

## **Session III 1854 (October 1854 to February 1855)**

### **1. The Provincial Council Extension Ordinance 1854.**

Title.

Preamble.

1. Provincial Council to consist of twenty-four Members.
2. Superintendent to cause Writs to be issued for the Election of twelve additional Members.
3. After next Dissolution, certain provisions of the Proclamation of 5th March to be null and void.
4. Province to be divided into seven Districts.
5. Number of Members to be elected for each.
6. Superintendent to appoint Returning Officer.
7. Returning Officer to notify places where claims are to be sent in.
8. Superintendent to appoint latest day for receiving claims.
9. Judge of Supreme Court to appoint Revising Officers.
10. Notice of Objections may be served on wife or servant.
11. Time of Ordinance coming into effect.
12. Interpretation of the word "Governor."
13. Title.

An Ordinance to Enlarge the Provincial Council, and to Alter the Electoral Districts of the Province of Canterbury.

#### **Notes.**

*This Ordinance was passed by the Provincial Council on 21st November, 1854, and reserved for the Governor's assent, and given by him on 29th December 1854. It was repealed by the "Provincial Council Extension Ordinance," Session VIII., No. 8, [1857].*

*The full text of this Ordinance was not included in the Volume of Ordinances published by Charles Lucas, the Official Printer of the Canterbury Provincial Government.*

## **2. The Scab And Catarrh Ordinance 1854.**

Title.

Preamble.

1. Repealing Scab and Catarrh Ordinance, Sess. 1., No. 9.
2. Penalties for driving Scabby Sheep.
3. Separate Informations may be laid by every person whose Run is crossed, &c.
4. Notice to be given to Occupier of an intention to drive Sheep through his Land or Run.
5. Diseased Sheep to be kept further than half-a-mile from boundary of Run.
6. Scabby Sheep to be branded S.
7. All Sheep to be branded.
8. All Sheep-brands to be Registered.
9. Superintendent may appoint a Registrar of Brands, &c.
10. Penalty for using the Registered Brand of another.
11. Penalty for Branding Sheep without leave of Owner.
12. Brand to be prima facie evidence of ownership.
13. Persons having Scabby Sheep to be fined.
14. Justices to order Examination of Scabby Sheep.
16. Penalties for resisting Inspection.
17. Justices may order Sheep to be herded and yarded.
18. Saving any other remedies at Law to persons suffering damage.
19. Sheep dying of Catarrh to be burnt or buried.
20. Sheep dying of Catarrh not to be thrown into any stream or other water.
21. Penalty for slaughtering Diseased Sheep.
22. Penalty for landing Sheep before Inspection.
23. Penalty for introducing Sheep by Land before inspection.
24. Penalty for Landing Diseased Sheep.
25. Landing on Quarantine Ground.
26. Quarantine Ground in lawful occupation of Owner of Sheep thereon.
27. Appointment of Inspectors.
28. All Sheep in a flock infected where one is so.
29. Proceedings to be under "Summary Proceedings Ordinance."
30. Interpretation.
31. Title.

### **Notes.**

*This Ordinance was passed by the Provincial Council on 24th November, and assented by the Superintendent on 11th December, 1854. It was repealed by Sheep Ordinance, Session X., No. 9., [1858.]*

*The full text of this Ordinance was not included in the Volume of Ordinances published by Charles Lucas, the Official Printer of the Canterbury Provincial Government.*

### **3. The Auctioneers' Ordinance 1855.**

Whereas an Ordinance was passed by the Governor and Legislative Council of New Zealand, entitled "An Ordinance for Licensing Auctioneers, Session II., No. 13.": And whereas a similar Ordinance was passed entitled "An Ordinance to amend an Ordinance for Licensing Auctioneers, Session III., No. 10.": And whereas it is desirable that the said recited Ordinances should be repealed, and that further provisions should be made for regulating the issue of Auctioneers' Licenses within the Province of Canterbury:

Be it enacted by the Superintendent of the Province of Canterbury, by and with the advice of the provincial Council thereof, as follows:—

#### **1. Former Laws Repealed.**

From and after the day when this Ordinance shall come into operation, the above recited Ordinances shall be, and the same are hereby repealed within the said Province.

#### **2. Provincial Treasurer to issue Auctioneers' Licenses.**

The Provincial Treasurer shall issue an Auctioneers' License to any person who shall, at any time during the year, on applying for the same, pay into his hands the sum of forty pounds sterling.

#### **3. Form of License.**

Every such License shall be in the form in Schedule A hereunto annexed; and shall commence from the date of the issue thereof, and shall be in force until the expiration of the Thirtieth day of June next ensuing: Provided always, that it shall be lawful for the Provincial Treasurer to issue, in accordance with the Provisions of this Ordinance Licenses which shall commence on the Twenty-fifth day of April next one thousand eight hundred and fifty-five, and shall be in force until the expiration of the Thirtieth day of June, one thousand eight hundred and fifty-six, and for which a fee of forty-seven pounds eight shillings shall be payable.

#### **4. Treasurer to publish names of Licensees.**

Within ten days after the issuing any such License, the Provincial Treasurer shall notify the same in the "Government Gazette" of the Province, or in some newspaper published therein, and shall, at the same time, publish the name, place of abode, and calling of the Licensee.

#### **5. No auctioneer to sell by artificial light.**

If any person so licensed shall exercise his business or calling of an Auctioneer by any artificial light, or after the hour of five o'clock in the afternoon, from April to September inclusive, or after the hour of seven o'clock in the evening during the

residue of the year, he shall forfeit and pay for every such offence any sum not exceeding fifty pounds sterling.

**6. Auctioneers may act as sworn appraisers.**

All Auctioneers licensed under this Ordinance shall be deemed competent and duly authorized to act as sworn Appraisers in the cases of distress for rent, and all appraisements so made by them shall be deemed to satisfy the requirements of the Statutes in that behalf.

**7. Penalty for selling without License.**

If any person, not being duly licensed under the provisions of this Ordinance, shall sell any estates, goods or effects by way of public auction or tender, or in any way whereby the highest Bidder shall be deemed the Purchaser, either by public sale or otherwise, he shall forfeit and pay for every such offence a sum not less than ten pounds nor more than one hundred pounds sterling.

**8. Proof of being licensed to lay on person selling.**

In all proceedings taken against any person for having acted as an Auctioneer without License, such person, unless he shall produce a License proving to have been duly licensed at the time at which the alleged offence shall have been committed, or shall bring other satisfactory proof to that effect, shall be deemed to have been unlicensed.

**9. Application of penalties.**

All fines and penalties recovered under this Ordinance shall after deducting the charges of prosecution, be given and paid as follows: that is to say, two-thirds to the Provincial Treasurer, on behalf of her Majesty, her heirs and successors, for the public uses of the Province of Canterbury, and the remaining one-third to any person or persons who shall give information leading to the prosecution, in such portions as the Court shall, in their discretion, think proper.

**10. Customs and Government sales, and sales by distress excepted.**

Nothing herein contained shall extend to any sale by order of the Governor of New Zealand, or of the Superintendent of the Province, or of any Collector or Sub-Collector of Customs, or to any sale of any vessel, or the apparel, stores, or cargo of any vessel which may be taken and condemned as a prize and sold for the benefit of the captors, or to any sale of goods distrained for rent, or by order of any Justices of the Peace.

**11. Fines to be recovered by summary proceeding at suit of an Officer of Government.**

All fines and penalties imposed hereby shall be sued for and recovered in a summary way, but at the instance only and in the name of the Treasurer or the Provincial Solicitor or other person lawfully acting in that behalf.

**12. Sub-Treasurers to act as Treasurers.**

For the purposes of this Ordinance the term Provincial Treasurer shall be taken to include Provincial Sub-Treasurers.

**13. Commencement of Ordinance.**

This Ordinance shall come into operation on the Twenty-fifth day of April next, in the year of our Lord one thousand eight hundred and fifty-five.

**14. Title.**

This Ordinance shall be entitled and may be cited as "The Auctioneers' Ordinance," Session III., No. 3, in the year of our Lord one thousand eight hundred and fifty-five.

**Notes.**

*This Ordinance was passed the Provincial Council and assented to by the Superintendent, JE Fitzgerald, on behalf of the Governor, on 14th February, 1855. It was repealed by the Auctioneers' Act 1891.*