Stock Company for that purpose that interest on the capital of such Company shall be guaranteed and paid out of Provincial Revenues :

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

I. This Ordinance may be cited and referred to as the “Southern Trunk Short Title.
Railway Guaranteed Interest Ordinance (No. 2) 1867.”

II. In case at any time hereafter any Joint Stock Company constituted Superintendent with consent of Executive Council may guarantee to a Company interest on capital paid up.
and registered under the “Joint Stock Companies Act 1860” shall be formed for the purpose of constructing a Railway from Dunedin to the Clutha River it shall be lawful for the Superintendent with the advice and consent of the Executive Council of the Province of Otago to enter into any agreement with such Company for the purpose of guaranteeing to the shareholders thereof for and during any period not exceeding fifteen years the payment of any sum or sums of money either as dividend or interest on the paid-up capital of the said Company at a rate which shall be sufficient to increase the dividend or interest payable to such shareholders to an amount not exceeding eight per cent. per annum such period of fifteen years to be computed from the date of the commencement of such Railway Works and such guarantee to extend to the amount of the paid-up capital of such Company at the time of commencement of such works : Provided that such paid-up capital shall not exceed the sum of £100,000 and if such paid up capital at the time of such commencement shall exceed £100,000 then such guarantee shall extend to the amount of £100,000 of such paid-up capital and no more until a period

of six months shall have elapsed from the commencement of such works and until the paid up capital of such Company shall be increased by payment of calls to £150,000 and then said guarantee shall extend to the amount of £150,000 and when the paid-up capital of such Company shall be increased by payment of calls by a further sum of £50,000 over and above such sum of £150,000 such guarantee shall then extend to such additional sum and so on in the same proportion for every additional £50,000 of paid-up capital until the whole capital of the Company shall be paid up: Provided always that the amount or portion of such paid-up capital upon or in respect of which such dividend or interest shall be so guaranteed as aforesaid shall not exceed the sum of £400,000: And provided also that interest shall not be paid upon more than two-thirds of the paid-up capital of the Company until one-half of the entire length of the line of Railway is completed and that the construction of the entire line shall be completed within five years from the commencement of the works and that such constructions shall be carried on subject to such conditions provisions and agreements as the Superintendent with the advice and consent of the said Executive Council shall before agreeing to guarantee such dividends or interest think fit to impose: And provided also that such Company shall be completely formed and registered under the said "Joint Stock Companies Act 1860" within two years from the passing of this Ordinance.

Interest chargeable on and made payable out of Provincial Revenues.

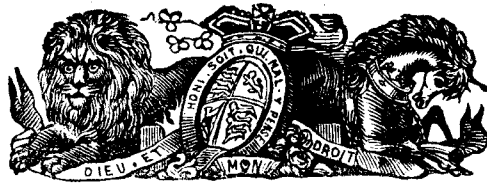
III. The amount of all such dividends or interest as shall from time to time be so guaranteed as aforesaid shall be and is hereby charged upon and made payable out of all the Revenues of the said Province of Otago which are now or hereafter may be subject to be appropriated by the Superintendent and Provincial Council thereof.

Fares and charges subject to approval of Superintendent.

IV. The fares rates and charges for passengers and for goods and other things conveyed by the said Railway chargeable to the public and receivable by such Company shall be subject to the approval of the said Superintendent and his Executive Council.

Repeal of existing Ordinance.

V. From and after the passing of this Ordinance "The Southern Trunk Railway Guaranteed Interest Ordinance 1865" shall be and is hereby repealed.



SHEEP ORDINANCE, 1867.

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

SESSION XXIII., No. 253.

ANALYSIS.

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| <p>Title.
Preamble.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Repeal of Ordinances. 3. Interpretation of terms. 4. Sheep above six months old to be buisted. 5. Buists or Stamps to be Registered. 6. Superintendent may appoint Registrar. 7. Penalty for using the Registered Stamp of another. 8. Penalty for unauthorisedly Buisting, &c., Sheep. 9. Buisting to be <i>prima facie</i> evidence of ownership. 10. Superintendent to appoint Sheep Inspectors for the Province of Otago. 11. Power of Inspector to enter on lands. 12. Penalty for obstructing Inspector. 13. Inspector to attend and examine Sheep whenever required. And to give certificates if Sheep found to be clean. 14. Inspector may require declaration. 15. Travelling certificate. Certificate to be produced to Inspectors. 16. Inspector to endorse memo. 17. In certain cases may defer granting certificate. 18. Penalty for Inspector granting false certificate. 19. Inspectors prohibited from taking any fee other than as provided. 20. Sheep not to be introduced into the Province except at certain ports and places. 21. Dips to be erected at landing places. 22. Charge for Dipping. 23. Owners of Sheep yearly to give a return of the number of their Sheep, and whether they are clean. 24. Persons having sheep infected with disease to be fined. 25. Not to be driven on highways. 26. Mode of proceeding when sheep to be driven through a run. | <ol style="list-style-type: none"> 27. Separate Informations may be laid by every person whose run is crossed, &c. 28. Sheep may be examined without warrant by occupier of run on which found. 29. A yard for inspecting sheep to be upon every run. Penalties for resisting inspection. 30. Owner of sheep to erect dipping apparatus. 31. Dips to be constructed to satisfaction of Sheep Inspector. 32. Owner neglecting to maintain dip or to keep same in repair liable to penalty. 33. Owner to give notice of sheep infected, or suspected to be so. 34. All sheep in a flock to be deemed infected if one is so, or if sheep have mixed with infected sheep. 35. Penalty for abandoning diseased sheep. 36. Occupiers of runs to give notice when stray sheep mix with their flocks. 37. Recovery of strayed sheep. 38. Infected sheep may be destroyed. 39. Provision made for the expense of working the Ordinance. 40. Penalty for clipping or taking wool from sheep. 41. Penalty for removing sheep without consent of owner. 42. Penalty for not burying or burning carcass of infected sheep. 43. Penalty for casting such carcass into the water. 44. Penalty for exposing for sale any diseased animal. 45. Persons interested or Inspectors to prosecute. Informations may be laid before one Justice of the Peace; hearing by two. 46. Owners of diseased sheep to be liable in damages to parties injured. 47. Fines, penalties, and damages, recoverable in summary way. 48. Maximum Penalty. 49. List of diseased flocks to be published monthly. Schedules A, B, C, D, and E. |
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AN ORDINANCE to Consolidate and Amend the Laws relating to the Prevention of Scab and other Diseases amongst Sheep. Title.
[5th June, 1867.]

WHEREAS it is expedient to consolidate and amend the laws now in force in the Province of Otago relating to the prevention of Scab and other Diseases amongst Sheep; 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:—

I. This Ordinance may be cited and referred to as the "Sheep Ordinance 1867." Short Title.

II. Except as hereinafter mentioned the Ordinances mentioned in Schedule "A" hereto annexed shall be and the same are hereby repealed: Where before the coming into operation of this Ordinance any proclamation appointment order or certificate has been made or granted or any offence has been wholly or partly committed or any penalty has been incurred under or Repeal of Ordinances.

against any of the Ordinances mentioned in the said schedule or any warrant or other instrument has been duly made or granted in respect of the same or any notice has been given or any bond or recognizance has been entered into or any right liability privilege or protection in respect of 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 proclamation appointment order or certificate shall continue in force and every such offence shall be dealt with and every penalty shall be recovered and every such warrant or other instrument and every such notice and bond or recognizance and every such right liability privilege or protection shall be of the same force and effect and every such action suit or other proceeding shall be prosecuted continued and defended as if such Ordinances were not repealed.

Interpretation of terms.

III. In the construction of this Ordinance the word "Sheep" shall include rams ewes wethers and lambs: The word "Inspector" shall mean any Inspector of sheep who shall be appointed under the provisions of this Ordinance.

BUISTS OR STAMPS.

Sheep above six months old to be buisted.

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

Buists or Stamps to be registered.

V. Every owner of sheep shall cause a correct copy or impression of his buist or stamp to be registered in an office to be appointed by the Superintendent for that purpose and every owner neglecting to register his buist or stamp shall be liable to a penalty not exceeding five pounds and an additional penalty of not more than five pounds for every week he shall continue such neglect after the first conviction.

Superintendent may appoint Registrar.

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

Penalty for using the Registered stamp of another.

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

Penalty for unauthorisedly buisting, &c., sheep.

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

Buisting to be *prima facie* evidence of ownership.

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

INSPECTORS.

X The Superintendent by and with the advice and consent of his Executive Council shall from time to time appoint fit and competent persons to be Sheep Inspectors for the Province of Otago and the persons so to be appointed shall devote the whole of their time to the duties of the said office and the Superintendent shall and may with the like advice and consent from time to time remove any such Inspector and appoint another in his stead : And every such Inspector shall have a fixed place of abode where notices and other proceedings may be left or sent and the situation of such place of abode shall be published once at least in the *Government Gazette* of the Province : And one of such Inspectors shall be styled the Chief Inspector and shall be stationed in Dunedin and all communications relative to the department shall be addressed to him and all the other Inspectors shall forward to such Chief Inspector a monthly report of all matters connected with the discharge of their duties.

Superintendent to appoint Sheep Inspectors for the Province of Otago.

XI. It shall be lawful for any Inspector at such times as he may think fit to inspect any sheep within the Province of Otago and for the purposes of such inspection or for the purposes of inspecting and examining any dipping apparatus hereinafter referred to or for doing any other act which he is authorised or empowered to do by this Ordinance it shall be lawful for any Inspector at all reasonable times to have free ingress egress and regress through over and upon any lands or tenements whatsoever in the Province of Otago.

Power of Inspector to enter on lands.

XII. Every owner of any sheep or other person who shall without due cause after having notice in writing from any Inspector of his desire to inspect any sheep refuse to allow such inspection to be made by any Inspector or shall obstruct or shall refuse or neglect to muster his sheep for the purpose of such inspection with all convenient speed or to afford all reasonable facilities for making such inspection to such Inspector shall be subject to a fine not exceeding one hundred pounds.

Penalty for obstructing Inspector.

XIII. Every Inspector upon being required by notice in writing from any occupier of land or by the holder of a Right of Pasturage over land or by any owner of sheep and served personally at such Inspector's usual place of abode shall attend at any place appointed within or not exceeding five miles from his district within a reasonable time after the service of such notice for the purpose of examining any sheep belonging to any such occupier holder or owner and in default of so attending shall forfeit and pay any sum not exceeding fifty pounds and after examining any sheep when required as aforesaid such Inspector shall if such sheep be free from disease grant a certificate in the form and to the effect set forth in Schedule B hereunto annexed.

Inspector to attend and examine sheep whenever required.

And to give certificate if sheep found to be clean.

XIV. It shall be lawful for any Inspector when it shall appear to him to be necessary for the purpose of enabling him to decide satisfactorily upon the condition of any sheep to call upon the owner of such sheep to make a declaration in the form or to the effect specified in Schedule C to this Ordinance annexed and if any such owner shall refuse or neglect to make such declaration when so called upon he shall be liable to a penalty not exceeding fifty pounds and if any person shall make any such declaration knowing the same to be false he shall on conviction thereof before any Resident Magistrate or two Justices of the Peace be liable to a penalty of one hundred pounds or to be imprisoned for a period not exceeding six calendar months.

Inspector may require declaration.

XV. After examining any sheep which it is intended to remove from one run to another *not contiguous* the Inspector shall if such sheep be free from disease grant a certificate in the form and to the effect set forth in

Travelling certificate

Certificates to be produced to Inspectors.

Schedule D hereunto annexed and such certificate shall be a sufficient authority for the removal of such sheep by the owner at any time within the period and in the way and manner and by the road prescribed by the said certificate and every such certificate shall specify the district or place to which the sheep therein mentioned are to be driven: And every such certificate shall be produced to any Inspector or runholder or other lawful occupier of land or person acting in his behalf through whose run or land the sheep are driven or about to be driven and who shall desire to inspect the same and any person employed in driving sheep who shall refuse to produce a certificate under this Ordinance when called on so to do shall be deemed guilty of driving such sheep without any certificate and shall be liable to a penalty of not less than sixpence nor more than one shilling for every sheep so driven.

Inspector to endorse memo.

XVI. Every Inspector who shall inspect any such certificate shall endorse thereon a memorandum under his hand to the effect that such certificate has been produced to and examined by him.

In certain cases may defer granting certificate.

XVII. It shall be lawful for the Inspector to defer granting a certificate for fourteen days in cases where he has just grounds for suspecting that any sheep which it is intended to remove from one run to another not contiguous have incurred risk of infection and if any such sheep have been infected with disease he shall not be at liberty to grant such certificate until the expiry of three months after the time they shall be proved by solemn declaration before a Justice of the Peace to have last received a dressing for the cure of such disease.

Penalty for Inspector granting false certificate.

XVIII. If any Inspector shall knowingly grant in a manner not authorised by this Ordinance any certificate for the removal of sheep or any certificate containing any statements or particulars which are not true such Inspector shall forfeit and pay for every such offence any sum not less than fifty pounds nor exceeding one hundred pounds.

Inspectors prohibited from taking any fee other than as provided.

XIX. If any Inspector shall under color of his office or employment exact or accept any fee or reward whatsoever other than his proper salary or allowance as hereby provided he shall be incapable of afterwards holding or continuing in any office or employment under this Ordinance and shall forfeit and pay the sum of fifty pounds and it shall be lawful for the Superintendent to make regulations for the guidance of such Inspectors in the execution of their duty and for carrying this Ordinance into effect which regulations shall be published as hereinafter enacted.

IMPORTING SHEEP.

Sheep not to be introduced into the Province except at certain ports and places.

XX. No sheep shall be imported into the Province of Otago by sea at any ports or places except at such places at or near Port Chalmers and Oamaru as the Superintendent may from time to time proclaim and no sheep shall be introduced into this Province by land from the Province of Canterbury except at such ford or fords place or places on the Waitaki river as the Superintendent may direct by proclamation to be published in the *Provincial Government Gazette*: And no sheep shall be introduced into this Province by land from the Province of Southland except at such ford or fords place or places on the Mataura river as the Superintendent may direct by proclamation to be published as aforesaid: Provided that it shall be lawful for the Superintendent by proclamation to be so published from time to time to appoint any other port or ports for the importation of sheep by sea and any other place or places for the introduction of sheep from the Provinces of Canterbury and Southland respectively: Provided also that all sheep imported into the Province of Otago by sea shall be dipped in a proper manner before they shall be removed from the

place at which they shall first be landed nor shall such sheep be removed from such place of landing without the certificate of an Inspector that such sheep (specifying the number and brands or marks) have been duly dipped.

XXI. The Superintendent shall within twelve months after the passing of this Ordinance erect at or near the landing place so to be proclaimed at or near Port Chalmers a good and sufficient apparatus for properly dipping for the cure of scab all sheep which may be landed at the place so to be proclaimed there as aforesaid and shall also within the like period of twelve months erect at or near the landing place so to be proclaimed at or near Oamaru as aforesaid another good and sufficient dipping apparatus for dipping all sheep which may be landed at the place which may be so proclaimed a landing place for sheep at or near that expressed.

Dips to be erected at landing places.

XXII. The charge for dipping sheep in each such dipping apparatus shall be such sum as the Superintendent may from time to time by notice under his hand published in the *Provincial Government Gazette* determine not exceeding in any case the sum of one shilling for every sheep which shall be dipped.

Charge for dipping.

SHEEP ON RUNS, &c.

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

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

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

Persons having sheep infected with disease to be fined.

XXV. If any owner shall suffer any sheep infected as aforesaid to stray or without having obtained a certificate as hereinbefore mentioned shall

Not to be driven on highways.

drive or conduct any such sheep or permit or suffer any such sheep to be driven or conducted upon any highway or to be conveyed across any ferry in the boats used at such ferry every owner shall forfeit and pay for every such offence any sum not less than five pounds nor more than one hundred pounds: Provided always that nothing herein contained shall prevent infected sheep from being conveyed on any highway in covered vehicles and that it shall be lawful for any person upon whose land any sheep are trespassing to remove the same therefrom and to drive or conduct any such sheep or to cause permit or suffer any such sheep to be driven or conducted to the place of abode of the owner thereof or to such place from whence they have strayed provided such sheep be free from disease.

Mode of proceeding when sheep to be driven through a run.

XXVI. Any person about to drive any sheep through or across any lawfully occupied land or run shall give to such occupier at least twenty-four hours' previous notice in writing of the day on which such sheep are so to be driven either by delivering such notice to him personally or by leaving the same at the principal house or station on such run endorsed with the words "Sheep Notice" on the cover or outside of such notice with an adult inmate of such house or station or if no such inmate be found leaving the same either within the said house or station if open or below or affixed to the door thereof and such notice shall set forth the brands or buists on such sheep as also the name of the owner and such notice shall be renewed unless the sheep shall be so driven within the time above specified: And every person offending against the provisions of this enactment shall be liable to a penalty of not less than ten pounds nor more than one hundred pounds and such penalty shall be incurred and may be levied over and above any penalty incurred in virtue of any other provision herein contained.

Separate Informations may be laid by every person whose run is crossed, &c.

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

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

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

A yard for inspecting sheep to be upon every run. Penalties for resisting inspection.

XXIX. There shall be at some convenient place on every run an enclosed yard and pen for the greater facility of examining sheep into which the Inspector may require the owner to drive them for that purpose and every owner who shall neglect to construct and maintain in sufficient condition such yard and pen shall be subject to a fine of not less than fifty pounds nor more than one hundred pounds.

Owner of sheep to erect dipping apparatus.

XXX. Every owner of any sheep depastured on any run within the Province of Otago shall within twelve months after the passing of this Ordinance or within twelve months after the run on which such sheep are depastured shall have been used for the purpose of depasturing sheep (if such run shall not at the time of the passing of this Ordinance be used for that purpose) erect and thenceforth maintain in good working order on the said run or on some land in his own occupation immediately adjoining thereto a good and sufficient apparatus for properly dipping for the cure of scab so many sheep as he shall for the time being be the owner of: Provided always

that it shall not be necessary to erect a new dipping apparatus where a dipping apparatus conforming to the terms of this Ordinance has been already erected.

XXXI. Every such dipping apparatus shall be constructed to the satisfaction of the Inspector and if such owner of sheep shall fail to erect such dipping apparatus to the satisfaction of such Inspector within the time hereinbefore limited for the purpose he shall be liable to a penalty of not more than fifty pounds and for every calendar month after the expiration of such time that shall elapse before he shall have so erected such apparatus he shall be liable to a separate penalty of not more than fifty pounds.

Dips to be constructed to satisfaction of Sheep Inspector.

XXXII. If any owner shall not maintain any dipping apparatus erected or to be erected as aforesaid in complete repair and good working order to the satisfaction of the Inspector and shall not from time to time if necessary alter and enlarge the same to the like satisfaction so that it may be sufficient for properly dipping the number of sheep of which he is for the time being the owner he shall be liable to a penalty of not more than ten pounds and for every fourteen days for which he shall neglect to repair put in order alter or enlarge the said dipping apparatus after notice in writing so to do shall have been given him by the said Inspector he shall be liable to a separate penalty of not more than ten pounds.

Owner neglecting to maintain dip or to keep same in repair liable to penalty.

XXXIII. Whenever the owner of any sheep shall become aware or shall have reasonable grounds to suspect that the same are infected with disease as aforesaid he shall within twenty-four hours thereafter give notice thereof in writing to the adjoining sheep owners in the manner hereinbefore prescribed for the notice required by section twenty-four hereof and within ten days shall give similar notice to the Inspector of the district in which such sheep are either by delivery of such notice to him personally or by leaving the same at such Inspector's place of abode and in default thereof such owner shall forfeit and pay for such offence any sum not less than twenty pounds nor more than one hundred pounds.

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

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

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

XXXV. If any owner or other person shall wilfully set at large or abandon any sheep infected as aforesaid he shall forfeit and pay for every sheep so set at large and abandoned any sum not less than one pound nor more than five pounds: Provided that such penalty inflicted for any number of sheep at one time shall not exceed one hundred pounds: And it shall be lawful for any Inspector to destroy any sheep infected as aforesaid which shall be wandering at large and the owner thereof is unknown and cannot be ascertained after reasonable enquiry.

Penalty for abandoning diseased sheep.

XXXVI. Every occupier of a run within ten days after becoming aware or being informed that stray sheep have mixed with his flock shall give notice thereof in writing to such owner if known and in such notice shall appoint a time not less than one week nor more than one month from the delivery of such notice for the owner of such stray sheep removing the same to his own run and the one failing to give such notice and the other when such notice is

Occupiers of runs to give notice when stray sheep mix with their flocks.

given failing to attend at the time and place appointed and to remove such sheep shall be liable to a penalty not exceeding ten pounds : If the owner of such stray sheep be unknown a similar notice shall be given to the Inspector.

Recovery of strayed sheep.

XXXVII. Any Justice of the Peace may upon the application of any owner of sheep who has reason to believe that any of his sheep have strayed to and upon land or a run occupied by any other person by writing under his hand direct such occupier to muster his sheep in a pen at some time within two months after the receipt of such direction in writing for the purpose of delivering over such stray sheep to the owner thereof at least seven days' previous notice shall be given by such occupier to the owner of such stray sheep of the time at which such muster shall be made and every such occupier who shall refuse or neglect to comply with any such direction in writing or to give such notice shall be subject to a penalty of not less than five nor more than twenty pounds : Provided always that such occupier shall be entitled to recover from such owner any reasonable expense of mustering or delivering such sheep : Provided also that a certificate under the hand of an Inspector that the flock with which such stray sheep have mixed is not in a condition to be moved within such period of two months shall be a valid excuse for postponing the delivery of any such stray sheep.

Infected sheep may be destroyed.

XXXVIII. If any sheep infected as aforesaid shall be found on any land not lawfully in the exclusive occupation of the owner of such sheep and not being a public road or being within the limits of a Hundred it shall be lawful for an Inspector if he shall think it necessary so to do to cause such sheep or any of them to be destroyed and such Inspector shall keep a correct account of the number and description of sheep so destroyed and the expenses incurred by him in destroying them : Provided that if the owner of such sheep shall have complied with all the provisions of this Ordinance before the discovery of such infection he shall be entitled to compensation not exceeding five shillings for every sheep so destroyed the amount of compensation to be so awarded shall be determined by a Resident Magistrate or by two Justices of the Peace upon the evidence of the Inspector who may have directed such sheep to be destroyed and such other evidence as may be brought before him or them and such amount together with the amount of the expense incurred in destroying such sheep shall be paid out of the Provincial Revenue under warrant of the Superintendent in the usual way and the whole amount so paid shall be chargeable in the following year as part of the expenses for carrying out the provisions of this Ordinance.

Provision made for the expense of working the Ordinance.

XXXIX. From and after the coming into operation of this Ordinance it shall be lawful for the Superintendent to make and levy a rate yearly upon all sheep depasturing upon the Waste Lands of the Crown whether held under lease or license for depasturing purposes or otherwise which rate shall be sufficient to pay the salaries of the said Inspectors and of carrying out the other provisions of this Ordinance as well as the expenses incidental to the levying and collecting of such rate and every owner of such sheep shall make payment of the amount for which he is rated on or before the first day of January in each year and it shall be lawful for the Superintendent from time to time to appoint Assessors and Collectors of such rate and to regulate the duties of such Assessors and Collectors and also the mode of making such assessment and of collecting and enforcing payment of such rate : Provided always that notice of such rate shall be served upon every owner of such sheep on or before the first day of November in each year and provided also that no regulations by this Ordinance authorised to be made shall have force until after they shall have been published in the *Provincial Government Gazette*.

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

Penalty for clipping or taking wool from sheep.

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

Penalty for removing sheep without consent of owner.

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

Penalty for not burying or burning carcass of infected sheep.

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

Penalty for casting such carcass into the water.

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

Penalty for exposing for sale any diseased animal.

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

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

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

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

XLVII. All fines penalties and damages imposed or awarded under the authority of this Ordinance shall be recoverable in a summary way and damages when awarded at the suit of a private party shall be paid to such private party.

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

SCHEDULE D.

FORM OF CERTIFICATE TO BE GRANTED BY INSPECTOR.

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

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

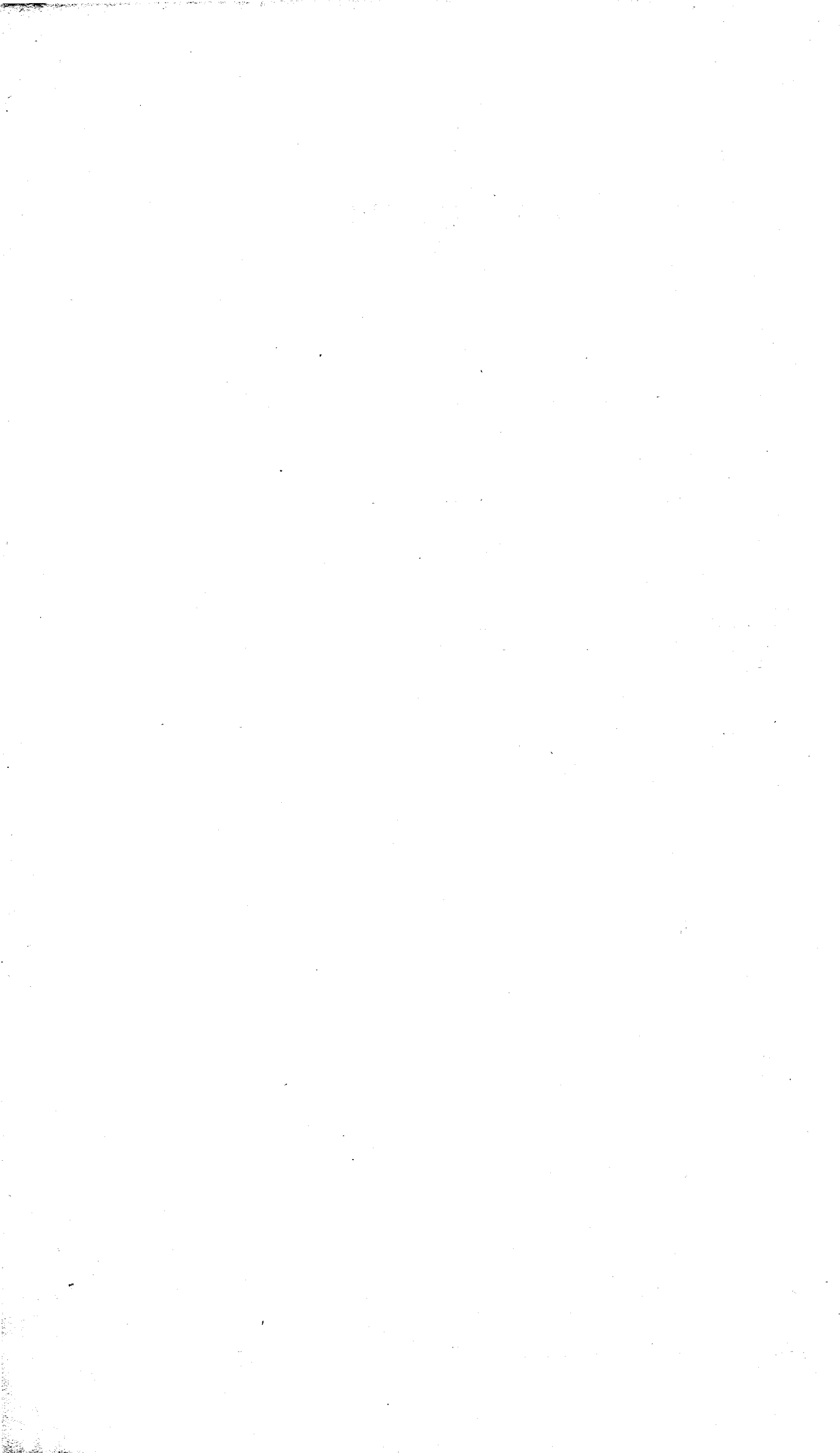
H. B.,
Inspector of Sheep.

SCHEDULE E.

WHEREAS (here shortly narrate the complaint and judgment) I hereby undertake, four months from the date hereof, to pay to Clerk
to the Bench at the sum of and in
default thereof I consent that the said sum, together with the costs incurred by such default, shall be levied by distress and sale of my goods and effects, wheresoever found, any law or Ordinance to the contrary notwithstanding.

Dated at this day of 18

(Signed)





OTAGO LOAN ORDINANCE, 1867.

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

SESSION XXIII., No. 254.

ANALYSIS :

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| <p>Title.
Preamble.
1. Short Title.
2. Superintendent may issue Debentures.
3. Principal sum, when payable and on what charge-able.
4. Interest, when and how payable.
5. Debentures transferable by delivery.</p> | <p>6. May be made payable out of Colony.
7. Money raised to be applied to purposes set forth in Schedule.
8. Sinking Fund.
9. Definition of term "Provincial Treasurer."
10. Ordinance not to prejudice security of other loans. Schedule.</p> |
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AN ORDINANCE to authorise the Superintendent of the Province of Otago to raise a Loan for the Public Service of the Province of Otago. Title.

[RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON, 5TH JUNE, 1867.]

WHEREAS it is expedient to authorise the Superintendent of the Province of Otago to raise a Loan of £1,000,000 for the purposes after-mentioned : Preamble.

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

I. This Ordinance may be cited and referred to as the "Otago Loan Ordinance 1867." Short Title.

II. The Superintendent may from time to time issue Debentures under the Public Seal of the said Province to an amount not exceeding £1,000,000 for such sums as may seem to him expedient. Superintendent may issue debentures.

III. The principal sum secured by any such Debenture shall be made payable and be repaid on a day to be named therein not later than the 31st day of December one thousand nine hundred and two and the amount of any such Debenture together with the interest thereon shall be charged upon and made payable out of all the Revenue of the Province subject to be appropriated by the Superintendent of Otago and the Provincial Council thereof. Principal sum, when payable and on what chargeable.

IV. Each such Debenture shall bear interest at and after the rate of £6 per cent. per annum payable half-yearly at such times and places as shall be fixed and named for that purpose in such Debenture and every such Debenture shall be in such form as the Superintendent with the advice of his Executive Council shall prescribe and shall bear the respective signatures of the said Superintendent and of the Provincial Treasurer and may have interest coupons attached thereto and every such Debenture shall be entered by the Accountant in the register kept for that purpose in the office of the Provincial Treasurer. Interest when and how payable.

Debentures transferable by delivery.

V. Every such Debenture and Coupon shall be made payable to the bearer thereof and shall pass by delivery and the holder or bearer for the time being of every such Debenture or Coupon shall be entitled to all rights and remedies under and in respect of the same in the like manner as though he were named therein.

May be made payable out of Colony.

VI. It shall be lawful for the Superintendent with the advice and consent of his Executive Council to make all or any of such Debentures payable at any banking establishment in London or elsewhere as may be deemed advisable as may be specified in such Debentures.

Money raised to be applied to purposes set forth in Schedule.

VII. The money to be borrowed under the authority of this Ordinance shall be applied as the Superintendent and Provincial Council shall from time to time by Ordinance direct and appoint to the several purposes specified and set forth in the Schedule to this Ordinance.

Sinking Fund.

VIII. For the purpose of providing a sinking fund for the liquidation of the principal sum secured by the Debentures to be issued under the authority of this Ordinance there shall be paid yearly out of the Revenues of the Province of Otago to two Trustees one to be appointed by His Excellency the Governor and the other by the Superintendent a sum equal to one pound per centum per annum on the total amount of the principal money to be from time to time borrowed under the authority of this Ordinance which sum shall be set apart as a sinking fund and shall be invested by such Trustees on the security of Debentures issued by the General Government or otherwise as His Excellency the Governor and the Superintendent shall direct and shall be increased by accumulation in the way of compound interest or otherwise.

Definition of term "Provincial Treasurer."

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

Ordinance not to prejudice security of other loans.

X. Nothing in this Ordinance contained shall prejudice vary or affect any security granted under or by virtue of any act of the General Assembly of New Zealand or under or by virtue of any Ordinance of the Provincial Council of Otago.

SCHEDULE.

For repaying to the General Revenue the expenditure in excess of revenue on the Harbor of Otago, and for further improving such Harbor.

For Immigration.

For Public Works.

For Works of Public Utility relating to the progress and prosperity of the Province.



IMMIGRATION AND BRITISH AGENT ORDINANCE 1854 AMENDMENT ORDINANCE 1867.

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

SESSION XXIII., No. 255.

ANALYSIS.

Title.

Preamble.

1. Short Title.

2. Authority for Superintendent to appoint an Immigration Agent and to enter into an agreement with such Immigration Agent and to issue instructions.

3. Engagement not to exceed three years. Authority to pay passage money, salary and expenses.

4. This Ordinance not to affect the recited Ordinance or any matter done or to be done thereunder.

AN ORDINANCE to amend an Ordinance made and passed by the Superintendent of the Province of Otago with the advice and consent of the Provincial Council thereof on the 30th day of November 1854 intituled "An Ordinance for Promoting Immigration to the Province of Otago and for appointing Agents in the United Kingdom for that and other purposes." [5th June, 1867.]

WHEREAS it is desirable to encourage and assist Immigration from the United Kingdom of Great Britain and Ireland into the Province of Otago: And whereas it is also desirable to appoint an Agent to devote himself exclusively to procuring Immigrants from Great Britain for the Province of Otago and to the performance of such other duties for the said Province as he may from time to time be directed to perform by the Superintendent of the Province: And whereas it is provided by section number one of the Ordinance of the Superintendent and Provincial Council of Otago passed on the thirtieth of November 1854 intituled "An Ordinance for promoting Immigration to the Province of Otago and for appointing Agents in the United Kingdom for that and other purposes" that there should be an Agent or Agents in Great Britain for the Province of Otago to be from time to time appointed and nominated by Ordinances of the Superintendent and Provincial Council of the said Province:

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

I. This Ordinance may be cited and referred to as the "Immigration and British Agent Ordinance 1854 Amendment Ordinance 1867."

II. It shall be lawful for the Superintendent with the advice and consent of the Executive Council of the Province of Otago and of the Speaker of the Provincial Council of the said Province and they are hereby authorised to appoint a fit and proper person to be Immigration Agent for the Province of Otago and enter into an agreement with the person so to be appointed to proceed to Great Britain to act as Agent for the Provincial Government of the Province of Otago in procuring Immigrants from Great Britain for the said Province and in performing other duties for the support of Immigration

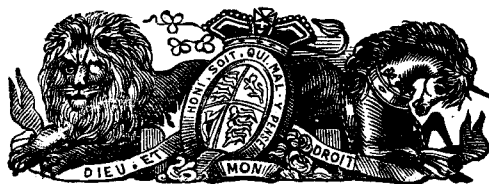
to the said Province upon such terms and subject to such instructions as may from time to time be delivered or sent to him from the Superintendent all which instructions such agent shall be bound to obey provided such terms and instructions are not contrary to any of the provisions of this Ordinance.

Engagement not to exceed three years. Authority to pay passage money, salary, and expenses.

III. The engagement of such person shall be for a period not exceeding three years from the date thereof and the said Superintendent and Executive Council are hereby authorised to engage to pay the passage-money of such person to and from Great Britain and to allow him a salary not exceeding £700 per annum and travelling and other necessary expenses not exceeding £300 per annum such several sums to be payable in such manner as the Superintendent may from time to time direct or agree upon.

This Ordinance not to affect the recited Ordinance or any matter done or to be done thereunder.

IV. Nothing in this Ordinance contained or done hereunder shall prejudice or affect the Agents already appointed or any matter or thing done under and by virtue of the said before mentioned Ordinance.



NEGLECTED AND CRIMINAL CHILDREN ORDINANCE, 1867.

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

SESSION XXIII, No. 256.

ANALYSIS.

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| <p>Title.</p> <p>Preamble.</p> <p>1. Short Title.</p> <p>2. Industrial Schools to be established.</p> <p>3. Reformatory Schools to be established.</p> <p>4. Superintendent to make regulations.</p> <p>5. Regulations to be laid before the Provincial Council.</p> <p>6. Master and Matron and their duty.</p> <p>7. Teachers, officers, and servants, and their duty.</p> <p>8. Private Schools to be within the Ordinance.</p> <p>9. Accounts of such School to be audited.</p> <p>10. Endowment out of Provincial Revenue.</p> <p>11. Inspection of Private Schools.</p> <p>12. Who to be deemed children and inmates.</p> <p>13. What children to be deemed "neglected."</p> <p>14. Neglected children may be taken before Justices.</p> <p>15. Neglected children to be detained.</p> <p>16. Convicted children to be detained.</p> <p>17. Religious creed to be respected.</p> <p>18. Order not to form part of judgment.</p> <p>19. Mandate for detention. First Schedule.</p> <p>20. Mandate to be a defence to actions.</p> <p>21. Mandate to be obeyed and to be an authority for and evidence of detention.</p> | <p>22. Power to discharge child.</p> <p>23. Children may be put out to service on certain conditions.</p> <p>24. Parents liable to continue to support.</p> <p>25. Order for payment to be made.</p> <p>26. Orders for payment may be varied. Second Schedule.</p> <p>27. If weekly sum not paid, parent may be apprehended.</p> <p>28. Recovery of arrears. Fourth Schedule.</p> <p>29. Visitors.</p> <p>30. Ministers of religion to have access.</p> <p>31. Visitors' book.</p> <p>32. Penalty for permitting escape.</p> <p>33. Penalty for absconding.</p> <p>34. Penalty for withdrawing or harboring inmates.</p> <p>35. Penalty for communicating with persons detained.</p> <p>36. Forms of proceedings.</p> <p>37. Ordinance not to be taken to alter criminal law of the Colony, or the practice, &c., of the Supreme Court.</p> <p>Schedules First, Second, Third, and Fourth.</p> |
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AN ORDINANCE *to provide for the Care and Custody of Neglected and Criminal Children.* Title.
[5th June, 1867.]

WHEREAS it is expedient to provide for the care and custody of "neglected" and "convicted" children and to prevent the commission of crime by young persons : 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 :—

I. This Ordinance shall be termed and may be cited and referred to as the "Neglected and Criminal Children Ordinance 1867." Short Title.

II. It shall be lawful for the Superintendent of Otago with the advice and consent of his Executive Council to establish for the purposes of this Ordinance Industrial Schools and every such School shall be occupied by and used for males or females exclusively as the Superintendent and his Executive Council may direct. Industrial Schools to be established.

III. It shall be lawful for the Superintendent and his Executive Council to establish for the purposes of this Ordinance Reformatory Schools and every such School shall be occupied by and used for males or females exclusively as the Superintendent and his Executive Council may direct. Reformatory Schools to be established.

Superintendent to
make regulations.

IV. It shall be lawful for the Superintendent and his Executive Council from time to time as occasion may require to make Regulations for the conduct management and supervision of such Schools as aforesaid and the employment education and correction of the children detained therein and such Regulations from time to time to amend vary or annul but no such Regulations as aforesaid shall include or permit any corporal punishment except such as may be lawfully inflicted by Schoolmasters.

Regulations to be laid
before the Provincial
Council.

V. All such regulations as aforesaid shall be laid before the Provincial Council of Otago within fourteen days after the making thereof if the Council be sitting and if the Council be not sitting then within fourteen days after the next meeting of Council.

Master and Matron
and their duty.

VI. It shall be lawful for the Superintendent and Executive Council from time to time to appoint some fit and proper persons to be respectively Master and Matron of every such School respectively and it shall be the duty of such persons to observe and carry into execution the several provisions of this Ordinance and the regulations to be made as aforesaid and also to obey and execute any mandate which may be issued as hereinafter mentioned.

Teachers, officers, and
servants, and their
duty.

VII. It shall be lawful for the Superintendent and his Executive Council from time to time to appoint such fit and proper persons as may be necessary to be teachers officers and servants at every such School and it shall be the duty of every such person to obey all lawful and reasonable orders and directions of the said Master and Matron respectively in the execution of this Ordinance.

Private Schools to be
within the Ordinance.

VIII. If any School shall be established by private contributions and shall be likewise supported to the extent hereinafter mentioned by private contributions and shall be approved by the Superintendent and his Executive Council for the purposes of this Ordinance the same shall for the purposes hereinafter mentioned and until such approval shall be withdrawn be deemed to be an Industrial School or a Reformatory School (as the case may be within the meaning of this Ordinance) but if any such School shall be supported for any one or more than one religious denomination exclusively no child shall be sent to the same unless he or she shall be a member of such denomination or of one of such denominations if more than one and every order approving such School shall state the denominations (if any) for which the same is supported.

Accounts of such
School to be audited.

IX. The accounts of every School established by private contributions as in the last section mentioned shall be audited once at least in every year by the Provincial Auditor of the Province of Otago who for the purposes of such audit shall have all the powers conferred on him as Auditor by any law now or hereafter to be in force respecting the collection and audit of the public moneys and accounts: Provided that such School accounts shall be kept separate and the accounts of the Industrial shall be kept distinct from those of the Reformatory School.

Endowment out of
Provincial Revenue.

X. Every such School shall be entitled to receive out of the Provincial Revenues of the Province of Otago a sum equal to twice the amount exclusive of any sums contributed by parents or step-parents as hereinafter mentioned which the Auditor shall certify to have been collected and received by private contributions for the said School and to have been expended in the maintenance of the children therein for and during the preceding year: Provided always that the total amount to be granted out of the said Provincial Revenue to any such School shall not exceed a sum calculated at the rate of five shillings per week for every child maintained in such School in accordance with the provisions of this Ordinance during the preceding year or any part thereof.

XI. The Superintendent shall direct a report of the condition management and regulation of every such School as is in the last preceding Section mentioned to be made to him at least once in each year by such person as the Superintendent may appoint and if upon his report the Superintendent is dissatisfied with the condition management or regulations of the School he may withdraw his approval from such School and from and after publication of such withdrawal in the *Provincial Government Gazette* the School shall cease to be an Industrial or Reformatory School as the case may be within the meaning of this Ordinance and to be entitled to receive aid from the said Provincial Revenue: Provided nevertheless that the Superintendent shall not withdraw his approval of any School as aforesaid until after the lapse of two calendar months from the time that a duplicate of the report aforesaid shall be transmitted to the Master Matron or Managers of such School: Provided also that the Executive Officer in whose department this Ordinance may for the time being be administered shall yearly lay before the Provincial Council a report of the condition management and regulations and a general account of the receipts and expenditure of all such Schools up to the 30th day of September next preceding.

Inspection of Private Schools.

XII. Every boy and girl under the age of fifteen years shall be deemed to be a "child" within the meaning and for the purposes of this Ordinance and in case there shall be no satisfactory evidence of the age of any such boy or girl the opinion of the Court or Justice dealing with him or her under the provisions hereinafter contained shall be sufficient proof of his or her age and every person detained in any Industrial or Reformatory School (under the provisions hereinafter contained) shall be deemed to be an "inmate" thereof within the meaning of this Ordinance.

Who to be deemed children and inmates.

XIII. Every child who answers to any of the descriptions hereinafter mentioned shall be deemed to be a "neglected child" within the meaning and for the purposes of this Ordinance:—

What children to be deemed "neglected."

1. Any child found begging or receiving alms or being in any street or public place for the purpose of begging or receiving alms.
2. Any child who shall be found wandering about or frequenting any street thoroughfare tavern or place of public resort or sleeping in the open air and who shall not have any home or settled place of abode or any visible means of subsistence.
3. Any child who shall reside in any brothel or associate or dwell with any person known or reputed to be a thief prostitute or habitual drunkard or with any person convicted of vagrancy under any Act or Ordinance now or hereafter to be in force.
4. Any child who having committed an offence punishable by imprisonment or some less punishment ought nevertheless in the opinion of the Resident Magistrate or Justices regard being had to his age and the circumstances of his case to be sent to an Industrial School.
5. Any child whose parent represents that he is unable to control such child and that he wishes him to be sent to an Industrial School and gives security to the satisfaction of the Resident Magistrate or Justices before whom such child may be brought for payment of the maintenance of such child in such School.

XIV. Every child who shall be found by any Constable under circumstances which make such child a "neglected child" within the definition of any or either of the subsections numbered 1 2 and 3 respectively of the

Neglected children may be taken before Justices.

last preceding section may be immediately apprehended by such Constable without any warrant and forthwith taken before any Resident Magistrate or any two or more neighbouring Justices of the Peace to be dealt with according to this Ordinance.

Neglected children to be detained.

XV. Whenever any child shall be brought before any Resident Magistrate or any two or more Justices and charged with being a "neglected child" such Magistrate or Justices shall proceed to hear the matter of the said charge and if the same shall be established to his or their satisfaction it shall be lawful for him or them to direct such child to be sent forthwith to any one of the said Industrial Schools occupied by and used for his or her sex to be there detained for not less than one year nor more than seven years.

Convicted children to be detained.

XVI. Whenever any child shall be convicted of any offence punishable by law either upon information or summary conviction it shall be lawful for the Judge of the Court before which or for any Resident Magistrate or any two or more Justices by whom such child shall be so convicted in addition to the sentence which may then and there be passed as a punishment for the said offence to direct such child to be sent at the expiration of such sentence to any one of the said Reformatory Schools occupied and used for his or her sex to be there detained for not less than one year nor more than seven years and no child except a "convicted" child within the meaning of this Ordinance shall be sent to or maintained in any Reformatory School and no convicted child within the meaning of this Ordinance shall be sent to or maintained in any Industrial School.

Religious creed to be respected.

XVII. Any Resident Magistrate or Justices shall when directing any child to be sent to an Industrial or Reformatory School state to what religious persuasion creed or denomination such child in his opinion belongs and shall order and direct that such child shall be brought up and educated in that persuasion creed or denomination: Provided always that on the application of the parent or any other person claiming to be the next of kin or guardian of any neglected or convicted child to any Magistrate or Justices to change alter or vary the Religious Education of such child to that of any other creed denomination or persuasion than that in which such child is then being brought up or educated it shall be lawful for such Magistrate or Justices to make such order as to him or them shall seem fit.

Order not to form part of Judgment.

XVIII. When the Judge of any Court or any Resident Magistrate or any two or more Justices shall direct any "convicted child" to be detained under the provisions of this Ordinance such directions shall not be included in or form any part of the judgment or adjudication of such Court or Magistrate or Justices but shall be a distinct and collateral proceeding.

Mandate for detention. First Schedule.

XIX. Whenever any child shall be directed to be detained in any School established under this Ordinance the Judge Resident Magistrate or Justices shall issue a mandate in such one of the forms contained in the first Schedule to this Ordinance as shall be applicable to the case or to the like effect.

Mandate to be a defence to actions.

XX. In every action for anything done in obedience to any such mandate as aforesaid by any person to whom the same may be directed or by any other person by his authority or command it shall be sufficient for the defendant to justify under such mandate alone without setting forth the previous proceedings in like manner as any Sheriff can and may justify under any writ of execution issued out of the Supreme Court in any civil action and proof of the matters alleged shall be sufficient evidence in support of such plea.

XXI. Every mandate issued under this Ordinance shall be executed and obeyed by the person or persons to whom the same is directed and delivered and shall be sufficient authority for the detention of the child therein mentioned according to the exigency of such mandate and the production thereof accompanied by a statement signed by the master or matron of any Industrial or Reformatory School that the child named in such mandate was duly received into and is at the signing thereof detained in such School or has been otherwise disposed of according to law shall in all proceedings whatsoever be sufficient evidence of the facts by this Ordinance required to be stated in such mandate and of the subsequent detention and identity of the child named therein.

Mandate to be obeyed and to be an authority for and evidence of detention.

XXII. Notwithstanding the provision lastly hereinbefore contained it shall be lawful for any Resident Magistrate or Justices at any time during the detention under the provisions of this Ordinance of any such inmate as aforesaid to release such inmate from the Industrial or Reformatory School in which he or she may be detained and he or she shall upon the production of such order or release be discharged accordingly and it shall also be lawful for any such Resident Magistrate or Justices to remove any such inmate from any Industrial or Reformatory School maintained at the sole expense of the Province of Otago to any other Industrial or Reformatory School as last aforesaid or from any Industrial or Reformatory School partly maintained by private contributions to any other such School as last aforesaid but no inmate shall be transferred from any Industrial or Reformatory School partly maintained by private contributions to any other said School unless he or she shall be a member of the denomination or one of the denominations by which the said last-mentioned School shall be partly maintained.

Power to discharge child.

XXIII. Notwithstanding anything hereinbefore contained it shall be lawful for the Superintendent to place any inmate of any Industrial or Reformatory School on trial with some person to be named in the license hereinafter mentioned who shall be willing to receive and take charge of and qualified to provide for and take care of such inmate and to grant to such inmate a license to reside with the person to be named therein as aforesaid for any term not exceeding Three Years unless sooner called upon by the Superintendent to return to the said School and to require such inmate to return to the said School at any time during the said term unless he or she shall have been previously discharged as aforesaid and any inmate having such license who shall abscond from the person named therein during such term or shall neglect or refuse to return to the said School at the expiration of the said term or when required as aforesaid shall be held to have absconded from the said School: Provided always that no such inmate shall be so placed out before the expiration of one half of the term of detention originally allotted.

Children may be put out to service on certain conditions.

XXIV. The parent or step-parent of every such inmate shall (if of sufficient ability so to do) contribute to his or her support while so detained and any constable or the master of the School where such inmate shall be detained may apply to a Resident Magistrate or Justice for a summons to be served on the alleged parent or step-parent of such person for the purpose of obtaining such contribution.

Parents liable to continue to support.

XXV. On the return of such summons a Resident Magistrate or two or more Justices shall proceed to hear the matter of the said complaint and if the relationship of the defendant and his ability to contribute to the support of such inmate be proved to the satisfaction of such Resident Magistrate or Justices he or they may by an order in the form contained in the second Schedule to this Ordinance or to the like effect adjudge the defendant to pay such weekly sum not exceeding ten shillings for the maintenance of such inmate as such Resident Magistrate or Justices shall think fit.

Order for payment to be made.

Orders for payment may be varied. Third Schedule.

XXVI. It shall be lawful for any Resident Magistrate or any two Justices on the complaint of any such parent or step-parent or of any person authorised as aforesaid at any time while the first or any subsequent order continues in force to make further enquiry into such parent's or step-parent's ability to contribute as aforesaid and to remit or lessen the amount of the weekly payment that shall have been adjudged by the last preceding order or to increase the same if they see cause to do so that the amount shall not in any case exceed the weekly sum hereinbefore mentioned: Provided always that when any such further inquiry shall have taken place such Resident Magistrate or Justices shall make an order in the form contained in the fourth Schedule to this Ordinance or to the like effect.

If weekly sum not paid, parent may be apprehended.

XXVII. Whenever after the making of any such order as aforesaid it shall be made to appear to any Resident Magistrate or two or more Justices by a complaint in writing and upon oath that any weekly sum to be paid in pursuance of such order has not been paid such Resident Magistrate or Justices may by warrant under his or their hand or hands cause such parent or step-parent to be brought before him or some other Resident Magistrate or Justices to answer the said last-mentioned complaint.

Recovery of arrears. Fourth Schedule.

XXVIII. On the return of the said warrant a Resident Magistrate or two or more Justices shall proceed to hear the matter of the said last-mentioned complaint and if the same shall be proved to be true such Resident Magistrate or Justices shall proceed to raise levy or enforce payment of the said weekly sums and the warrants thereupon may be in the form contained in the fourth Schedule to this Ordinance or to the like effect.

Visitors.

XXIX. Subject to the regulations to be made as hereinbefore mentioned all persons authorised in that behalf by the Superintendent all Members of the Executive Council all Members of the General or Provincial Legislature all Judges of the Supreme Court or any District Court and all Resident Magistrates and Justices shall be entitled to visit every such School as aforesaid and shall have admission to the same accordingly.

Ministers of religion to have access.

XXX. Subject to the regulations to be made as hereinbefore mentioned all ministers of religion shall have admission to every Industrial and Reformatory School maintained at the sole expense of the Province and access to such of the inmates thereof as may be members of their respective denominations and may give instruction to them on the days and at the times allotted by such regulations for the religious education of the inmates of their particular denominations respectively.

Visitors' book.

XXXI. Every person who by virtue of the provisions hereinbefore contained is entitled to visit any such School as aforesaid and every minister of religion may inscribe in a book (to be for that purpose provided and kept in such School by the master or matron thereof) any remarks or observations which he may think fit to make touching or concerning such School and the master matron teachers officers servants or inmates thereof or any of them.

Penalty for permitting escape.

XXXII. If the master or matron of any Industrial or Reformatory School or any teacher officer or servant thereof shall negligently or voluntarily permit any inmate thereof to escape therefrom every such offender shall on conviction thereof forfeit and pay any sum not exceeding twenty pounds.

Penalty for absconding.

XXXIII. If any inmate of any Industrial or Reformatory School shall abscond therefrom or wilfully damage or destroy any real or personal property belonging to any such School or wilfully neglect or refuse to obey or conform to any such regulation as aforesaid such inmate (if a male) shall on conviction thereof before a Resident Magistrate or two or more Justices be

liable at the discretion of such Justices to be privately whipped and such inmate may if he has absconded be ordered by the said Justices to be sent back to the School from which he shall have so absconded and to be there detained for such period as to such Resident Magistrate or Justices shall seem reasonable.

XXXIV. Any person who shall directly or indirectly withdraw from any Industrial or Reformatory School any inmate thereof or counsel or induce him or her to abscond therefrom before he or she has been regularly discharged or who knowing any such person to have been withdrawn or to have absconded from any Industrial or Reformatory School shall harbor or conceal or assist in concealing such person or prevent him or her from returning to such School shall on conviction thereof forfeit and pay any sum not exceeding ten pounds.

Penalty for withdrawing or harboring inmates.

XXXV. Any person who without lawful authority or excuse shall hold or attempt to hold any communication with any inmate of any Industrial or Reformatory School and any person who shall enter any such School or any building yard or ground belonging thereto and shall not depart therefrom when required so to do by the master matron or other officer or servant of such School shall on conviction forfeit and pay any sum not exceeding twenty pounds.

Penalty for communicating with persons detained.

XXXVI. Every information conviction mandate or warrant under this Ordinance shall be deemed valid and sufficient in which the offence is set forth in the words of this Ordinance and no conviction mandate or warrant shall be held void by reason of any defect therein: Provided it be alleged in such conviction mandate or warrant that the party had been convicted of such offence.

Forms of proceedings.

XXXVII. Nothing in this Ordinance contained shall be taken or construed to alter in any way the Criminal Law of New Zealand or to alter the jurisdiction or practice of the Supreme Court.

Ordinance not to be taken to alter criminal law of the Colony, or the practice, &c., of the Supreme Court.

SCHEDULES.

THE FIRST SCHEDULE.

To the Keeper of the Gaol at _____ in the Province of Otago, and to
the Master of the Reformatory School at _____ in the said Province.

A. B., a boy under the age of fifteen years, is convicted (*here state the substance of the offence*) and is now here sentenced by me (or us) to be imprisoned in the said Gaol for the space of _____
And whereas I (or we) have directed the said child to be sent at the expiration of the said sentence to the said Reformatory School for the term of _____
thence next ensuing. These are therefore to require you the said Keeper to take the said child at the expiration of the said sentence to the said Reformatory School and to deliver him to the said Master thereof, and you the said Master are hereby required to receive the said child into the said School there to be detained for the said last-mentioned term, unless such child shall in the meantime be discharged by due course of law. And I (or we) do further direct that such child shall be brought up or educated in the (*here state creed, denomination, or religious persuasion in which child is to be brought up*).

Given under my hand (or our hands) at _____ in the said Province of Otago
this _____ day of _____ 18 _____

To all Constables (or the Keeper of the Gaol at _____ in the Province of Otago), and
to _____ the Master of the _____ School at
in the said Province.

Whereas A. B., a boy under the age of fifteen years, has been this day convicted (or brought) before me _____ the Resident Magistrate (or us, the undersigned, two of Her Majesty's Justices of the Peace) in and for (*add one of these recitals*),

IF "CONVICTED."

For that (*here state the substance of the offence*) and is now here sentenced by us to be imprisoned in the said Gaol for the space of _____

IF "NEGLECTED."

And charged with being a neglected child, for that she did dwell with a person known to be a thief (*or as the case may be*).

And whereas we have directed the said child to be sent, at the expiration of the said sentence (or earliest opportunity), to the said School for the term of thence next ensuing. These are to require you, the said Constables (or Keeper), to take the said child at the earliest opportunity (or expiration of the said sentence) to the said School and to deliver him to the said Master thereof, and you the said Master are hereby required to receive the said child into the said School, there to be detained for the said last-mentioned term, unless such child shall in the meantime be discharged by due course of law. And I (or we) do further direct that such child shall be brought up or educated in the (*here state creed, denomination, or religious persuasion in which child is to be brought up*).

Given under my hand (or our hands) at
day of

18

in the said Province, this

THE SECOND SCHEDULE.

(To wit.)

Be it remembered that on the day of complaint was made before one of Her Majesty's Justices of the Peace in and for the Colony of New Zealand, by M. P., that A. B., of in the Province of Otago, (*butcher*), was the parent (or step-parent) of E. F., an inmate of the Reformatory (or Industrial) School at in the said Province, and was of sufficient ability to contribute to the support of the said inmate, and now at this day, &c. (*state the appearance or non-appearance according to the usual form down to*) do adjudge the said A. B. to be the parent (or step-parent) of the said child, and of such ability as aforesaid. And we (or I the said Resident Magistrate) do further adjudge the said A. B. to pay to the Clerk of the Resident Magistrate's Court at for the time being, the sum of for costs forthwith. And we (or I the said Resident Magistrate) do further adjudge the said A. B. to pay to the said Clerk the sum of on (*Monday*) next, and the same amount on every succeeding (*Monday*), and if the said weekly sum be not paid as aforesaid, or if the said costs be not paid forthwith (*proceed as in common orders*).

THE THIRD SCHEDULE.

(To wit.)

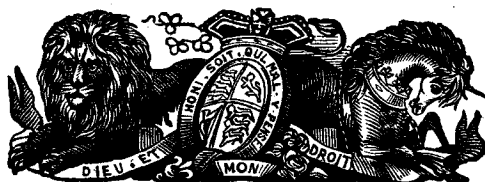
Be it remembered that on the day of last (*proceed as in the Fourth Schedule to the **) and on the day of last, complaint was made before one of Her Majesty's Justices of the Peace in and for the Colony of New Zealand, by M. P., a person duly authorised in that behalf, that the said A. B. was of sufficient ability to contribute a larger sum to the support of the said E. F. and now at this day, &c. (*state the appearance or non-appearance as usual, down to*) do adjudge the said A. B. to be of sufficient ability to contribute a larger weekly sum as aforesaid, and do increase the same to the weekly sum of in lieu of the weekly sum first hereinbefore mentioned.

Given under, &c.

THE FOURTH SCHEDULE.

(To wit.) To (*Constables, &c.*)

Whereas on the day of last, two of Her Majesty's Justices of the Peace in and for the Colony of New Zealand (or the Resident Magistrate at did by an order under their hands (or his hand) adjudge A. B., of (*butcher*) to be the parent (or step-parent) of E. F., an inmate of the Reformatory (or Industrial) School at in the said Colony, and also to be of sufficient ability to contribute to the support of the said inmate, and by the same order did adjudge the said A. B. to pay to the Clerk of Petty Sessions at in the said Province of Otago for the time being the sum of for costs. And they (or he) did further adjudge the said A. B. to pay to the said Clerk the sum of on (*Monday*) then next, and the same amount on every succeeding (*Monday**), and did order that if the said weekly sum should not be paid (*as in Order*). And whereas on the day of last two of Her Majesty's Justices of the Peace (or the Resident Magistrate at) did by an order under their hands (or his hand) lessen (or increase) the said weekly sum to the weekly sum of And whereas it has been this day duly proved before me the undersigned, one of Her Majesty's Justices of the Peace in and for that on (*Monday*), the day of last, the sum of was due and payable by virtue of the said Order for (*ten*) weeks ending on that day and then last elapsed, and is still in arrear. These are therefore (*proceed as in ordinary warrant of distress or commitment*).



DUNEDIN RESERVES MANAGEMENT ORDINANCE, 1867.

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

SESSION XXIII., No. 257.

ANALYSIS :

- | | |
|--|--|
| <p>Title.
Preamble.
1. Short Title.
2. Lands described in First Schedule to be vested in the Corporation of the City of Dunedin.
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."
5. Management of lands described in second Schedule to be vested in the "Corporation of the City of Dunedin."</p> | <p>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. Lands described in third Schedule to be vested in the Corporation of Dunedin in trust for Public Market.
9. Corporation to manage such last-mentioned lands.

Schedules First, Second, and Third.</p> |
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AN ORDINANCE to transfer to and vest in the Corporation of the City of Dunedin certain lands now vested in the Superintendent of the Province of Otago in trust for purposes of public utility for the Town of Dunedin 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 Dunedin and its Inhabitants in the said Corporation.

[RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON, 5TH JUNE, 1867.]

WHEREAS the lands tenements and hereditaments 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 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 citizens of Dunedin were created a Corporate Body under the style of the "Corporation of the City of Dunedin": 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 Ordinance 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 City of Dunedin" 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 :

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. I. This Ordinance shall be intituled and may be cited and referred to as the "Dunedin Reserves Management Ordinance, 1867."

Lands described in first Schedule to be vested in the Corporation of the City of Dunedin. II. 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 City of Dunedin" 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 which purposes are severally named and set forth in the said first Schedule hereto immediately before the lands to which they respectively apply.

Corporation to manage lands described in first Schedule under certain provisions. III. It shall be lawful for the said "Corporation of the City of Dunedin" 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." IV. All moneys received by the said "Corporation of the City of Dunedin" 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 City of Dunedin." V. 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 City of Dunedin" and its successors as a Corporate body in trust for purposes of public recreation for the Town of Dunedin 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.

Lawful for the said Corporation to manage the said lands under certain provisions. VI. It shall be lawful for the "Corporation of the City of Dunedin" 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 City of Dunedin shall not be excluded therefrom except in furtherance of the purposes for which such lands have respectively been reserved.

VII. All moneys received by the Corporation of the City of Dunedin 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.

VIII. And whereas the lands and hereditaments described in the third Schedule to this Ordinance are vested in the Superintendent of Otago and his successors under the provisions of the "Public Reserves Act 1854" upon trust for a site for a Public Hospital: And whereas it is expedient that the same lands and hereditaments should be transferred to and vested in and held by the Corporation of the City of Dunedin in trust for a Public Market in such manner and with such powers of Lease Management and disposition over the same and over all rents issues profits and proceeds thereof as are hereinafter expressed: BE IT FURTHER ENACTED AS FOLLOWS: The lands and hereditaments mentioned and described in the third Schedule hereto shall be and the same are hereby transferred to and vested in the Corporation of the City of Dunedin and its successors as a Corporate Body to be held by the said Corporation and its successors in trust for a Public Market for the City of Dunedin and its Inhabitants.

Lands described in third Schedule to be vested in the Corporation of Dunedin in trust for Public Market.

IX. It shall be lawful for the said Corporation of the City of Dunedin 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 or any part thereof at such rents issues and profits as they 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: And all moneys received by the said Corporation of the City of Dunedin 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 94th Section of the Otago Municipal Corporations Ordinance 1865.

Corporation to manage such last mentioned lands.

THE FIRST SCHEDULE ABOVE REFERRED TO.

1. RESERVE FOR POUND.

All that area in the Province of Otago, containing by admeasurement two (2) acres one (1) rood and ten (10) poles, more or less, situate in the Town of Dunedin, at the junction of Regent Road and Park-street, being Reserve for a Pound, as delineated on the Map of the said Town, and as bounded and described in the Crown Grant thereof.

2. RESERVE FOR RESERVOIR.

All that area in the Province of Otago containing by admeasurement four (4) acres one (1) rood and seventeen (17) poles, more or less, situate in the Town of Dunedin, being sections numbered respectively 1, 2, 3, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, and 28, block X, on the Map of the said Town, and as the same is bounded and described in the Crown Grant thereof.

3. RESERVE FOR CEMETERY.

All that area in the Province of Otago containing by admeasurement two (2) acres one (1) rood and ten (10) poles, more or less, situate in the Town of Dunedin, being sections numbered respectively 1, 2, 3, 4, 5, 6, 7, 8, and 9, block I, on the Map of the said Town, and as the same is bounded and described in the Crown Grant thereof.

4. RESERVE FOR PUBLIC WHARVES AND QUAYS.

All that area in the Province of Otago, containing by admeasurement eighteen (18) acres two (2) roods and four (4) poles, more or less, situate in the Town of Dunedin, being Reserve for Public Wharves along high-water mark of the Harbor, extending from Castle-street to the most northern outlet of the Water of Leith, as delineated on the Map of the said Town, and as the same is bounded and described in the Crown Grant thereof.

5. RESERVE FOR QUARRY PURPOSES.

All that area in the province of Otago, containing by admeasurement two (2) roods and six (6) poles, more or less, situate in the Town of Dunedin, at the junction of Elm Row with York Place, as delineated in the Map of the said Town, and as the same is bounded and described in the Crown Grant thereof.

6. RESERVE FOR QUARRY PURPOSES.

All that area in the Province of Otago, containing by admeasurement eight (8) acres and twenty-nine (29) poles, more or less, situate in the Town of Dunedin, between Canongate and Maclaggan-street, being Reserve set apart for Quarry purposes, as delineated on the Map of the said Town, and as bounded and described in the Crown Grant thereof.

7. RESERVE FOR QUARRY.

All that area in the Province of Otago, containing by admeasurement three (3) roods, more or less, situate in the Town of Dunedin, being sections numbered respectively 37, 38, and 39, block II, on the map of the said Town, and as bounded and described in the Crown Grant thereof.

8. DEPOT FOR METAL.

All that area in the Province of Otago, containing by admeasurement one (1) rood, more or less, situate in the Town of Dunedin, being section numbered 8, block XX, on the Map of the said Town, and as bounded and described in the Crown Grant thereof.

9. RESERVE FOR PUBLIC BATHS.

All that area in the Province of Otago, containing by admeasurement four (4) acres three (3) roods and twenty-one (21) poles, more or less, situate in the Town of Dunedin, being Reserve set apart for Public Baths, as delineated on the Map of the said Town, and as the same is bounded and described in the Crown Grant thereof.

10. RESERVE FOR MARKET.

All that parcel of land in the Province of Otago, containing by admeasurement three (3) acres and six (6) poles, more or less, situate in the Town of Dunedin, and being land reserved for a Market, as shown on the Map of the said town of Dunedin; bounded towards the north-west by Manor-place, seven hundred and seventy-nine and three-tenths (779.3) links; towards the east by Princes-street, eleven hundred and two (1102) links; and towards the south-west by sections numbered respectively 65, 66, 67, 68, 69, 70, 71, and 72, block III, seven hundred and seventy-nine and three-tenths (779.3) links.

THE SECOND SCHEDULE ABOVE REFERRED TO.

1. RESERVE FOR PURPOSES OF RECREATION.

All that area in the Province of Otago, containing by admeasurement three (3) roods and twenty-three (23) poles, more or less, situate in the Town of Dunedin, being sections numbered respectively 33, 34, 35, 36, 37, and 38, block XIII, on the Map of the said Town, and as the same is bounded and described in the Crown Grant thereof.

2. RESERVE FOR PURPOSES OF RECREATION.

All that area in the Province of Otago, containing by admeasurement (1) acre three (3) roods and twelve (12) poles, more or less, situate in the Town of Dunedin, being sections numbered respectively 42 and 43, block XXVII, together with two parcels of land surrounded by the Water of Leith, as delineated on the Map of the said Town, and as the same is bounded and described in the Crown Grant thereof.

3. RESERVE FOR PURPOSES OF RECREATION.

All that area in the Province of Otago, containing by admeasurement one (1) acre one (1) rood and twenty-six (26) poles, more or less, situate in the Town of Dunedin, at the junction of Regent-road with Forth-place, being Reserve for Recreation purposes, as delineated on the Map of the said Town, and as bounded and described in the Crown Grant thereof.

THE THIRD SCHEDULE ABOVE REFERRED TO.

All that allotment or parcel of land in the Province of Otago, containing by admeasurement two (2) acres one (1) rood and twenty-six (26) perches, more or less, being the Reserve numbered 1 on the Plan of the Town of Dunedin, bounded on the north by Moray-place one hundred and fifty-five (155) links and six (6) tenths of a link, on the north-west by Moray-place six hundred and twenty-one (621) links and three (3) tenths, on the south-west by sections 25 and 37, block XVII, Dunedin, five hundred and six (506) links; on the south-east by a street two hundred and thirty-four (234) links; on the east by section 33, block XVII, Dunedin, two hundred and fifty-three (253) links; on the south by section 33, block XVII, Dunedin, 56 links; and on the east by section 32, block XVII, Dunedin, two hundred and forty (240) links, as the same is delineated on the map of the said Town.



OAMARU TOWN BOARD ORDINANCE, 1862, REPEAL ORDINANCE, 1867.

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

SESSION XXIII, No. 258

ANALYSIS.

Title.	4. Suits, &c., already in progress not to abate or be discontinued.
Preamble.	5. Powers of Town Board vested in Corporation.
1. Short Title.	6. When to come into operation.
2. "Oamaru Town Board Ordinance 1862" repealed.	
3. Property of Oamaru Town Board transferred to Corporation.	

AN ORDINANCE *to Repeal the "Oamaru Town Board Ordinance 1862," and to substitute the "Corporation of the Incorporated Town of Oamaru" in lieu of the "Town Board of Oamaru."* Title.

[RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON, 5TH JUNE, 1867.]

WHEREAS by an Ordinance of the Superintendent and Provincial Council of Otago made and passed in the twenty-sixth year of the reign of Her present Majesty and shortly intituled the "Oamaru Town Board Ordinance 1862" a Public Board was constituted within the Town of Oamaru for the purpose of performing any duties that might from time to time be devolved upon the said Board and the said Board was thereby incorporated under the name of the "Town Board of Oamaru": And whereas by Proclamation in the *Government Gazette* of the said Province of Otago the provisions of the "Otago Municipal Corporations Ordinance 1865" 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 it is expedient to repeal the said "Oamaru Town Board Ordinance 1862" and to substitute the said "Corporation of the Incorporated Town of Oamaru" in lieu of the "Town Board of Oamaru" constituted under the first mentioned Ordinance :

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

I. This Ordinance may be referred to and cited as the "Oamaru Town Board Ordinance 1862 Repeal Ordinance 1867." Short Title.

II. From and after the date of the coming into operation of this Ordinance the "Oamaru Town Board Ordinance 1862" shall be and the same is hereby repealed. "Oamaru Town Board Ordinance 1862" repealed.

III. All the lands tenements buildings hereditaments and real estate chattels real and personal estate and property whatsoever and all powers rights remedies and capacities in respect of the same which shall on the day Property of Oamaru Town Board transferred to Corporation

of the coming into operation of this Ordinance be vested in or held in trust for the said "Town Board of Oamaru" established by the said "Oamaru Town Board Ordinance 1862" shall by force of this Ordinance be vested in or held in trust for the said "Corporation of the Incorporated Town of Oamaru" (hereinafter called the "said Corporation") and all moneys then due and owing by or to or on account of the said Town Board shall be receivable by or from the said Corporation and all contracts agreements mortgages bonds covenants and securities made or entered into with or in favor of or by or for the said Town Board or any person on its behalf shall take effect and may be proceeded on and enforced by against with reference to and in the name of the said Corporation as fully in all respects as they might have been enforced by against and with reference to the said Town Board if this Ordinance had not been passed.

Suits, &c., already in progress not to abate or be discontinued.

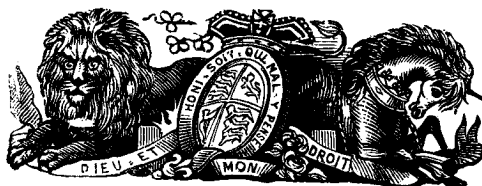
IV. No action suit prosecution or other proceeding whatsoever commenced or carried on previously to the day of the coming into operation of this Ordinance either by or against the said Town Board shall abate or be discontinued or prejudicially affected by force of this Ordinance but shall continue and take effect both in favor of and against the said Corporation and all decrees and orders made and all fines and penalties imposed and incurred respectively and all rates made and so much thereof as shall not have been levied and paid before the day of the coming into operation of this Ordinance shall be enforced levied recovered and proceeded for by and in the name of the said Corporation in such and in like manner as they could have been enforced levied recovered and proceeded for by and in the name of the said Town Board of the said Town of Oamaru if this Ordinance had not been passed.

Powers of Town Board vested in Corporation.

V. All the powers rights and privileges interests authorities and immunities whatever possessed by and all the duties imposed upon the said Town Board of Oamaru shall be possessed by and are hereby imposed upon the said Corporation and whenever in any Ordinance heretofore passed and now in force the "Town Board of Oamaru" their clerk or other officer are named or are to be deemed to be named or referred to any such Ordinance shall be read and construed so far as the context will admit as if the said Corporation the Town Clerk or other corresponding officer of the said Corporation had been therein named.

When to come into operation.

VI. This Ordinance shall not come into operation until the last day of the session of the General Assembly of New Zealand which shall be held first after the passing hereof.



PORT CHALMERS TOWN BOARD ORDINANCE REPEAL ORDINANCE, 1867.

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

SESSION XXIII., No. 259.

ANALYSIS.

Title.	3. Property of Board transferred to Corporation.
Preamble.	4. Suits, &c., already in progress not to abate or be discontinued.
1. Short Title.	5. Powers of Board vested in Corporation.
2. "Port Chalmers and Invercargill Town Boards Ordinance, 1859," and "Port Chalmers Town Board Ordinance, 1864," repealed.	6. When to come into operation.

AN ORDINANCE *to Repeal the "Port Chalmers and Invercargill Town Boards Ordinance, 1859," and the "Port Chalmers Town Board Ordinance, 1864," and to substitute the "Corporation of the Incorporated Town of Port Chalmers" in lieu of the "Town Board of Port Chalmers."*

[RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON, 5TH JUNE, 1867.]

WHEREAS by an Ordinance of the Superintendent and Provincial Council of Otago made and passed in the twenty-third year of the reign of Her present Majesty and shortly intituled the "Port Chalmers and Invercargill Town Boards Ordinance 1859" a Public Board was constituted within the Town of Port Chalmers for the purpose of performing any duties that might from time to time be devolved upon the said Board and the said Board was thereby incorporated under the name of the "Town Board of Port Chalmers": And whereas by another Ordinance of the said Superintendent and Provincial Council made and passed in the twenty-eighth year of the reign of Her present Majesty and shortly intituled the "Port Chalmers Town Board Ordinance 1864" the acts of the said Town Board were declared valid notwithstanding any informalities or irregularities in the election of the said Board: And whereas by Proclamation in the *Government Gazette* of the said Province of Otago the provisions of the "Otago Municipal Corporations Ordinance 1865" were extended to the Town of Port Chalmers and the Citizens of the said Town were incorporated under the style of the "Corporation of the Incorporated Town of Port Chalmers": And whereas it is expedient to repeal the said "Port Chalmers and Invercargill Town Boards Ordinance 1859" and the "Port Chalmers Town Board Ordinance 1864" and to substitute the said "Corporation of the Incorporated Town of Port Chalmers" in lieu of the Town Board of Port Chalmers constituted under the said first-mentioned Ordinance:

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

I. This Ordinance may be referred to and cited as the "Port Chalmers Town Board Ordinance Repeal Ordinance 1867."

"Port Chalmers and Invercargill Town Boards Ordinance, 1859," and "Port Chalmers Town Board Ordinance, 1864," repealed.

II. From and after the date of the coming into operation of this Ordinance the "Port Chalmers and Invercargill Town Boards Ordinance 1859" and the Port Chalmers Town Board Ordinance 1864" shall be and the same are respectively hereby repealed.

Property of Board transferred to Corporation.

III. All the lands tenements buildings hereditaments and real estate chattels real and personal estate and property whatsoever and all powers rights remedies and capacities in respect of the same which shall on the day of the coming into operation of this Ordinance be vested in or held in trust for the said Town Board of Port Chalmers established by the said "Port Chalmers and Invercargill Town Boards Ordinance 1859" shall by force of this Ordinance be vested in and held in trust for the said "Corporation of the Incorporated Town of Port Chalmers" hereinafter called "the said Corporation" and all moneys then due and owing by or to or on account of the said Town Board shall be receivable by or from the said Corporation and all contracts agreements mortgages bonds covenants and securities made or entered into with or in favor of the said Town Board or any person on its behalf shall take effect and may be proceeded on and enforced by against with reference to and in the name of the said Corporation as fully in all respects as they might have been enforced by against and with reference to the said Town Board if this Ordinance had not been passed.

Suits, &c., already in progress not to abate or be discontinued.

IV. No action suit prosecution or other proceeding whatsoever commenced or carried on previously to the day of the coming into operation of this Ordinance either by or against the said Town Board shall abate or be discontinued or prejudicially affected by force of this Ordinance but shall continue and take effect both in favor of and against the said Corporation and all decrees and orders made and all fines and penalties imposed and incurred respectively and all rates made or so much thereof as shall not have been levied and paid before the day of the coming into operation of this Ordinance shall be enforced levied recovered and proceeded for by and in the name of the said Corporation in such and the like manner as they could have been enforced levied recovered and proceeded for by and in the name of the said Town Board of Port Chalmers if this Ordinance had not been passed.

Powers of Board vested in Corporation.

V. All the powers rights and privileges interests authorities and immunities whatsoever possessed by and all the duties imposed upon the said Town Board of Port Chalmers shall be possessed by and are hereby imposed upon the said Corporation: And wherever in any Ordinance heretofore passed and now in force the Town Board of Port Chalmers their Clerk or other officer is or are named or to be deemed to be named or referred to every such Ordinance shall be read and construed so far as the context will admit as if the said Corporation the Town Clerk or the other corresponding officer of the said Corporation had been therein named in the place or stead of the said Town Board of Port Chalmers their Clerk or other officer as aforesaid.

When to come into operation.

VI. This Ordinance shall not come into operation until the last day of the session of the General Assembly of New Zealand which shall be held first after the passing hereof.