

## **Session XXXIX 1873 (May to June 1873)**

### **1. The Lyttelton Corporation Waterworks Ordinance 1873.**

[13<sup>th</sup> June 1873.]

Whereas it is expedient that an Act of the General Assembly of New Zealand intituled “The Municipal Corporations Waterworks Act 1872,” shall be brought into operation in and for the borough of Lyttelton in the Province of Canterbury:

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

#### **1. Title.**

This Ordinance shall be intituled “The Lyttelton Corporation Waterworks Ordinance.”

**2. Act of General Assembly brought into operation in Borough of Lyttelton.**

The said Act of the General Assembly of New Zealand is hereby brought into operation in and for the borough of Lyttelton and shall take effect in and for such borough on and from the first day of June One Thousand Eight Hundred and Seventy-Three.

**2. The Timaru Corporation Waterworks Ordinance 1873.**

[13<sup>th</sup> June 1873.]

Whereas it is expedient that an Act of the General Assembly of New Zealand intituled "The Municipal Corporations Waterworks Act 1872," shall be brought into operation in and for the borough of Timaru in the Province of Canterbury:

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

**1. Title.**

This Ordinance shall be intituled "The Timaru Corporation Waterworks Ordinance."

**2. Act of General Assembly brought into operation in Borough of Lyttelton.**

The said Act of the General Assembly of New Zealand is hereby brought into operation in and for the borough of Timaru and shall take effect in and for such borough on and from the first day of June One Thousand Eight Hundred and Seventy-Three.

**3. The District Roads Compulsory Land-taking Ordinance 1873.**

Whereas by "The Provincial Compulsory Land-taking Act 1866" it was enacted (*inter alia*) that it should be lawful for the Superintendent and Provincial Council of every Province then or thereafter to be established in New Zealand from time to time to make or ordain any Law or Ordinance authorising the compulsory purchase of any land granted by the Crown within such Province for any work or undertaking of a public nature Provided that no land should be taken compulsorily under any Act or Ordinance of any Provincial Legislature except in conformity with the provisions of an Act of the General Assembly of New Zealand intituled "The Lands Clauses Consolidation Act, 1863" And whereas the public

interests require that the lands specified and described in the Schedule hereto should be taken compulsorily for the several purposes in this Ordinance particularly mentioned with relation thereto respectively:

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

**1. Title.**

This Ordinance may be cited and referred to as "The District Roads Compulsory Land-taking Ordinance 1873."

**2. Superintendent may hold lands described in Schedule.**

It shall be lawful for the Superintendent of the Province of Canterbury to take and hold the lands specified and described in the Schedule hereto for the purpose of opening and constructing a public road in the Mount Peel Road District of the Province of Canterbury aforesaid.

**3. Compensation to owners of land.**

All persons being owners of or having any less estate or interest in the said lands specified or described in the said Schedule hereto or any part or parts thereof respectively shall be entitled to receive compensation for the same the amount of which compensation shall be ascertained in the manner set forth in the Act of the General Assembly of New Zealand intituled "The Lands Clauses Consolidation Act 1863."

**4. " The Land Clauses Consolidation Act 1863," to apply to this Ordinance.**

"The Lands Clauses Consolidation Act 1863" and all the clauses and provisions thereof shall apply to this Ordinance and the lands compulsorily taken in pursuance hereof and so far as the same shall be applicable shall form part of this Ordinance and be construed herewith.

**5. Power of Superintendent to purchase compulsorily the lands specified in the Schedule.**

The powers hereby conferred on the Superintendent to take and purchase compulsorily the lands specified in the said Schedule hereto

**Schedule.**

**Description of Proposed Road through Sections Nos. 1345 1346 and 1347. 1346 and 1347.**

All that piece or parcel of land being part of Rural Sections Nos. 1345 1346 and 1347 containing by admeasurement four acres and twenty perches more or less commencing at the North-east corner of Section 1347 the same being the North-

west corner of Section 1372 thence Westerly following the Northern boundary of Section 1347 a distance of one chain thence Southerly at a right angle a distance of about 41 chains 31 links to the Southern boundary of Section 1345 thence Easterly following the latter boundary to the South-east corner of Section 1345 and from thence returning along the Eastern boundaries of the aforesaid Sections 1345 1346 and 1347 to the commencing point and more particularly delineated and described by the plan hereunto annexed and colored red thereon.

#### **Description of Proposed Road through Section 3809.**

All that piece or parcel of land one chain wide being part of Rural Section No. 3309 containing by admeasurement three acres sixteen perches more or less bounded on the North-westward by a straight line drawn from a point on the Southern boundary of the said section situate about sixty links from the South-west corner thereof to a point on the Northern boundary of the same section distant about twenty-one chains twenty links from its North-west corner on the South-east by a line parallel to the North-west boundary and one chain distant therefrom on the North-eastward by Section 1415 and on the Southwestward by the Southern boundary of Section 3309 aforesaid and more particularly delineated and described by the plan hereunto annexed and colored red thereon.

#### **Description of Proposed Road through Section 1415.**

All that piece or parcel of land one chain wide containing by admeasurement one acre two roods sixteen perches more or less being part of Rural Section 1415 the Western boundary of the said piece of land commencing at a point on the Southern boundary of the said section situate about twenty-one chains twenty links East of the North-west corner of Section 3309 and running North-westerly and North-easterly to a point on the Northern boundary of Section 1415 distant about three chains thirty links from the North-eastern corner thereof bounded on the Eastward by lines parallel to and one chain distant from the Western boundary on the Southward by Section 3309 and on the Northward by the Northern boundary of Section 1415 above mentioned and more particularly delineated and / described by the plan hereunto annexed and colored red thereon.

#### **Description of Proposed Road through Section 1972.**

All that piece or parcel of land containing by admeasurement twenty-six perches more or less being part of Rural Section 1972 the Western boundary of the said piece of land commencing on the road forming the Southern boundary of that section at a point distant about eighteen chains from the South-west corner of said section thence Easterly following said road a distance of about one chain

sixty links thence Northerly along the same road about one chain seventy links thence South-westerly following straight lines to the commencing point as indicated on the annexed plan and which said piece or parcel of land is colored thereon red.

Also—All that piece or parcel of land containing by admeasurement one rood thirty perches more or less being part of Rural Section 1972 the Eastern boundary commencing at a point on the Northern boundary of the said section situate about nineteen chains eighty links from the North-eastern corner thereof and running in a Southerly direction to a point on the Southern boundary of the aforesaid Section 1972 distant about twenty chains thirty links from its South-east corner bounded on the Westward by lines parallel to and one chain distant from the Eastern boundary on the Northward by Section 3208 on the Southward by the road forming the Southern boundary of Section 1972 which said piece or parcel of land is more particularly delineated and described by the plan hereunto annexed and colored red thereon.

#### **Description of Proposed Road through Section 3208.**

All that piece or parcel of land containing by admeasurement 3 roods 18 perches more or less being part of Rural Section 3208 the Eastern boundary of the said piece of land commencing on the Southern boundary of the said section situate about 19 chains 80 links from the South-eastern corner thereof and running in a North-easterly direction to a point on the Northern boundary of the same section situate about 14 chains from its North-east corner bounded on the Westward by lines parallel to the Eastern boundary and distant therefrom one chain on the Southward by Section 1972 and on the Northward by the Northern boundary of the above mentioned Section 3208 and more particularly delineated and described by the plan hereunto annexed and colored red thereon.

#### **Description of Proposed Road through Section 4035.**

All that piece or parcel of land containing by admeasurement 2 acres and 12 perches more or less being part of Rural Section No. 4035 the Eastern boundary of the said piece of land commencing at the South-west corner of the said section and running in a North-easterly and Northerly direction to a point on the Southern boundary of Section 2713 situate about two chains sixty links from the South-eastern corner thereof bounded on the Westward by straight lines one chain distant from and parallel to the Eastern boundary on the Northward by the aforesaid Section 2713 and on the South-westward by the Western boundary of Section 4035 before mentioned and more particularly delineated and described by the plan hereunto annexed and colored red thereon.

### **Description of Proposed Road through Section 2713.**

All that piece or parcel of land containing by admeasurement two roods more or less being part of Rural Section 2713 the Eastern boundary of the said piece of land commencing at a point on the Southern boundary of said section distant about two chains sixty links from the South-eastern corner thereof and running in a Northerly direction to a point on the Southern boundary of Section 2680 situate about five chains from the Southeastern corner thereof bounded on the Westward by a line parallel to and one chain distant from the Eastern boundary on the Northward by Section 2680 and on the Southward by Section 4035 and more particularly delineated and described by the plan hereunto annexed and colored red thereon.

### **Description of Proposed Road through Section 2680.**

All that piece or parcel of land containing by admeasurement two roods more or less being part of Rural Section 2680 the Eastern boundary of the said piece of land commencing at a point on the Southern boundary of the said section situate about five chains from the South-eastern corner thereof and running in a Northerly direction to a point on the Southern boundary of Section 3683 distant about 8 chains from the South-eastern corner thereof bounded on the Westward by a line parallel to and one chain distant from the Eastern boundary on the Northward by the aforesaid Section 3683 and on the Southward by Section 2713 and more particularly delineated and described by the plan hereunto annexed and colored red thereon.

### **Description of Proposed Road through Section 3683.**

All that piece or parcel of land containing by admeasurement two acres and thirty-five perches more or less being part of Rural Section numbered 3683 the Eastern boundary of the said piece of land commencing at a point on the Southern boundary of the said section distant about eight chains from the South-east corner thereof and running in a Northerly direction to a point on the Northern boundary of the same section situate about sixty links from its North-eastern corner bounded on the Westward by lines parallel to and one chain distant from the Eastern boundary on the Southward by Section 2680 and on the Northward by the Northern boundary of the above-mentioned Section No. 3683 and more particularly delineated and described by the plan hereunto annexed and colored red thereon.

#### **4. The Canterbury College Ordinance 1873.**

[16<sup>th</sup> June 1873.]

Whereas it is deemed expedient to make provision for enabling all classes and denominations of Her Majesty's subjects resident in the Province of Canterbury and elsewhere in the Colony of New Zealand to pursue a regular and liberal course of Education and with that intent to establish and incorporate a College within the said Province:

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

##### **1. Title.**

The Short Title of this Ordinance shall be "The Canterbury College Ordinance 1873."

##### **2. Constitution of Board of Governors.**

A Board of Governors composed as hereinafter mentioned shall be and is hereby constituted a body politic and corporate by the name of "The Canterbury College" by which name such body corporate shall have perpetual succession, and shall have a Common Seal, and shall sue and be sued or otherwise appear and answer and be answered and may take and hold to them and their successors by grant will or otherwise in perpetuity or for any term of life or years as well chattels and other personal property as lands buildings and other hereditaments and the same or any part thereof may alien or otherwise dispose of or demise and also shall or may do all other things incident or appertaining to a Body Politic and Corporate.

##### **3. Board of Governors not to alienate land &c., held in trust, except as hereinafter mentioned.**

Provided always That it shall not be lawful for the said Corporation or any persons or person seized of or entitled to lands in trust for the Corporation or for the purposes of the said College to alienate mortgage or charge any lands or hereditaments granted to or in trust for the Corporation or for College purposes except by way of lease as hereinafter mentioned unless with the approval of the Superintendent and Provincial Council of the Province of Canterbury.

##### **4. Board of Governors.**

The said Body Corporate shall consist of William Rolleston, The Right Reverend Henry John Chitty Harper, Henry John Tancred, the Reverend William James Habens, Thomas William Maude, Walter Kennaway, Charles Christopher Bowen, the Reverend James Buller, Arthur Charles Knight, John Studholme, James Somerville Turnbull, William Montgomery, George Gould, Henry Richard Webb, the Reverend Charles Fraser, William Patten Cowlshaw, Thomas Henry Potts, John Davies Enys, Joshua Strange Williams, John Inglis, Henry Barnes Gresson, John Hall, the Reverend Wmiam Wellington Willock.

### **5. Superintendent Visitor of the College.**

The Superintendent for the time being of the Province of Canterbury shall be Visitor of the College with all such powers as usually appertain to the office of Visitor of a College.

### **6. Resignation of Governor or Governors.**

If any of the said Governors shall die or by writing under his hand resign his office or cease for six calendar months to reside in the Province of Canterbury or become bankrupt or make any arrangement or composition with his creditors under the provisions of any law for the time being in force relating to bankruptcy or insolvency or be convicted of any treason felony or indictable misdemeanour he shall immediately cease to be a Governor Provided that if any such Governor shall be resident out of the Province of Canterbury with the previous permission in writing of the Board of Governors then any period for which such permission is expressed to be granted shall not be included in the computation of the said period of six calendar months and fresh permissions may be granted from time to time.

### **7. How vacancies may be filled up until there shall be 30 graduates.**

Until there shall be thirty members of the said College who are graduates of the University of New Zealand continuing on the books of the College all vacancies which shall occur among the Board of Governors of the said College shall be filled up as they may occur by the election of such other fit and proper persons as the remaining members of the said Board shall at meetings to be duly convened for that purpose from time to time elect to fill up such vacancies.

### **8. First Meeting of Board of Governors.**

The said Governors shall meet for the first time at such time and place as the said Superintendent shall appoint and shall forthwith proceed to elect out of their own body by a majority of votes present a Chairman who shall hold office for one year from the day of his election and until other provision shall be made by the said Governors he shall have the custody of the Common Seal.

### **9. Appointment of Chairman.**

Every Chairman shall hold office for one year from the day of his election and the said Governors on some day annually before or after the expiration of the tenure of the said office of which due notice shall be given elect the Chairman or in case of the death resignation or other avoidance of any such Chairman before the expiration of his year of office shall at a meeting to be holden by them for that purpose as soon as conveniently may be of which due notice shall be given elect some other fit and proper person to be Chairman for the remainder of the year in which such death or resignation or other avoidance shall happen every such Chairman to be chosen from among themselves by the major part of the Governors present at such meeting.



**10. Minutes of Proceedings and accounts to be kept.**

The said Governors shall keep exact minutes of all their proceedings in fit books and full and accurate accounts of all their receipts disbursements liabilities and engagements and shall in the month of January in every year submit the same with all necessary vouchers to be audited by the Provincial Auditor of the Province of Canterbury and shall once in every year transmit a full account of the whole income and expenditure of the said College to the Superintendent of the Province of Canterbury for the purpose of being submitted to the Provincial Council of the said Province.

**11. Proceeds of rents, &c., may be set apart by Board of Governors for particular branches of education.**

The rents income and annual proceeds of all real and personal estate which shall be granted devised bequeathed conveyed given to the said Governors or any person or persons in trust for them for the benefit of the said College with a declaration of trust or as endowment for the promotion of any particular branch or branches of science or education shall be strictly applied by the said Governors for the objects for which such real and personal estate shall have been so granted devised bequeathed conveyed or given.

**12. Management of estate.**

The said Board of Governors shall have power with respect to all lands which may be vested in them to manage and deal with the same as they may think fit and from time to time to let the same or any part thereof for any term not exceeding twenty-one years from the time when such lease shall be made at such rent and on such terms and conditions as they shall think fit but so that no fine premium or foregift be taken.

**13. Proceeds of rents, &c., how to be applied.**

The rents profits and annual income of all real and personal estate which may be vested in the said Board of Governors shall be applied by them for the maintenance of the College and the payment of salaries and expenses connected therewith and for prizes exhibitions scholarships and other rewards for the students therein Provided that the said Governors shall have power if they think fit to set apart out of the said rents profits and annual income such part as they shall think fit either as an addition to the capital fund which shall then be invested in manner hereinafter mentioned and dealt with as part of such capital or as a reserve fund to meet extraordinary expenses which shall be invested and dealt with in such manner as the said Governors shall direct.

**14. Moneys, &c. bequeathed how to be invested.**

With respect to any moneys bequeathed or given to the said Governors for such College or being rents profits or annual income set apart under the preceding section the said Governors shall invest the same from time to time in the purchase of land in New Zealand or in stocks funds bonds bills or debentures of the Government of the Colony of New Zealand or of the Province of Canterbury

or of any Municipal Corporation established or to be established within such Province.

**15. Power of Board of Governors to appoint or dismiss officers of College.**

The said Board of Governors shall have full power to appoint and dismiss all professors tutors officers and servants belonging to the said College and also the entire management of and superintendence over the affairs concerns and property of the said College and in all cases unprovided for by this Ordinance it shall be lawful for the said Governor to act in such manner as shall appear to them to be best calculated to promote the purposes intended by the said College and the said Governors shall have full power from time to time to make and also to alter add to suspend or revoke any statutes bye laws and regulations (so as the same be not repugnant to any existing law or to the general objects and provisions of this Ordinance) for defining the course of Education in the said College the examinations to be held the discipline of the said College the examinations for scholarships the conditions under which students shall be admitted therein the fees to be paid and for determining the mode and time of convening the meetings of the said Board of Governors and for the conduct of business at these meetings and in general touching for all other purposes and matters whatsoever regarding the said College.

**16. Questions, how decided.**

All questions which shall come before the said Governors shall be decided by the majority of the members present and the Chairman at any such meeting shall have a vote and in case of an equality of votes a second or casting vote and no question shall be decided at any meeting unless eight Governors at the least shall be present at the time of such decision and at every meeting of such Governors the Chairman shall preside or in his absence a Chairman for such meeting shall be chosen by the members present or the major part of them.

**17. Power of Board of Governors to take steps to have College affiliated to any University.**

The Governors of the said College may take the necessary steps and do and perform every act matter and thing that may be requisite or necessary for the purpose of having the College affiliated to or connected with the University of New Zealand or any University outside the Colony of New Zealand having the power of conferring degrees by charter from Her Majesty or by Act of the Imperial Parliament.

**18. How vacancies shall be filled up when there are not fewer than 30 graduates.**

Whenever there shall be not fewer than thirty members of the College who are graduates of the University of New Zealand continuing on the books of the College All vacancies thereafter occurring in the number of the Governors shall be from time to time filled up by the majority of such graduates present at a meeting duly convened for that purpose by the Board of Governors.

## **5. The Canterbury Museum and Library Ordinance Amendment Ordinance 1873.**

[16<sup>th</sup> June 1873.]

Whereas by an Ordinance of the Superintendent and Provincial Council of the Province of Canterbury intituled "The Canterbury Museum and Library Ordinance 1870" a body of Trustees was constituted a body politic and corporate by the name of "The Trustees of the Canterbury Museum and Library" for the promotion of literature and science and other objects therein mentioned And whereas divers specimens of natural history statuary coins picture; articles of vertu books apparatus models furniture and other personal property now deposited within the precincts of the Canterbury Museum are now vested in the said Trustees: And whereas the said Trustees expect to receive from divers persons other specimens of natural history statuary and other personal property in exchange for specimens forwarded or promised by them: And whereas by an Ordinance of the said Superintendent and Provincial Council passed in this present session intituled. "The Canterbury College Ordinance 1873" provision is made for the establishment and incorporation of a College within the said Province by the name of "The Canterbury College" for the purpose of enabling all classes and denominations resident within the Colony of New Zealand to pursue a regular and liberal course of education: And whereas it is considered desirable that the management of the said two institutions should be amalgamated and the said Trustees are willing that all the said specimens of natural history statuary coins pictures articles of vertu models furniture and other personal property now deposited as aforesaid or which may he received by them and all the functions powers and authorities conferred by the said firstly mentioned Ordinance shall be transferred to and vested in the said Canterbury College:

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

### **1. Trustees of Canterbury Museum empowered to transfer specimens, statuary, &c., to the Canterbury College.**

The Trustees of the Canterbury Museum and Library are hereby empowered to transfer and the College hereby Canterbury is empowered to accept all the aforesaid specimens statuary coins pictures articles of vertu models furniture and other personal property now deposited in the said Canterbury Museum or which the said Trustees may at any time hereafter receive and an assignment of the said property duly executed by the said Trustees shall be held and deemed to

vest in the said Canterbury College a valid and absolute title in and to the same to all intents and purposes.

**2. Specimens, statuary, &c., to be held in trust by Canterbury College.**

All specimens of natural history statuary coins pictures articles vertu models furniture and other personal property when so assigned shall be held by the said College upon the trusts and for the specific purposes contemplated and intended by the Canterbury Museum and Library Ordinance 1870 and all endowments made for the purposes of the said Canterbury Museum Library and School of Technical Science or any of them and the rents issues and profits arising therefrom shall be held received and applied by the said Canterbury College for the specific object or objects for which such endowments were originally granted or given.

**3. Powers vested in Canterbury College.**

From and after the due execution of the said assignment all the functions powers and authorities now vested in or which may be lawfully exercised by the Trustees of the Canterbury Museum and Library shall be and the same are hereby declared to be vested in and may be lawfully exercised by the Canterbury College.

**4. Title.**

This Ordinance shall be intituled and may be cited as "The Canterbury Museum and Library Ordinance Amendment Ordinance 1873."

**6. The Educational Reserve Leasing Ordinance 1873."**

[16<sup>th</sup> June 1873.]

Whereas by several Crown Grants bearing the dates respectively as contained in the Schedule hereto all those parcels of land described in the said Crown Grants and delineated in the plans drawn in the margin of the said Crown Grants with all the rights and appurtenances thereto belonging were granted unto the Superintendent of the Province of Canterbury and his successors in trust for Educational purposes.

And whereas it is expedient that the said Superintendent of the said Province of Canterbury and his successors should have power to demise and lease the said parcels of land.

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

**1. Superintendent may demise and lease the Reserves mentioned in the Schedule.**

It shall be lawful for the Superintendent in Council from time to time to demise and lease for any term or terms not exceeding twenty-one years all or any part of the Reserves described in the Schedule to this Ordinance upon such terms and conditions and at such rent or rents as to the Superintendent in Council may deem proper.

**2. Title.**

This Ordinance shall be intituled and may be cited as “The Educational Reserves Leasing Ordinance 1873.”

**Schedule.**

<b>Number of Reserve as delineated in red on Map of the Chief Surveyor of the Province of Canterbury.</b>	<b>District.</b>	<b>Acreage.</b>  <b>A. R. P.</b>	<b>Date of Crown Grant.</b>
1114	Ashburton	432	27 <sup>th</sup> Feb. 1873
1221	Akaroa	150	27 <sup>th</sup> Feb. 1873
1308	Timaru	20	27 <sup>th</sup> Feb. 1873
1309	Timaru	20	27 <sup>th</sup> Feb. 1873
1248	Malvern	88	27 <sup>th</sup> Feb. 1873
1254	Timaru	25	27 <sup>th</sup> Feb. 1873
1295	Mandeville	44	27 <sup>th</sup> Feb. 1873

**7. The Diversion of Roads Special Ordinance, No. 1, 1873.**

[16<sup>th</sup> June 1873.]

Whereas by an Act of the General Assembly of New Zealand intituled “The Highways and Watercourses Diversion Act 1858” it is enacted that it shall be lawful for the Superintendent of any Province with the advice and consent of the

Provincial Council thereof by any law or Ordinance to be made or ordained for that purpose to authorise and empower the Superintendent to divert or stop up any public street road highway or thoroughfare in any such Province and also to exchange the land over which any such public street road highway or thoroughfare was laid out or passed And also that it should be lawful for the Governor in the name and on behalf of Her Majesty to make and execute Crown Grants of any land which should be so exchanged.

And whereas by an Act of the General Assembly of New Zealand intituled "The Provincial Council Powers Extension Act 1865" it is enacted that it shall be lawful for the Superintendent and Provincial Council of any Province and notwithstanding the restriction contained in the Tenth Sub-section of the Nineteenth Section of the Constitution to ordain or pass any Law or Ordinance which but for such restriction might have been ordained or passed by such Superintendent and Council affecting any part of the Waste Lands of the Crown within the Province which then was or thereafter should be a public street road highway or thoroughfare.

And whereas it is for the public benefit that the parcels of land described in the Schedule A hereto should become a public highway in lieu of the parcels of land described in the Schedule B hereto and that the last mentioned parcels of land should cease to be a public road.

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

**1. When land described in Schedule A is conveyed to Superintendent for public highway, the road described in Schedule B to be stopped up.**

When and so soon as the parcel of land described in the Schedule A hereto numbered therein have shall have been conveyed to the Superintendent and his successors for a public road the same shall be and remain for ever a public highway and the public highway passing over the parcels of land described in the Schedule B hereto shall be stopped up.

**2. Title.**

This Ordinance shall be intituled and may be cited as "The Diversion of Roads Special Ordinance No. 1 1873.

**Geraldine Road Board – South of River Orari.**

**Schedule A.**

1. All that piece or parcel of land one chain wide or thereabouts containing by admeasurement 3 acres 1 rood (more or less) commencing on the western side of the South Road where it is crossed by the proposed embankment in connection with the protective works of the southern bank of the Orari river and running in a north-westerly direction through sections 3163 and 4233 and parallel

to the embankment above mentioned a distance of 33 chains 40 links being bounded on the westward by a line in continuation of the north-western boundary of section No. 4233 and on the eastward by the South Road save and except that portion of the Orari and Pleasant Valley Road which crosses the above described land for which road allowance has been made in the acreage.

### **Schedule B.**

All that piece or parcel of land 1 chain wide containing by admeasurement 3 acres and 36 perches (more or less) being that portion of the road south of the Orari leading from the south Road in a north-westerly direction by trig, pole No. 12 extending from the north-western boundary of section 4233 north-westerly a distance on the average of about 32 chains 30 links to the proposed new road running through sections 3163 and 4283.

All that piece or parcel of land 1 chain wide containing by admeasurement 2 acres 2 roods and 83 perches (more or less) being that portion of the road passing through section No. 3163 bounded on the westward by a line in continuation of the south-eastern boundary of 4233 and on the eastward by the South Road.

All that piece or parcel of land 1 chain wide containing by admeasurement 2 roods and 24 perches (more or less) being that portion of the road passing through section 4233 and running in a north-westerly direction by trig, station No. 12 bounded on the north-westward by a line in continuation of the north-western boundary of said section 4233 and on the eastward by a line in continuation of the north-western boundary of section 3163.

All that piece or parcel of land 1 chain wide containing by admeasurement 38 perches (more or less) being that portion of the Orari and Pleasant Valley Road within the boundaries of section 4283 and extending from the proposed new road through that section to the road leading from the South Road in a north-westerly direction by trig, pole No. 12.

### **8. The Reserve No. 74 Ordinance 1873.**

Whereas by Crown Grant bearing date the twenty-eighth day of May One thousand eight hundred and seventy three all that parcel of land in the Province of Canterbury in the Colony of New Zealand situate in the Mandeville district near Kaiapoi containing fifteen acres and thirty-two perches more or less commencing at a point on the North Road the same being the north-western corner of section No. 338E following along the said road in a northerly direction a distance of nineteen chains and running back easterly a distance of eight chains in a rectangular block and numbered 74 in red on the map of the Chief Surveyor of the said Province setting out and describing the rural land in the Mandeville district aforesaid as the same is delineated on the plan drawn in the margin thereof with all the rights and appurtenances there-unto belonging was granted unto the Superintendent of the said Province of Canterbury and his successors in trust as a site for a Church Cemetery Market Place, and other purposes of public utility And whereas by the "Public Reserve Act 1854" under and by virtue of which the aforesaid grant was made it is enacted that the specific purposes for which any lands granted under the said Act within any Province should be held might be changed and the same lands might be appropriated to other and different purposes of public utility for the public service of such province And whereas it has become necessary to alter the purposes for which the aforesaid land is held as hereinafter described.

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

**1. Land described in the Schedule to be held by Superintendent in trust for public recreation purposes.**

The specific purposes of public utility for which the lands hereinbefore described are held shall be and are hereby changed and such lands shall be henceforth held by the Superintendent of the said Province and his successors in trust for and for the purposes of a public recreation ground.

**2. Title.**

This Ordinance shall be intituled and may be cited as "The Reserve No. 74 Ordinance 1873."

**9. The Education Ordinance 1873.**

[16<sup>th</sup> June 1873.]

Whereas it is expedient to consolidate and amend the Law relating to Public Education and the Formation and Management of Schools in the Province of Canterbury.



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

**1. Title.**

The short title of this Ordinance shall be "The Education Ordinance 1873."

**2. Repeal of Ordinances.**

The Education Ordinance 1871 and the Education Ordinance 1871 Amendment Ordinance 1872 are hereby repealed. Provided always that nothing in this section contained shall invalidate or be deemed taken or construed to invalidate or affect any proceeding matter or thing already taken or done by virtue in pursuance of or under the authority or in pursuance of the said Ordinances or any or either of them.

**3. Superintendent to act with advice of Executive Council.**

Every act which the Superintendent is hereby authorised or required to perform he shall perform solely in accordance with the advice and consent of his Executive Council and such advice shall be recorded on the minutes of the Council.

**4. Board to be constituted.**

There shall be constituted a Board under the name of the Board of Education and hereinafter called the Board.

**5. How to be constituted.**

The Board shall be appointed by the Superintendent and shall consist of eight members to be appointed and removeable by the Superintendent.

**6. Two members to resign yearly and vacancies to be filled by Superintendent.**

Two members of the Board shall go out of office each year and the vacancies shall be filled by appointment by the Superintendent.

**7. Members retiring for first three years to be chosen by lot; afterwards to retire by rotation.**

The two members who are to retire for the three first years respectively from the appointment of the first Board shall be chosen by lot at the first meeting of the Board and after the said three years they shall retire by rotation two in each year according to length of service — the two who have served the longest retiring in each year.

**8. First appointment of Board.**

The first appointment of Members shall take place on a day to be fixed by the Superintendent such day to be as early as possible with convenience after this Ordinance shall come into operation and the date of such day shall thereafter be

the date on which the two members shall annually retire and two new members shall be appointed in their stead unless such date shall fall on a Sunday or public holiday and in that case the day following shall be the day instead Provided always that the retiring members shall be eligible for re-appointment and shall hold office until the appointment of their successors shall take effect.

**9. Appointment to be gazetted.**

Every appointment of a member or members of the Board shall be notified in the Provincial Government Gazette and shall take effect from the date of such notification.

**10. Time and place of meetings.**

The first meeting of the Board shall be held at such time and place as shall be determined by the Superintendent and notified by proclamation in the Provincial Government Gazette and all subsequent meetings shall be held at such times and places as the Board may by any regulation in that behalf determine Provided that at least one meeting shall be held in every month after such first meeting.

**11. Election of Chairman.**

The Board shall at its first meeting elect one of its members to be Chairman thereof who shall preside at the meetings of the Board and shall have an original and where the number of votes are equal also a casting vote thereat Provided that if the Chairman shall be absent from any meeting the members present shall elect one of their number to preside in his stead at such meeting and such Presiding Member shall have the same power at such meeting as the Chairman.

**12. Chairman or any member of the Board removable by Superintendent.**

The Chairman or any member of the Board shall be removable by the Superintendent on a requisition to that effect signed by at least four members of the Board being presented to him praying for such removal.

**13. Absence of any member.**

If any member shall absent himself from the Board for three consecutive ordinary meetings without the leave of the Board his seat on the Board shall become vacant.

**14. Resignation and vacancies.**

Any member of the Board may resign his seat thereat by signifying in writing to the Superintendent his desire so to do and any vacancy caused by the resignation death removal or absence of any member shall be filled up by appointment as aforesaid. Provided that all acts of the Board done during the existence of such vacancy shall be as valid as if such vacancy had not occurred.

**15. Term of office of member appointed to fill vacancy.**

The member appointed to fill up any casual vacancy shall retain his office so long only as the vacating member would have retained the same if no such casual vacancy had occurred.

**16. Questions how decided.**

All questions coming before the Board shall be decided by a majority of the members present and there shall be no meeting of the Board unless at least three members be present.

**17. Regulations for conduct of business.**

It shall be lawful for the Board from time to time to make and to revoke and alter such regulations as they may think fit for the conduct of the business of the Board.

**18. Application for Grants.**

The Board shall entertain and decide upon all questions for the distribution of public money appropriated by the Provincial Council for establishing or aiding the establishment and maintenance of new schools and for aiding existing district schools.

**19. Examination of Teachers.**

It shall be lawful for the Board to enquire as to the knowledge and qualifications of any person who may be desirous of becoming a Teacher or Master in any school and for that purpose from time to time to appoint a fit person to examine candidates and it shall be lawful for the Board to make such regulations respecting the subjects comprised and the general conduct of such examinations as it shall from time to time think fit.

**20. Classification of Teachers.**

The Board shall make regulations for the classification of Teachers employed in Schools receiving pecuniary assistance from the Board and for the issue of certificates showing the class in which by their knowledge and qualifications such teachers may be entitled to be placed.

**21. Regulations for Administration of Funds.**

It shall be lawful for the Board to frame regulations for the distribution of the funds appropriated annually by the Provincial Council for the maintenance of schools in the Province which regulations shall be published in the Provincial Government Gazette.

**22. Annual Report**

The Board shall before the thirty-first day of December in each year render to the Superintendent a full report of all things done by it by virtue of this Ordinance during the year ending the fifteenth day of October preceding such report.

### **23. Appointment of Inspectors.**

There shall be an Inspector or Inspectors of Schools who shall be appointed and be removable by the Superintendent on the recommendation of the Board.

### **24. Duty of Inspectors.**

It shall be the duty of the Inspector or Inspectors from time to time as the Board shall direct to inspect all schools receiving aid from the Board to furnish all such reports as the Board may require and generally to be guided in the performance of their duties by such instructions as they may receive from the Chairman of the Board.

### **25. Formation of Districts.**

All localities formed into Educational Districts under the provisions of any Ordinance hereby repealed shall be held to be Educational Districts for the purposes of this Ordinance and the persons in office at the time of the coming into operation of this Ordinance as District School Committees of any such districts shall continue in office until their successors are elected under this Ordinance.

### **26. Boundaries of Districts.**

The Superintendent may declare any portion of the Province not comprised within the limits of any Educational District to be an Educational District by proclamation to be published in the Provincial Government Gazette and in one of the newspapers published and circulated in the Province and he shall therein set forth the boundaries and name of every such District and from and after such publication every such portion shall become and be an Educational District under and subject to the provisions of this Ordinance provided that it shall not be lawful for the Superintendent to declare any part of the Province an Educational District unless or until it has not less than twenty-five children between the ages of five and thirteen years residing within such portion.

### **27. Districts may be altered, divided, or combined.**

It shall be lawful for the Superintendent to alter boundaries of any Educational District and to divide any Educational District into two or more Districts or parts of Districts or to combine two or more Districts or parts of Districts into one or to add portions of any District to any adjoining District or to add any locality not being or forming part of a District to an Educational District and in every such case the District or Districts constituted or affected thereby shall be deemed to be and shall be proclaimed as provided in the said Ordinance as newly constituted Educational District or Districts and all proceedings connected therewith shall be taken and conducted in like manner as provided for Educational Districts constituted under this Ordinance or to abolish any District and thereupon such District shall to all intents and purposes cease to exist as if the same had never been constituted.

**28. Election of committee and auditors.**

Whenever any portion of the Province shall be proclaimed an Educational District the Board shall forthwith convene a meeting of the householders of such District for the purpose of electing a Committee (to be called the District School Committee) of not less than three nor more than nine persons being householders of the district and of electing two persons who shall not be members of the District School Committee to act as Auditors of the accounts of the said Committee before the same shall be presented to the next annual meeting and such elections shall be conducted in such manner and in accordance with such regulations as the Superintendent may from time to time by order prescribe The persons so elected shall hold office until the election of their successors in manner hereinafter mentioned and if from any cause the elections of time Committee and Auditors or either of them shall at a meeting aforesaid not take place it shall be lawful for the Board to appoint another time and the same or a different place for such elections or either of them to be conducted under such regulations as aforesaid.

**29. Neglect or refusal to elect committee.**

If and whenever the householders of any Educational District shall refuse or neglect to elect a District School Committee under the provisions of the preceding Section or under the provisions of Section 33 the immediately on being satisfied of such refusal or neglect shall by Proclamation published in the Provincial Government Gazette appoint a Commissioner for such district who shall hold office until the second Monday in the month of October next following his appointment and all the powers rights privileges and duties of a District School Committee shall from the date of such Proclamation vest in and be exercised by such Commissioner and the Superintendent shall cause such reasonable salary as he shall think fit to be paid to such Commissioner out of any funds applicable to the purposes of the Educational District under the provisions of this Ordinance Provided that such Commissioner shall be guided in the performance of his duties by such instructions as he shall receive from the Board in that behalf and all acts by this section required to be performed by the Superintendent shall be performed only on a report of the circumstances from the Chairman of the Board.

**30. Neglect or refusal to elect auditors.**

If and whenever the householders of any Educational District shall refuse or fail to appoint at the time and place appointed two auditors it shall be lawful for the Superintendent to appoint one or more person or persons as he shall think fit to be an auditor or auditors for any district who shall exercise for the time being all the powers rights and duties as if elected under the provisions of this Ordinance.

**31. Annual meeting for election of Committee.**

On the second Monday in the month of October in each year a public meeting of householders in every Educational District shall be held at a time and place within each district respectively to be fixed by the Chairman of the Board and

notified by public advertisement and at such meeting the District School Committee for the preceding year or portion of the year as the case may be shall give a full report of its proceedings during that period and a statement of its accounts and thereupon the householders as aforesaid shall proceed to elect a new District School Committee for the ensuing year of not less than three or more than nine persons being householders as aforesaid and shall also elect two persons who shall not be members of the District School Committee to act as auditors of the accounts of the said Committee before the same shall be presented to the next annual meeting and such elections shall be conducted in such manner and in accordance with such regulations as the Superintendent may from time to time by order prescribe.

**32. Neglect to elect Committee or Auditors.**

If and whenever the householders of any Educational District shall from any cause whatever fail to elect a District School Committee or auditors upon any annual day of meeting as hereinbefore provided the Board shall fix another day for the election of a District School Committee or auditors as the case may be for such district and notice of such meeting shall be given and the same proceedings taken thereat as are hereinbefore prescribed for ordinary annual meetings held for the purpose of electing District School Committees and auditors.

**33. Inability or unwillingness of Committee to carry on duties.**

If from any cause a District School committee shall be unable or if they shall be unwilling to carry on the duties of such Committee or if there shall be at any time no existing Committee in any Educational District under this Ordinance the Superintendent shall except when otherwise provided on the recommendation of the Board by Proclamation in the Provincial Government Gazette declare that no School Committee exists in such district and shall immediately thereupon call together a meeting of the householders in such Educational District and thereupon such proceedings shall be taken for the election of a Committee or in default of such election for the appointment of a Commissioner as are hereinbefore provided.

**34. Regulations for the election or the re-election of Committee to be prescribed by Superintendent.**

It shall be lawful for the Superintendent in and by any regulations he may be authorised by order to prescribe for the conduct of any elections of District School Committees to provide that if at any meeting convened for the election or re-election of a District School Committee a poll be demanded by six householders that such poll shall be taken on a subsequent day at such place and between such hours of the day as may be prescribed in such regulations on that behalf and to make all necessary provisions to carry the same into effect.

**35. Vacancies in Committee how to be filled.**

If any vacancy or vacancies shall occur by death removal from the district resignation or otherwise in any District School Committee the remaining

members of such Committee shall forthwith elect a qualified person or persons to fill such vacancy or vacancies.

**36. Vacancies, how caused.**

If any member of any District School Committee shall cease to be a householder in the district for which he has been elected or shall signify in writing to the Chairman of the Committee his desire to resign his seat or if he shall be absent for three consecutive meetings without leave of the Committee or shall become insolvent or of unsound mind or shall have been convicted of felony or shall be in arrears of any rates which he shall become liable to pay under the authority of this Ordinance or shall accept or continue to hold any place of profit or emolument under the Board or Committee of such District or shall have any pecuniary interest in any work of a value not exceeding £20 in the aggregate in any one year done in such district under the authority of the Board or Committee other than as a shareholder in a public registered company contracting therewith he shall thereupon cease to be a member of the School Committee.

**37. Proceedings of School Committee.**

The proceedings of every District School Committee shall be transacted at meetings the time and place for which shall have been previously fixed by such Committee or at meetings to be convened by the Chairman of such Committee and it shall be the duty of the Chairman to convene such meeting whenever he shall be requested in writing so to do by two or more members of such Committee or in the event of there being no Chairman or until the election of the Chairman or should the Chairman decline to convene the meeting as requested any two members of the Committee may convene a meeting of the Committee to be held at the time and place and for the purpose specified in a written notice to be sent to the residence of each member of the Committee.

**38. Election of Chairman.**

Every District School Committee shall at its first meeting elect one of its members to be Chairman thereof who shall preside at the meetings of the Committee and shall have an original and when the number of votes shall be equal also a casting vote thereat and such Chairman shall forthwith notify his election and his usual address to the Board Provided that if the aforesaid Chairman shall be absent from any meeting the members present shall elect one of their number to preside in his stead at such meeting and such presiding member shall have the same power at such meeting as the Chairman.

**39. Chairman to be removable.**

The Chairman of any District School Committee shall be removable by the Superintendent on the recommendation of the Board on a requisition to that effect signed by at least three-fourths of the members of such Committee being presented to him praying for such removal.

**40. Chairman ceasing to be member.**

If the Chairman shall cease to be a member of the District School Committee or shall by writing under his hand addressed to such Committee vacate the office of Chairman or shall be removed by the Superintendent the Committee shall at its next meeting thereafter elect another member to be Chairman in his stead.

**41. Questions how to be decided.**

All questions coming before the District School Committee shall be decided by a majority of the votes of the members present and there shall be no meeting of such Committee unless at least three members be present.

**42. Rates may be levied for erection of School buildings.**

If and whenever in any Educational District constituted under the provisions of this Ordinance the owners and occupiers of land and householders shall fail within a time to be limited for that purpose by the Board to contribute and pay to the Provincial Treasurer the amount which shall be fixed by the Board as the contribution of such District to the cost of the school buildings and of the acquisition of a suitable site together with time sum required as hereinafter mentioned for time purchase of books apparatus and fittings for the school or if and whenever it shall appear to the Board that additions or repairs to any school building in any Educational District are required and time owners occupiers of land and householders of such district shall fail within a time to be limited for that purpose by the Board to pay to the Provincial Treasurer the estimated cost of such additions or repairs a such proportion as the Board may direct to be paid by such owners occupiers of land and householders it shah be lawful for the Superintendent by proclamation in the Provincial Government Gazette to declare an uniform rate to be leviable upon the amount of the annual value of the property comprised within such district as stated in time Ratepayers Roll or Rolls of time Municipality or Road district or districts for the time being in force which are or shall be included either wholly or in part within the boundaries of such Educational District to be paid by the persons liable to pay rates in respect to such property for Municipal or Road Board purposes provided that such rates shall not exceed in any one year one shilling in the pound of the amount of such annual value.

**43. How payable and recoverable.**

The said rates shall be paid to time Superintendent or to such person or persons as he shall appoint within six weeks after the date of such proclamation and if the amount of such rate or any part thereof shall not be paid as aforesaid within the time prescribed the same shall be recovered as a debt at the suit of the Superintendent Provided always that it shall be lawful for the Superintendent to excuse from the payment of such rate any person whom he may deem unable through poverty to pay the same The amount of such rate when collected or recovered as aforesaid shall be paid into the Provincial Treasury and shall be applied in the first place in defraying the expenses of collecting such rate and subject thereto towards the erection of school buildings or additions or repairs to



any school buildings the acquisition of a site for a school and for the purchase of books apparatus and fittings for such school.

**44. Road Board to supply copy of Ratepayers' Roll of District.**

The Chairman of any Road Board within time Province shall on receiving a request to that effect in writing from the Superintendent supply the person or persons appointed under the foregoing clauses with a certified copy of the Ratepayer's Roll then in force in any such Road District or of such portion of the said Roll as may be required on receiving payment of the cost of preparing the same.

**45. District School Committee — Expenditure of Funds.**

Every District School Committee shall expend all money paid to it under any Ordinance of the Superintendent and Provincial Council in accordance with the provisions of such Ordinance and shall expend all money received by it arising from rates to be levied within the district and all other moneys received by it under this Ordinance in the maintenance and support of the school or Schools under its control and in accordance with such regulations as shall be framed by time Board for that purpose.

**46. Auditing of Accounts.**

Every District School Committee shall on or before the twenty-first day of October in each year submit its accounts made up to time 30th September in each preceding year to time two Auditors appointed by the preceding public meeting of persons qualified to vote in the district and it shall be the duty of the said Auditors to audit the same and their certificate shall be laid before the next annual meeting and a certified copy of such statement of accounts and certificate shall be transmitted by such Auditors to the Chairman of the Board.

**47. Transfer of moneys to succeeding Committee.**

Any moneys in the hands or under the control of any District School Committee at the expiration of its term of office shall be paid over by such Committee to its successor immediately after its election.

**48. Establishment of Schools, appointments of teachers and teachers' salaries.**

In every Educational District it shall be lawful for the District School Committee with the sanction of the Board and subject to the conditions hereinafter mentioned to establish one or more schools and to fix and determine the salary of the teacher or teachers and to appoint or dismiss the teacher or teachers of such school or schools and generally to have the management of such school or schools within the district Provided that the salary of male teachers in any schools of twenty children or upwards in average daily attendance not being assistant or pupil teachers shall be not less than £130 per annum and of female teachers not being pupil teachers not less than £60 per annum in all schools included in any Educational District.

**49. Qualification of Teachers.**

No appointment of any teacher shall be valid until such teacher shall have produced to the Board a certificate of qualification from Her Majesty's Committee of Privy Council on Education or from an Inspector of Schools appointed under the provisions of this Ordinance or from any Examiner or Examiners to be appointed by the Board and such other certificates of fitness as shall be required by any regulations of the Board and every appointment or dismissal of any teacher or any reduction made in his salary after being once fixed shall be subject to the sanction of the Board.

**50. Pupil Teachers.**

It shall be lawful for the Board to make and from time to time to alter rules and regulations for time examination training and employment of pupil teachers and to grant any moderate sum or sums of money in aid of time maintenance and education of such pupil teachers and time District School Committee may from time to time engage and employ one or more of such pupil teachers on such terms as the Board shall think fit.

**51. Grants in aid for school buildings.**

It shall be lawful for the Board to grant to any District School Committee or Commissioner appointed in accordance with the provisions of this Ordinance any sum not exceeding five-sixths of time estimated cost of time buildings fittings and apparatus required and the land required for a site or sites for the establishment of a school or schools in any district constituted under this Ordinance or the estimated cost of repairing or adding to any buildings fittings or apparatus that may already exist on time school site or the cost of increasing time area of time school site.

**52. Conditions upon which grants may be made.**

No aid shall be granted by time Board for the establishment of a new school unless

(1st) The site and plan of the buildings shall first have been approved of by time Board.

(2nd) The site or sites outside the limits of a town shall be at least one acre in extent The site or sites within the limits of a town shall be such as shall be approved of by the Board Provided that time school-buildings in any educational district may on the approval of the Board be placed on a site separate from time site of the master's house.

(3rd) The site or sites be previously vested in time Superintendent for the purposes of a school by a grant in fee.

(4th) There shall have been deposited in the Provincial Treasury a sum equal to one-sixth of the estimated cost of the buildings and site or the estimated cost of repairing or adding to any building that may already exist on the school site or the Superintendent shall have taken steps to levy the amount fixed by the Board in accordance with section 42 Provided that time proposed site and any building that may exist thereon and which may be deemed by the Board suitable for the purposes of a school may be accepted by them at an estimated value by way of payment or part payment of the contribution aforesaid.

**53. Insurance of School Buildings.**

The Board shall out of any moneys appropriated or to be appropriated by the Provincial Council for the purpose of education effect insurances on all school buildings erected on land vested in the Superintendent.

**54. Committee to have control of schoolroom.**

The District School Committee shall have absolute control over the schoolroom and shall determine the purposes for which it may be used at any time except in school hours.

**55. Householders in district to make yearly payment towards maintenance of school.**

Except as hereinafter provided no school fees shall be charged in any school in any Educational District receiving aid from the Board on account of any children receiving instruction therein but in lieu thereof there shall be paid yearly by every householder residing within a radius of three miles from the school in each such district a sum of Twenty Shillings and a further sum of Five Shillings for every child of such householder between time ages of six and thirteen years Provided always that no person shall be liable to pay in respect of his children a greater annual sum than Twenty Shillings nor for any child attending a school not receiving aid or receiving efficient instruction in some other manner to the satisfaction of the District School Committee Provided that such child be not incapacitated from receiving such instruction through any mental or physical infirmity and provided that proof of such infirmity be adduced to the satisfaction of time District School Committee.

**56. When and how payable.**

The said annual sum shall be paid by every such householder to some person or persons from time to time appointed by the Superintendent to receive the same at such time in each year and at such place within each Educational District respectively as shall be fixed by the Superintendent by public notice in some newspaper published and generally circulated within the Province not less than twenty-one days before the time appointed and every such person shall hold office during the Superintendent's pleasure and if the said sums or any part thereof respectively shall not be paid on or before such time the same may be recovered as a debt at the suit of the Superintendent Provided always that it shall be lawful for the Superintendent on the recommendation of the District School

Committee to excuse any person from the payment of such sums of money who may be deemed unable through poverty to pay the same.

**57. Moneys collected payable to Chairman of Committee.**

The person or persons so appointed to collect the sums of money shall after deducting such reasonable charge for collecting as may be authorised by the Superintendent pay over to the Chairman of the District School Committee the moneys collected or recovered by him.

**58. Proceeds of annual rate, how to be applied.**

After providing for the salary or salaries of the teacher or assistant teacher or teachers the sums received by the Committee shall be applicable to the purchase of books apparatus fittings the repair of buildings the fencing of the land annexed thereto and other incidental expenses.

**59. Fees to be paid in certain cases.**

Any child over the age of five years may attend any school which may be under the control of any District School Committee on payment in advance of such school fees as the Board of Education may by regulation determine not exceeding five shillings per quarter but nothing in this Section shall be construed as imposing any liability for school fees in respect of children between the ages of six and thirteen of any householder liable to pay or who shall have paid rates or fees under the provisions of Section 55 of this Ordinance.

**60. Board to pay sums for maintenance of school to Chairman of Committee.**

All sums payable by the Board for the maintenance of any school shall be paid to the Chairman of the Committee of the district in which such school shall be situate or his order.

**61. Teacher only to instruct.**

No person other than the teacher or teachers except as hereinafter provided shall be allowed to give instruction in any school.

**62. Religious Instruction permitted.**

The Committee of any school may set apart either one whole school day or two half school days in every week during which any Minister or Ministers of religion or person or persons appointed by them and approved by time Local Committee may impart religious instruction to such of the children on the books of the school as may belong to his or their religious denominations Provided that no child or children shall be allowed to attend at such instruction except on a written request to that effect addressed to the teacher by the parents or guardians of such child or children.

**63. Board may make special grants to certain school.**

It shall be lawful for the Board notwithstanding anything hereinbefore or herein after provided to grant any sum or sums of money in aid of the efforts made by private individuals or associations for the promotion of education in localities in which from the smallness or scattered position or the unsettled nature of the population no Educational District shall have been constituted.

**64. Provision for physical and military drill.**

In any of the schools subject to the provisions of this Ordinance as the Board of Education shall from time to time direct provision shall be made for physical training and instruction in military drill The training and drill shall be such and be conducted and taught in such manner as shall from time to time be prescribed in regulations to be made by the Board.

**65. Quarterly returns to be made.**

It shall be the duty of the Chairman of every Committee of any school district to transmit to the Chairman of the Board within one week from the termination of every quarter returns according to forms to be supplied by the Board of the number of children on the books of the respective schools the average attendance the amount of fees if any paid and due the scale of such fees and such other particulars with regard to time condition of the school as the Board shall require.

**66. Inspection of schools.**

It shall be lawful for the Board or any member or members thereof or any officer of the Board or any other person authorised by the Board to enter any school receiving aid during school hours for the purposes of inspection or otherwise.

**67. Expulsion of children.**

It shall be lawful for the teacher in any school established or maintained under the provisions of this Ordinance to expel or forbid the attendance of any child for want of cleanliness or who may be likely to communicate any contagious disease or who from gross misconduct or incorrigible disobedience may be considered an injurious or dangerous example to the other scholars the parent or guardian of such child having a right of appeal first to the School Committee and finally to the Board.

**68. Branches of Instruction.**

In all Schools aided by time Board the system of elementary education shall comprise reading writing spelling arithmetic geography history sacred and profane and English grammar Provided that no child shall be compelled to be present at the teaching of history whose parents or guardians shall object thereto Provided also that instruction in any other subjects may be given in any such schools and fees may be clmarged for the same in accordance with the regulations to be framed by the Board such fees to be payable to the District School Committee.

**69. In case of provisions of Ordinance being contravened in respect to any school, or incompetency or negligence of any teacher, Board may carry out provisions payable to such school monies expended by it in so doing.**

In any case where it shall appear to the Board that any of the provisions of this Ordinance have been contravened in respect of any school established under the provisions of this Ordinance or where the site buildings or premises of such school are insufficient or otherwise unsuitable or where the school apparatus is defective or where the school is generally inefficiently conducted it shall be lawful for the Board to take all measures and do all acts which shall be necessary to carry out the provisions of this Ordinance and to remedy all such defects as aforesaid in such school.

**70. Depôt of books and apparatus.**

There shall be a depôt of school books and apparatus under the charge of the Chairman of the Board and the Committee of every school aided by the Board shall purchase at the said depôt the books and apparatus required for the use of such schools at such prices as shall be fixed by the Board and the proceeds of such sales shall from time to time after payment of the expenses connected with the said depôt be expended in the purchase of supplies of such books and apparatus.

**71. Accounts to be audited.**

All accounts of the Board and of any Commissioner appointed under the provisions of this Ordinance shall be audited yearly by the Provincial Auditor.

**72. Rates, &c., recoverable at suit of Superintendent.**

All rates and other sums of money made payable by this Ordinance shall be recoverable at the suit of the Superintendent.

**73. Rates, &c., payable prior to passing of this Ordinance recoverable at suit of Superintendent.**

All rates and other sums of money made payable under the authority or provisions of the Ordinances hereby repealed shall be paid received and recovered in like manner as the same might have been paid received and recovered if this Ordinance had not been passed.

**74. Householder.**

The term Householder in this Ordinance shall mean every person who as owner tenant lessee or occupier occupies uses or resides in any dwelling-house warehouse shop or other building in any Educational District or every parent or guardian who is liable to maintain or has the actual custody of any child Provided that nothing herein contained shall be deemed in any way to affect any dwelling-house the property of Her Majesty or in the occupation of the Crown or Government of the Colony.

## **75. Commencement of Ordinance.**

This Ordinance shall come into operation upon and after the first day of July one thousand eight hundred and seventy-three.

## **10. The Canterbury Sheep Ordinance Amendment Ordinance 1873.**

Whereas it is expedient to amend "The Canterbury Sheep Ordinance 1872."

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

### **1. Repealing Clause.**

Section 50 of the said recited Ordinance shall be and is hereby repealed.

### **2. Title.**

This Ordinance shall be intituled and may be cited as "The Canterbury Sheep Ordinance Amendment Ordinance 1873.

## **11. The Public Domains Ordinance 1873.**

[16<sup>th</sup> June 1873.]

Whereas by an Act of the General Assembly of New Zealand in Parliament assembled intituled "The Canterbury Public Domains Act 1872" It is enacted that the Superintendent and Provincial Council of Canterbury may from time to time by Ordinance to be passed in that behalf declare (inter alia) that any lands which have been or may hereafter be vested in the said Superintendent for the purposes of public domains gardens or recreation grounds shall from and after a date to be determined by such Ordinance be held to be under the operation of the said Act and after the date fixed in any such Ordinance the lands specified therein shall be subject to the provisions of the said Act And whereas the lands particularly described in the schedule to this Ordinance are vested in the said Superintendent for the purposes aforesaid or some of them: And whereas it is expedient to bring the said Act into operation as to the said lands:

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

**1. Lands described in Schedule to be held to be under operation of Act on and after 1<sup>st</sup> July 1873.**

It is hereby declared that the lands described in the schedule to this ordinance shall from and after the first day of July 1873 be held to be under the operation and subject to the provisions of the said Act of the General Assembly of New Zealand.

**2. Title.**

This Ordinance shall be entitled and may be cited as "The Public Domains Ordinance 1873."

**Schedule.**

**Description of reserve No. 74 (in red), being a site for a Public Recreation Ground**

All that parcel of land situate in the Mandeville, in the Province of Canterbury, containing 15 acres and 82 perches, more or less, commencing at a point on the North Road, the same being the north-west corner of section No. 388 E., following along the said road in a northerly direction a distance of 19 chains, and running back easterly a distance of 8 chains in a rectangular block, and numbered 74 in red on the map of the Chief Surveyor of the Province of Canterbury setting out and describing the rural land in the Mandeville district aforesaid.

**Description of reserve No. 1252 (in red), being a site for a Public Recreation Ground and Racecourse**

All that parcel of land in the Province of Canterbury, in the Colony of New Zealand, situate in the Malvern district, containing by admeasurement one hundred acres, more or less, commencing at a point on the north-eastern side of the Coal Tramway Reserve, the said point being the westernmost corner of section 14381; thence north-westerly following the said reserve a distance of eleven chains sixty links; thence northerly following the road forming the eastern boundary of Reserve No. 1248 (in red) thirty-four chains eleven links; thence easterly along the southern boundary of section No. 9256, a distance of twenty-seven chains seventy-five links to the high bank of an old river bed; thence south-easterly following the said high bank to a point in line with the north-western boundary of the said section No. 14881, and from thence returning south-westerly along the said line and boundary forty-two chains ten links to the commencing point, and numbered 1252 (in red) on the map of the Chief



Surveyor of the Province of Canterbury, setting out and describing the rural land in the Malvern district aforesaid.

## **12. The Canterbury Roads Amendment Ordinance 1873.**

[16<sup>th</sup> June 1873.]

Whereas it is expedient to amend "The Canterbury Roads Ordinance 1872" Be it therefore enacted by the Superintendent of the Province of Canterbury by and with the consent of the Provincial Council as follows:

### **1. Vacancies caused by members of Board being ousted from office by judgment of R.M. Court, how to be filled.**

Whenever any person declared elected to be member of the Board of any district has been adjudged by any Resident Magistrates Court under "The Highway Boards Empowering Act 1871" to be ousted of his office as such member the Chairman of the Board or if there be no Chairman the Superintendent shall forthwith by public notice call a meeting of the ratepayers of the district or subdivision as the case may be to elect a member to fill the vacancy in the Board caused by such ouster and the member so elected shall continue in office so long only as the member would have continued in whose place he shall have been so elected Every such election shall be conducted in the manner provided by the said Ordinance.

### **2. Title.**

This Ordinance shall be read and construed as part of the "Canterbury Roads Ordinance 1872" and be intituled "The Canterbury Roads Amendment Ordinance 1873."

## **13. The Reserve No. 304 Ordinance 1873.**

[June 1873.]

Whereas by a Grant from the Crown bearing date the twenty-fourth day of July 1865 the parcel of land described in Schedule to this Ordinance annexed was inter alia conveyed and assured unto and to the use of the Superintendent of the Province of Canterbury his successors and assigns for ever subject to the

provisions of "The Public Reserves Act 1854" in trust as a gravel pit. And whereas it is expedient that provision should be made for the sale of the said land:

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

**1. Superintendent may sell the land described in the annexed Schedule.**

The Superintendent of Canterbury may sell the fee simple of Superintendent may sell the land described the said parcel of land described in the schedule hereto freed and discharged of the said recited grant and all trusts upon which the same was immediately before the passing of this Ordinance held by him and may grant and convey the same to the purchaser or purchasers thereof.

**2. Title.**

This Ordinance shall be intituled and may be cited as "The Reserve No. 304 Ordinance 1873."

**Schedule.**

All that piece or parcel of land being part of Reserve No. 304 (in red) containing by admeasurement eighteen acres two roods more or less commencing at the northernmost corner of Reserve No. 314 (in red) thence north-easterly following a line in continuation of the north-eastern boundary of the latter reserve to its intersection by the reserve for the Rolleston and Southbridge Railway thence north-easterly following that reserve to the north-eastern boundary of reserve No. 304 above mentioned and from thence returning along the north-eastern north-western and south-western boundaries thereof to the commencing point.

**14. The Diversion of Roads Special Ordinance No. 2, 1873.**

[18<sup>th</sup> June 1873.]

Whereas by an Act of the General Assembly of New Zealand intituled "The Highways and Watercourses Diversion Act, 1858" it is enacted that it shall be lawful for the Superintendent of any Province with the advice and consent of the Provincial Council thereof by any law or Ordinance to be made or ordained for that purpose to authorise and empower the Superintendent to divert or stop up any public street road highway or thoroughfare in any such Province and also to exchange the land over which any such public street road highway or thoroughfare was laid out or passed And also that it should be lawful for the

Governor in the name and on behalf of Her Majesty to make and execute Crown Grants of any land which should be so exchanged.

And whereas by an Act of the General Assembly of New Zealand intituled "The Provincial Council Powers Extension Act 1865" it is enacted that it shall be lawful for the Superintendent and Provincial Council of any Province and notwithstanding the restriction contained in the Tenth Sub-section of the Nineteenth Section of the Constitution Act to ordain or pass any Law or Ordinance which but for such restriction might have been ordained or passed by such Superintendent and Council affecting any part of the Waste Lands of the Crown within the Province which then was or thereafter should be a public street road highway or thoroughfare.

And whereas it is for the public benefit that the parcels of land described in the first column of the Schedule hereto should become a public highway in lieu of the parcels of land described in the second column of the said Schedule and that the last-mentioned parcels of land should cease to be a public road and should be granted in exchange for the first-mentioned parcels of land in manner hereinafter mentioned:

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

**1. Public road passing over parcels of land described in second column of Schedule shall be stopped up.**

When and so soon as all the parcels of land described in the first column of Schedule hereto shall have been conveyed to the Superintendent and his successors for a public road the same shall be and remain for ever a public highway and a public highway passing over the parcels of land described in the second column of the said Schedule shall be stopped up.

**2. Parcels of land described in second column of Schedule shall be granted to persons conveying parcels of land described in first column.**

When and so soon as all the parcels of land described in the first column of the Schedule have been so conveyed each parcel of land described in the second column of the said Schedule shall be granted in fee to the person or persons severally conveying the parcels of land in the first column in exchange for the land conveyed by them.

**3. Title.**

This Ordinance shall be intituled and may be cited as "The Diversion of Roads Special Ordinance No. 2 1873."

**Schedule.**

<b>First Column.</b>	<b>Second Column.</b>
All that piece or parcel of land 1 chain	All that piece or parcel of land 1 chain

<p>wide containing by admeasurement 37 acres 2 roods (more or less) commencing at a point on the Rakaia Road south situate about 7 chains west of the south-eastern corner of section 15380 and running in a north-westerly direction partly through sections 14808 7314 7325 14576 7324 and 7245 a distance of about 4 miles 56 chains and more particularly delineated and described on the plan hereunto annexed and coloured red thereon.</p> <p>Also all that piece or parcel of land 1 chain wide containing by admeasurement 18 acres 2 roods (more or less) commencing at the termination of the road above described within section 7245 and running in a westerly direction partly through sections 7245 and 7244 a distance of about 2 miles 26 chains to a point on the Rakaia Road south situate about 30 chains west of the intersection of that road by the continuation of the road separating sections 15580 and 15582 and more particularly delineated and described on the plan hereunto annexed and coloured blue thereon.</p>	<p>wide being that portion of the Rakaia Road south containing by admeasurement 55 acres 3 roods (more or less) commencing at a point on the southern boundary of section 15380 situate about 7 chains west of the south-eastern corner thereof and running in a north-westerly direction a distance of about 6 miles 78 chains to a point about 30 chains west of the intersection of the above-mentioned road by the continuation of the road dividing sections 15580 and 15582 save and except that portion of the latter road which crosses the above-described land and leads to the River Rakaia.</p> <p>All that piece or parcel of land 1 chain wide containing by admeasurement 2 acres 2 roods (more or less) being that portion of the road within H. P.R. on Run No. 116 branching from the Rakaia Road south and running in a south-westerly direction a distance of about 26 chains to the proposed diversion of road running through section 7324 which said roads proposed to be abandoned and more particularly delineated and described on the plan hereunto annexed and coloured yellow thereon.</p>
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**15. The Reserve No. 424 Ordinance 1873.**

Whereas by grant from the Crown bearing date the Fourth day of December One thousand eight hundred and seventy-two all that piece or parcel of land in the Province of Canterbury in the Colony of New Zealand situate in the Malvern District and containing by admeasurement four hundred and forty-seven acres

more or less being Reserve numbered 424 (in red) on the Map of the Chief Surveyor of the Province of Canterbury setting out and describing the rural land in the Malvern District aforesaid was granted unto the Superintendent of the Province of Canterbury and his successors in trust for the uses of the Provincial Government and particularly as a Depôt for Police purposes: And whereas it is expedient to appropriate or set apart that portion of the said Reserve described in the Schedule hereto as a site for a telegraph office and for other purposes of public utility connected with the administration of the General Government of New Zealand.

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

**1. Power given to Superintendent to surrender to the Crown the parcel of land comprised in the annexed Schedule.**

The specific purposes of public utility for which all that parcel of land described in the Schedule hereto are held shall be and the same are hereby changed and such land shall be appropriated as a site for a telegraph office and for other purposes of public utility connected with the administration of the General Government of New Zealand and it shall be lawful for the Superintendent to surrender such land to the Crown.

**2. Title.**

This Ordinance shall be intituled and may be cited as "The Reserve No. 424 Ordinance.

**Schedule.**

Ten acres (more or less) situate in the Malvern District being part of Reserve No. 424 (in red) commencing at the northernmost corner of the said Reserve thence south-easterly following the Coal Tramway Reserve a distance of nine chains eighty five links thence south-westerly at a right angle a distance of ten chains thence again at a right angle north-westerly following a straight line to the road forming the north-western boundary of the Reserve above-mentioned and from thence returning along the said road to the commencing point.

**16. The Appropriation Ordinance 1873.**