

## **Session XVII 1861**

(October 1861 to January 1862)

### **1. The Third English Agent's Ordinance 1861.**

Whereas an Ordinance was passed by the Superintendent and Provincial Council of the Province of Canterbury, entitled "The English Agent's Ordinance, Session II., No. 1:" And Whereas such Ordinance was amended by an Ordinance passed by the Superintendent and Provincial Council of the Province of Canterbury, entitled " The Second English Agent's Ordinance, Session VI., No. 1:" And Whereas it is expedient that the above recited Ordinances should be repealed, and that certain provisions therein contained should be amended, and should be consolidated into one Ordinance:

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

#### **1. Repeal former Ordinances.**

The above recited Ordinances are hereby repealed.

#### **2. English Agent constituted.**

There shall be an Agent in the United Kingdom for the Province of Canterbury, to be from time to time nominated and appointed by the Superintendent and Provincial Council of the said Province.

#### **3. All Correspondence to be conducted by the Superintendent and laid before the Provincial Council.**

All Correspondence with the said Agent shall be conducted on the part of the Province by the Superintendent, with the advice and consent of the Executive Council; and all Communications from the Superintendent, or from the said Agent, shall be laid before the Provincial Council within ten days after the receipt or dispatch of the same; or, if the Provincial Council be not then sitting, within ten days after the opening of the next Session thereof.

#### **4. Agent to enter into Contracts, &c., under Instructions.**

It shall be lawful for the said Agent to enter into all such Contracts, and generally to do all such things on behalf of the said Province and of the Government

thereof as he shall, from time to time, be authorised to enter into or to do, by Instructions, under the hand of the Superintendent, issued by the advice of the Executive Council of the said Province.

**5. Agent to appoint Successor in certain cases.**

It shall be lawful for the said Agent at any time to resign such his office, by writing under his hand, addressed to the Superintendent of the said Province; or in case the said Agent shall be unable, by reason of illness or of continued absence from the United Kingdom, to fulfil the duties attached to the said office, it shall also be lawful for the said Agent to resign such his office, and, by writing, under his hand, to appoint some fit person in his stead; and such person shall be taken and deemed to be the Agent, as though he had been appointed by an Ordinance, as hereinbefore required: Provided that every such appointment shall cease and determine twelve months after the date thereof, unless it shall be allowed and confirmed by an Ordinance of the Superintendent and Provincial Council.

**6. Agent to appoint Counsel.**

It shall be lawful for the said Agent to appoint and employ Counsel, Attorneys, Solicitors, or Agents, to appear and act on behalf of the said Province in any matter pending before the High Court of Parliament, or any other Court of Judicature, or upon any other occasion whatsoever, in the United Kingdom, touching the affairs of the Province.

**7. Henry Selfe Selfe, Esq., to be the Agent.**

Henry Selfe Selfe, Esq., shall be, and he is hereby appointed the Agent in the United Kingdom for the Province of Canterbury.

**8. Title.**

This Ordinance shall be entitled and may be cited as " The Third English Agent's Ordinance, Session XVII., No. 1."

**2. The Housekeepers Ordinance 1861.**

Whereas it is expedient that the sale of Fermented and Spirituous Liquors by the Housekeeper for the time being at the Provincial Government Buildings, in the city of Christchurch, should be allowed at certain times:

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

**1. It shall be lawful for the Housekeeper to sell liquors to Members and Servants of the Provincial Council during Session.**

It shall be lawful for the Housekeeper, for the time being, resident in the Provincial Government Buildings, in the city of Christchurch, any Act or Ordinance to the contrary notwithstanding, to sell spirituous or fermented liquors to any Member of the Provincial Council, or to any Officer or Servant of the same, during a Session of said Council, but at no other time.

**2. Title.**

This Ordinance shall be entitled, and may be cited as "The Housekeeper's Ordinance, Session XVII., No. 2."

**3. The Dog Nuisance Ordinance 1861.**

Whereas it is expedient to repeal "An Ordinance to Abate the Dog Nuisance," passed by the Lieutenant Governor of New Munster and the Legislative Council thereof:

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

**1. Repealing Clause.**

The above-recited Ordinance is hereby, so far as regards the Province of Canterbury repealed.

**2. All dogs to be registered.**

The Owner of any dog or dogs, three months only or upwards, shall, on the First day of May, one thousand eight hundred and sixty-two, and on the First day of May in every succeeding year, register the same in a book to be kept for that purpose, at such of the following places, viz: the Office of the Resident Magistrate at Christchurch, Lyttelton, Kaiapoi, Timaru, the Police Office, Rangiora, or such other places as the Superintendent shall, from time to time, by Proclamation appoint, as may be nearest to his place of abode: Provided that the Owner of any dog or dogs shall be liberty to register the same at any other period of the year.

**3. Fee for registration.**

For the registration of any such dog the sum of Ten Shillings shall be paid to such person as shall be duly authorized by the Superintendent in that behalf, by Proclamation in the Government Gazette of the said Province: And such person shall, in return for the registration fee, supply to each individual a registration

badge, upon which the registered number shall be stamped, and which badge shall be attached to a collar to be worn upon the neck of the dog so registered.

**4. Entry to be made, and open for inspection in Registry Book.**

In the Registry Book shall be entered the name and designation of the Owner, the name and description of the dog, the number of the badge, and the date of registration; and the Registry Book shall be open to inspection at the offices above mentioned during office hours.

**5. Penalty for making or using counterfeit badge.**

If any person shall falsely make or counterfeit, or knowing the same to be false or counterfeit, purchase, use, or have in his possession any badge resembling the badge provided under the Third Clause of this Ordinance, he shall forfeit and pay for every such offence a sum not exceeding Ten Pounds, nor less than Five Pounds.

**6. Penalty for possession of unregistered dog.**

Any person maintaining or having in his following any dog, three months old, unregistered, shall be liable to a penalty of not less than One Pound, and not more than Five Pounds.

**7. Penalty for using badge of any preceding year.**

Any person having in his following any dog wearing a badge issued in any previous year, and which dog shall not have been registered for the then current year, shall be liable to a penalty of not exceeding Five Pounds.

**8. Dog in certain cases may be destroyed.**

All unregistered dogs, or any dogs at large without the badge of registration, wheresoever found, and all dogs, whether registered or unregistered, which may be found molesting cattle, sheep, pigs, or other live stock, and which shall not be at the time at which they may be so found in the following or charge of any person, may be destroyed.

**9. Evidence as to character of dog not required in seeking damages, but may be pleaded in extenuation.**

In all cases where damages for injury done by a dog to be recovered from the Owner, it shall not be necessary for the Plaintiff to prove that the Owner knew of the dog's propensity to commit the injury complained of, but the Defendant may bring evidence to show that he had no reason to believe that his dog was likely to commit such injury, and the evidence may go in mitigation of damages.

**10. Onus of proof to lie upon Owner of the dog.**

In any proceedings under this Ordinance, the onus of proof shall lie upon the Owner of the dog.

**11. All fees to be paid to the Provincial Treasurer.**

All fees accruing under this Ordinance shall be paid to the Provincial Treasurer of the said Province for the time being.

**12. Fines and penalties are recoverable in a summary way.**

All fees, fines and penalties levied under this Ordinance, shall be recoverable in a summary way.

**13. Title.**

This Ordinance shall be entitled, and may be cited as "The Dog Nuisance Ordinance, Session XVII., No.3."

**Notes.**

*Passed by the Provincial Council on 12th November 1861, and assented by the Superintendent, on behalf of the Governor, on the 12th December 1861.*

**4. The Provincial Council Extension Ordinance 1861.**

Whereas by an Act of the Imperial Parliament passed in the Fifteenth and Sixteenth Years of the Reign of Her Majesty Queen Victoria entitled "An Act to Grant a Representative Constitution to the Colony of New Zealand" it was enacted that it should be lawful for the Governor by proclamation to constitute within each of the Provinces by the said Act established convenient Electoral Districts for the Election of Members for the Provincial Council and of the Superintendent and to appoint and declare the number of Members to be elected for each such District for the Provincial Council and to make provisions for the registration and revision of lists of all persons qualified to vote at the elections to be holden within such districts: And whereas the then Governor of New Zealand did accordingly by a proclamation bearing date the fifth day of March One thousand eight hundred and fifty-three constitute certain Districts for the Election of the Superintendent and Members of the Provincial Council of the Province of Canterbury and did appoint and declare the number of Members to be elected to serve in the Provincial Council for each of the said several Districts and did further make certain provisions for the registration and revision of the lists of persons qualified to vote as aforesaid: And whereas by an Ordinance of the Superintendent and Provincial Council of the said Province entitled " The Provincial Council Extension Ordinance Session III. No. 1 " certain provisions of the said proclamation were repealed and certain other provisions enacted in lieu thereof: And whereas by an Ordinance of the Superintendent and Provincial Council entitled "The Provincial Council Extension Ordinance Session VIII. No.

8" the said last recited Ordinance was repealed and certain other provisions were enacted in lieu thereof: And whereas by an Ordinance of the Superintendent and Provincial Council entitled "The Provincial Council Extension Ordinance Session XVII. No. 4" the above recited Ordinances were repealed and certain other provisions were enacted in lieu thereof And whereas it is expedient that the said recited Ordinances should be repealed and that the provisions of the said proclamation should be further amended And whereas by an Act of the General Assembly of New Zealand entitled "The West Coast Gold Fields Provincial Representation Act 1865" it was enacted that two Members should be returned to the Provincial Council of the Province of Canterbury as Representatives of the West Coast Gold Fields and that the said Act should remain in force until provision should have been made by an Ordinance of the Superintendent and Provincial Council of the said Province for the due representation of the West Coast Gold Fields in the said Provincial Council and that from and after the day on which such Ordinance should have received the Governor's Assent the said Act should cease to have any force or effect whatever And whereas it is expedient that such provision should be made and that the said Act should accordingly cease to have any force or effect:

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

**1. Repealing Clause.**

The said recited Ordinances of the Superintendent and Provincial Council are hereby repealed.

**2. Certain provisions of Proclamation of his Excellency the Governor to be null and void.**

The provisions made in the said Proclamation by the Governor of New Zealand under the authority of the said recited Act of the Imperial Parliament in respect to the number and extent of the said Districts the number of Members of the Provincial Council to be elected for each District so far as the said provisions are repugnant to or interfere with the operation of this Ordinance shall be and they are hereby declared to be void and of no effect.

**3. Province to be divided into twenty districts.**

The Province of Canterbury for the election for the Superintendent and the Members of the Provincial Council thereof shall be divided into Twenty Districts to be named as follows:—

1. The Sefton District
2. The Oxford District
3. The Rangiora District
4. The Town of Kaiapoi District
5. The Mandeville District
6. The City of Christchurch District
7. The Avon District

8. The Town of Lyttelton
9. The Heathcote District
10. The Lincoln District
11. The Port Victoria District
12. The Town of Akaroa
13. The Wainui District
14. The Bays District
15. The Rakaia District
16. The Ashburton District
17. The Geraldine District
18. The Town of Timaru District
19. The Waitangi District
20. The Mount Cook District

And the boundaries of the said Districts shall be those particularly described in the schedule hereunto annexed.

**4. Number of Members to be elected for each district.**

The Provincial Council shall consist of Forty-four Members and the number of Members to be elected for each of the said several Districts shall be as follows:—

1. For the City of Christchurch, four Members
2. For the Town of Lyttelton, four Members
3. For the Town of Kaiapoi, one Member
4. For the Mandeville District, two Members
5. For the Rangiora District, one Member
6. For the Avon District, four Members
7. For the Heathcote District three Members
8. For the Lincoln District, two Members
9. For the Port Victoria District, two Member
10. For the Town of Akaroa, one Member
11. For the Wainui District, one Member
12. For the Bay's District, one Member
13. For the Oxford District, one Member
14. For the Sefton District, two Members
15. For the Rakaia District, one Member
16. For the Ashburton District, one Member
17. For the Geraldine District, one Member
18. For the Waitangi District one Member
19. For the Mount Cook District one Member
20. For the Town of Timaru one Member

**5. The Ordinance, when to come into force.**

This Ordinance shall come into operation on the day of the next dissolution of the Provincial Council.

## **6. Title.**

This Ordinance shall be entitled and may be cited as "The Provincial Council Extension Ordinance, Session XVII., No. 4."

## **Schedule**

### **1. The Sefton District**

The Sefton District comprises that part of the Province bounded on the north by the Province of Nelson ; on the east by the sea; on the south and west by the south bank of the river Ashley to its source at Ashley Head, the ridge of the hills, thence to Esk Head and Snowy peak, and a straight line thence to the saddle dividing the head waters of the Hurunui from those of the Teremakau.

### **2. The Oxford District**

The Oxford District comprises that part of the Province bounded on the north and east by the Province of Nelson, the Sefton district, and a true north and south line drawn through trig. pole c.30; on the south by the south bank of the river Waimakariri or Courtenay to the head waters of its westernmost source, and a true west straight line drawn thence to the West Coast, on the west by the sea.

### **3. The Rangiora District**

The Rangiora District comprises that part of the Province bounded on the north by the Sefton district; on the west by the Oxford district, on the south by the centre of the Harewood road from a point where it intersects the west boundary of the district to a point where it meets a road lying on the south-west boundary of section No. 1728, the middle of that road to the corner of section 1631, the middle of the road lying on the boundaries of sections 1631, 1539, and 1508, to the northwest corner of 1029, point where it meets South Brook, and the middle of South Brook to the west boundary of the native reserves; on the east by the boundary of the native reserve, the middle of a road lying on the southwest boundary of sections 1655, 355, 355A, and 431, the west boundary of 432 to the Harewood Road, the middle of that road to the south corner of 544, and the middle of the road lying on the east boundary of 544 to the point where the said road meets the river Ashley.

### **4. The Town of Kaiapoi District**

The Town of Kaiapoi comprises the title of town of Kaiapoi as described in the Schedule to the "Town of Kaiapoi Town Ordinance, Session VIII., No. 7," and the remainder of rural section No. 320.

### **5. The Mandeville District**

The Mandeville District comprises that part of the Province the town of Kaiapoi (not included as hereinbefore described) and bounded on the north by the Sefton district and the Rangiora district on the west by the Oxford district, on the south by the south bank of the river Courtenay (Waimakariri), and a line drawn from



trig. pole c. 19 on the south bank of that river to trig. pole c. 27 on the sea coast, on the east by the sea coast.

#### 6. The City of Christchurch District

The City of Christchurch District comprises the site of the city of Christchurch, together with all the adjacent reserves lying between the said town and rural sections fronting upon such reserves.

#### 7. The Avon District

The Avon District comprises that part of the Province bounded on the north by the southern boundary of the Mandeville district, on the west by a true north and south line drawn through trig. pole c. 30, on the east by the sea, on the south by the north bank of the River Avon, the city of Christchurch district, the south boundary of section No. 10, the south-east boundary of section No. 145, till it is crossed by a creek running easterly into the Heathcote, the middle of that creek till it meets a line in continuation of the south-east boundary of section No. 180, the line so continued to the south-east boundary of section No. 180, the middle of the road lying on the north-west boundary of Section No. 156, as far as a point where that road first meets a branch of the River Heathcote, a line drawn thence due west to a point where it crosses the Great South Road, the Great South Road till it crosses the west boundary of the district.

#### 8. The Town of Lyttelton

The Town of Lyttelton District comprises that part of the Province bounded on the north by the ridge of the hill lying on the north side of Lyttelton on the east by the spur of the hill running down to the sea, immediately on the east side of Gollan's Bay, on the south by the sea, on the west by a true north line drawn through the most western point of the town of Lyttelton as originally laid out by the Canterbury Association.

#### 9. The Heathcote District

The Heathcote District comprises that part of the Province bounded on the north by the Avon district and the city of Christchurch district, on the east by the sea, on the south by the town of Lyttelton district, the ridge of the Port Hills as far as the highest of Cooper's Knobs, and a stream rising in Cooper's Knobs and falling into the River Halswell, on the west by the west boundary of the old river bed of the Courtenay and the middle of the River Halswell to its junction with the aforesaid stream.

#### 10. The Lincoln District

The Lincoln District comprises that part of the Province bounded on the north by the Avon district, the middle of the Great South Road as far as the north-west corner of section No. 967 and a direct line thence to the River Selwyn drawn through trig. pole L 15, on the east by the Heathcote district, on the south by the River Selwyn and Lake Ellesmere.

#### 11. The Port Victoria District

The Port Victoria District comprises that portion of the Province bounded on the north and west by the sea and the town of Lyttelton, Heathcote, and Lincoln districts, on the south by Lake Ellesmere and the sea, on the east by a line drawn from a point on the sea-coast half-way between the east head of Port Levy and the west head of Pigeon Bay to the head of the Little River, the Little River, and Lake Forsyth, including the islands in Port Lyttelton.

#### 12. The Town of Akaroa

The Town of Akaroa comprises the site of the town of Akaroa, as set forth in a Proclamation issued by the Superintendent of the Province on the 1st May, 1856, and published in the Provincial Government Gazette, dated May 12, 1856.

#### 13. The Wainui District

The Wainui District comprises that Part of the Province not included in the town of Akaroa as hereinbefore described and bounded on the north by the highest ridge of the hills, and the ridge of the spur leading to Pulakolo Head, on the east and south by the sea on the west by the Port Victoria district.

#### 14. The Bays District

The Bays District comprises that part of the Province included between the Port Victoria district, the Wainui district, and the sea.

#### 15. The Rakaia District

The Rakaia District comprises that part of the Province bounded on the north by the Oxford district, on the east by the Avon and Lincoln districts, and Lake Ellesmere, on the south and west by the north bank of the Rakaia to the source of its middle branch, and a true west line thence to the West Coast, on the west by the sea.

#### 16. The Ashburton District

The Ashburton District comprises that part of the Province bounded on the north by the Rakaia district, on the east by the sea, on the south by the north bank of the Rangitata to the source of its northwest branch, and a true west line thence to the West Coast, on the west by the sea.

#### 17. The Geraldine District

The Geraldine District comprises that part of the Province bounded on the north by the Ashburton district, on the east by the sea, on the south by the south bank of the Opihi to its source near Burke's Pass, and a straight line thence to the summit of Burke's Pass on the west by the ridge of the hills dividing the waters of the Opihi and Rangitata from the waters of the Tekapo.

#### 18. The Town of Timaru District

The Town of Timaru comprises that part of the Province bounded on the north and east by the Sea, on the south by the north boundary of section No. 1702, the

north side of a road lying to the north of section 2367, the Cemetery Reserve 1706, and the north boundaries of sections 1706 and 1607, on the west by the east boundary of section No. 1606, the east and north boundary of section No. 707, the east boundary of section 1652, till it meets Whale's Creek, to the sea.

#### 19. The Waitangi District

The Waitangi District comprises that part of the Province not included in the town of Timaru hereinbefore described, and bounded on the north by the Geraldine district, on the east by the sea, on the south by the Province of Otago, on the west by the Hakateremea River to its source at the Hakateremea River Pass, and the ridge of the hills to Mackenzie Pass and Burke's Pass.

#### 20. The Mount Cook District

The Mount Cook District comprises that part of the Province bounded on the north by the Ashburton district, on the east by the Ashburton, Geraldine, and Waitangi districts on the south by the Province of Otago, and on the west by the sea.

#### **Notes.**

Assented to by the Governor. See Proclamation in New Zealand Gazette, No. 10, 7th February , page 91.

### **5. The Superintendents Salary Ordinance 1861**

Title.

1. Superintendent's salary to be £700 per annum.
2. Salary to be paid by the Provincial Treasurer.
3. Title.

#### **Notes.**

*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.*

### **6. The Sheep Ordinance Amendment Ordinance 1861.**

Whereas it is expedient to amend the Law relating to Sheep within the Province of Canterbury:

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

**1. Any Sheep introduced by sea to be kept within a distance of three miles from part at which introduced, until Certificate given by Inspector under penalty. Exception in cases of sheep landed at Port Lyttelton.**

When any sheep shall have been introduced by sea into the Province of Canterbury, it shall not be lawful for such sheep to be driven, depastured, or suffered to stray to, or at a greater distance within the said Province, than three miles from that part of the Province at which such sheep have been introduced, until such sheep shall have been effectually dressed, to the satisfaction of the Inspector of Sheep, with some reputed effective scab-destroying preparation, and until the Owner of such sheep shall have received from such Inspector a Certificate to that effect; and for every day during which any sheep shall be driven, depastured, or suffered to stray, in contravention of the provisions of this section, the Owner of such sheep shall be liable to a penalty not exceeding One Hundred Pounds, and the before-mentioned Certificate shall, at any time within six months after the date thereof, be produced by the Owner of such sheep to any person demanding the same, under a penalty of five pounds: Provided always, that it shall be lawful for sheep landed at the port of Lyttelton to be driven to a distance not exceeding twenty miles from the said port before being dressed as above provided, if they shall be so driven for the purpose of being dressed at some place specially appointed for the purpose by the Superintendent, by notice in the Provincial Government Gazette.

**2. Amendment of terms of Declaration specified in "The Sheep Ordinance, Session X., No. 9." Proviso in case of sheep imported within two months of passing of this Ordinance.**

In the Declaration specified in Sections 10, 17 and 20 of "The Sheep Ordinance, Session X., No.

9," there shall be omitted the words, "been subjected to any dressing for the cure of the scab;" and there shall be inserted in lieu thereof the following words, "had applied to any of them any reputed scab-destroying preparation:" Provided that with sheep imported into the Province by sea within two months subsequent to the passing of this Ordinance, it shall be lawful for the Inspector of Sheep by whom such sheep shall be inspected to authorize the omission from the said Declaration of the words "nor had applied to any of them any reputed scab-destroying preparation," in case he shall be satisfied, by evidence produced by the Owner of such sheep, that they were perfectly free from scab at the time at which they were so dressed with any scab-destroying preparation.

### **3. Power of Inspector to refuse to grant Certificate.**

It shall be lawful for any Inspector of Sheep, before whom any of the Declarations referred to in the preceding Sections shall have been made, in any case in which he shall deem it necessary so to do, to call upon the person making such Declaration to furnish to such Inspector evidence corroborative of the truth of the statements made in such Declaration; and unless such evidence shall be produced as shall be satisfactory to such Inspector, and also unless such Inspector shall be satisfied that such sheep are entirely free from scab or catarrh, he shall refuse to grant the Certificates referred to in Sections 16 and 19 of the above recited Ordinance, or to make the Report referred to in Section 4 of "The Sheep Ordinance Amendment Ordinance, Session XI., No. 11."

### **4. To call upon persons for evidence.**

It shall be lawful for any Inspector of Sheep to call upon all persons concerned in the charge, control, or management of any sheep, to give evidence before him as to facts within their knowledge relating to such sheep, and if any person, after being so called upon, shall refuse or neglect to give such evidence, or shall refuse or neglect to answer any enquiries put to him by such Inspector, under the authority of this Ordinance, he shall be liable to a penalty not exceeding Twenty Pounds; and if any person, in giving such evidence, or in answering such enquiries, or in giving evidence under the preceding section of this Ordinance, shall make any statement, knowing the same to be false, he shall, on conviction thereof before any two Justices of the Peace, be liable to a penalty of One Hundred Pounds, and to be imprisoned for a period not exceeding six calendar months.

### **5. Every Occupier of Sheep Run to give at least twenty-four hours' notice before mustering flock.**

Every Occupier of any sheep station or run, who shall muster his flock or flocks, shall, twenty-four hours at least, before yarding the same, give notice, to the Occupiers of all the adjoining runs or stations, and to all other Sheep Owners not so adjoining, but whom he may have reason to believe have sheep in his flock, of his intention so to yard his sheep, such Notice being given in the manner prescribed for the service of Notices by Section 25 of "The Sheep Ordinance, Session X., No. 9:", and every person neglecting to give such Notice to any such Owner or Occupier, shall be liable to a penalty not exceeding Twenty Pounds. In the interpretation of this Section the word "muster" shall mean the gathering of any flock or flocks for the purpose of docking or ear-marking, of washing for shearing, of dipping for the cure of the scab, or of drafting sheep for the purpose of sale or removal to any other station or run.

### **6. Interpretation.**

This Ordinance shall be interpreted as, and considered a part of, and all proceedings under it

shall be regulated by "The Sheep Ordinance, Session X., No. 9," and all fines and penalties imposed under the authority of this Ordinance shall be recoverable in a summary way.

#### **7. Title.**

This Ordinance shall be entitled and may be cited as " The Sheep Ordinance Amendment Ordinance, 1861."

#### **Notes.**

*1. Passed by the Provincial Council on 6th December 1861, and assented by the Superintendent, on behalf of the Governor, on 12th December, 1861.*

*2. By way of comparison with the later Sheep Ordinance 1863, Section 1 was substantially Section 31 of that Ordinance. Section 3 was Section 33, Section 4 was Section 34, and Section 5 was Section 37.*

*Section 1 had a final proviso added by the 1863 Ordinance. Section 2 was not there, rather the Schedules were adapted appropriately. Section 3 was substantially the same, but redrafted to better cover the matter of "reports." Section 4 was unaffected, as was Section 5. Sections 6 and 7 dealt with matters of interpretation and intituling.*

#### **7. The Volunteer Service Ordinance 1861.**

Whereas in pursuance of the provisions of the "Militia Act, 1858," and of the "Militia Act Amendment Act, 1860," of the General Assembly of New Zealand, and in conformity with certain Regulations made and issued by the Governor of New Zealand, on the Twenty-eighth day of June, one thousand eight hundred and fifty-nine, by virtue of the said Acts, and entitled "Regulations under which the Services of Volunteers shall be accepted in the District of Christchurch," a Volunteer Corps, called "The Canterbury Rifle Volunteers," has been embodied within the Militia District of Christchurch: And whereas by virtue of the same or similar authority, other Corps of Volunteers may from time to time hereafter be embodied: And Whereas it is desirable that encouragement should be given to the enrollment, training, and exercise of efficient men in any such corps as aforesaid:

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

**1. Returns to be furnished by Commanding Officer of Volunteers.**

The Commanding Officer of Volunteers, within the Province of Canterbury, shall, in the month of September, in each year, cause to be furnished to the Superintendent a Return, certified under his hand, showing the numbers of men of all ranks enrolled in each Corps or Regiment of Volunteers within the said Province, and also the number in each Company or Troop of each such Corps or Regiment, and also the district in which each such Company or Troop is stationed.

**2. On Returns being furnished, certain payments to be made to Commanding Officers of Volunteers.**

When such Return shall have been so made out and sent in, the Superintendent shall forthwith cause to be issued and paid out of the public revenues of the Province to the said Commanding Officer, or to such person as may be duly authorized by him in that behalf, if the total number of Volunteers certified to be then enrolled within the Province shall be not less than thirty nor more than fifty, the sum of Fifty Pounds, and for every man beyond fifty, the further sum of Thirty Shillings. Provided that the sum so issued shall not exceed Five Hundred Pounds in the whole in any one year. And the receipt of the said Commanding Officer or of the person duly authorized by him as aforesaid shall be a good and sufficient discharge to the Provincial Treasurer for any moneys so issued and paid by him in accordance with the Warrant of the Superintendent under the provisions of this Ordinance.

**3. Money so received to be disbursed to the several Companies.**

The said Commanding officer shall forthwith pay the said moneys so received by him to the Treasurer of the said Companies and Troops, for the training of the Volunteers enumerated, and for prizes for rifle shooting to be competed for by the said Volunteers: Provided that the whole amount in value so appropriated shall be divided among all the Companies or Troops enumerated in the said Return, rateably to each in proportion to the number of men certified in the aforesaid Return to be enrolled therein.

**4. Provided that Five Hundred Pounds shall not have been so expended in any one year, payment to be made for any new Corps, of which due Returns shall have been made.**

If, at any time prior to the thirty-first day of August in any year, the whole sum of Five Hundred Pounds shall not have been issued for such year as hereinbefore provided, the Superintendent shall, on it being certified by the said Commanding Officer that a new Corps, Company, or Troop of Volunteers has been legally raised within the said Province, and upon receiving a Return, in the form and manner prescribed in Clause 1, cause to be issued and paid out of the public revenues of the Province as hereinbefore provided, if the number of such new Corps, Company, or Troop shall not be less than thirty nor more than fifty, the sum of Fifty Pounds, and for every man beyond fifty, the further sum of Thirty Shillings, and all moneys so received by the Commanding Officer shall forthwith

be applied to the equipment and training of such Corps, Company, or Troop, in such manner as the said Commanding Officer and the majority of the Commissioned Officers thereof may think fit: Provided always, that the sum so issued, together with any sum or sums previously issued during the same year under the authority of this Ordinance, shall not exceed in the whole the sum of Five Hundred Pounds.

**5. Accounts to be furnished by Commanding Officer.**

The said Commanding Officer shall, on or before the Thirtieth day of September in each year, cause to be made out and furnished to the Provincial Secretary, a detailed Statement, in writing, certified under his hand, of all moneys received and expended by the Treasurer aforesaid during the year then last past, in pursuance of the provisions of this Ordinance, and of the manner of the expenditure of the same, and such Statement shall be laid before the Provincial Council as soon as possible thereafter.

**6. Nothing herein contained to affect the provisions of the "Militia Act, 1858," or the "Militia Act Amendment Act, 1860."**

Nothing herein contained shall affect in any way the provisions of the "Militia Act, 1858," or of the "Militia Act Amendment Act, 1860," or any Regulations which are now or may at any future time be legally in force for the management of any Volunteer Corps in the Province of Canterbury.

**7. Interpretation.**

In the interpretation of this Ordinance the words "Commanding Officer," shall mean the senior Officer for the time being in command of Volunteers within the Province. The word "year," shall mean twelve calendar months, commencing on every first day of September. The word "equipment," shall include arms, accoutrements, ammunition, stores, and necessaries of service of all kinds for the training or exercise of Volunteers.

**8. Title.**

This Ordinance shall be entitled, and may be cited as "The Volunteer Service Ordinance 1861, Session XVII., No. 7."

**8. The Provincial Auditors and Deputy Auditors Salaries Ordinance 1862**

Analysis.

Preamble.

1. Salary of Provincial Auditor to be Three Hundred Pounds per annum.
2. Salary of Deputy Auditor to be One Pound One Shilling per diem.
3. Salaries, how to be paid.



#### 4. Title.

#### Notes.

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.

### **9. The Lyttelton and Christchurch Railway Loan Appropriation Ordinance 1862**

Whereas by an Ordinance passed by the Superintendent and Provincial Council of the Province of Canterbury, entitled "The Lyttelton and Christchurch Railway Loan Ordinance, Session XIII., No. 1," the Superintendent of the said Province is empowered to raise, by way of loan, a sum not exceeding Three Hundred Thousand Pounds for the purpose of defraying the cost of constructing a railway between the towns of Lyttelton and Christchurch, in the said Province: And Whereas by the "Lyttelton and Christchurch Railway Act, 1860," the Superintendent of the said Province is empowered to construct and maintain the said Railway:

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

#### **1. Salary of Provincial Auditor to be Three Hundred Pounds per annum.**

Out of the revenues raised under the provisions of the said Ordinance there may be issued and applied for the purchase of site and the construction of the said railway works connected therewith, erection of stations and purchase of rolling stock for the year ending on the Thirtieth day of September, one thousand eight hundred and sixty-two, any sum or sums of money not exceeding the sums particularly set forth in the Schedule A to this Ordinance, amounting in the whole to the sum of Sixty Thousand Eight Hundred Pounds.

#### **2. Salary of Deputy Auditor to be One Pound One Shilling per diem.**

The Provisional Treasurer shall issue from time to time any sum or sums of money not exceeding the sums in such Schedule severally specified to such persons, and such portions as the Superintendent shall, by any Warrants under his hand, from time to time direct, and shall be allowed credit in his own Accounts for all sums so paid by him in pursuance of such Warrants, and the Receipts of the persons to whom such sums shall have been paid shall be a full discharge for the sum or sums for which such Receipts shall be given.

### **3. Salaries, how to be paid.**

And Whereas in defraying the charge of the cost of the said railway for the year ending Thirtieth September, one thousand eight hundred and sixty-one, certain sums of money, amounting in the whole to the sum of Sixteen thousand Nine Hundred and Fifty Pounds, were issued and paid by the Provincial Treasurer, in pursuance of Warrants under the hand of the Superintendent, and such sums were paid in the manner and on account of the services particularly set forth in the Schedule B to this Ordinance, but were not included in any Bill for the appropriation of the proceeds of the said loan for the said year: Be it therefore enacted that the Provincial Treasurer shall be allowed credit in his Accounts for all sums of money so issued and paid by him on the several accounts set forth in the Schedule B hereunto annexed, and the receipts of the persons to whom such sums of money shall have been paid under such Warrants, shall be a complete discharge for the sum or sums of money for which such receipts shall have been given.

### **4. Title.**

This Ordinance shall be entitled, and may be cited as "The Lyttelton and Christchurch Railway Loan Appropriation Ordinance 1862, Session XVII., No. 9."

### **Schedule A**

Estimated Expenditure during Financial Year ending September 30th, 1862.

Resident Engineer

Two Tunnel Inspectors

Surveys, and occasional assistance in office

Consulting Engineer, and inspection of permanent way material

Payments to Contractors, estimated to average £4,000 per month

Land and Compensation

Erection of telegraph, and purchase of instruments from Melbourne

### **Schedule B.**

Lyttelton and Christchurch Railway.

Expenditure from October 1st, 1860 to September 30th 1861.

I.—Payments on account of Land Purchases.

I.T. Cookson, 25 acres, including residential damages

W. Morgan, 5a. 0r. 15p., rural land

J.B. Lee, 8a. 2r. 14p., rural land, 8 p. town land.  
George Burrell, 0a. 1r. 39p.  
W. Wilson, 1a. 2r. 32p.  
W. Charlesworth, 2a. 2r. 34p.  
I. Luck, 3a. 1r. 2p.  
Trustees of Mrs Bridge, 2a. 2r. 16p., including residential damages.

II.—Payments on account of Surveys, Plans, &c.

J. Haast, geological survey of hills  
Assistance to Mr Haast from Public Works Department  
J. Marshman, surveys  
E. Dobson, Plans for Bill  
Assistance from Public Works Department, setting out line, and surveying land,  
&c.  
Office assistance from ditto

III.—Resident Engineer.

Salary from 1st January to 30th September 1861.

IV.—Payments on account of Contracts.

Smith and Knight  
Holmes and Co.

V.—Payment for Works not under Contract.

Miners' gang, &c.

VI.—Miscellaneous Payments, &c.

W.S. Moorhouse, expenses at Auckland and Melbourne  
Ditto, refund of fees paid by him  
Express to Pigeon Bay for Engineer  
Christchurch Band, attendance at opening of line.  
Freight, on case of Debentures  
Printing account for Land Clauses Act  
Dale, gratuity for ferry on opening line

VII.—Stores from Government Stock.

Total expenditure, 1860 and 1861

**Notes.**

*This Ordinance was passed by the Canterbury Provincial Council and assented to by the Superintendent on 22nd January 1862. Assent had been withheld from the original "Lyttelton and Christchurch Railway Ordinance 1859", ( AW. NZG 1860 p29), but the "Lyttelton and Christchurch Railway Loan Ordinance 1860" was passed during Session XIII of the Council..*

**10. The Lyttelton Municipal Council Reserves Ordinance 1862.**

Title.

Preamble.

1. Lawful for the Superintendent to convey certain lands to the Lyttelton Municipal Council

2. Title

**Notes.**

*This Ordinance was passed by the Canterbury Provincial Council on 16th January 1862, and assented to by the Superintendent on the 22nd January.*

*It was disallowed by the Governor. See Proclamation in the New Zealand Gazette, No. 23, 11th June, 1862, page 195.*

*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.*

**11. The Railway Severance Ordinance 1862.**

Title.

Preamble.

1. Lawful for the Superintendent to sell or lease certain lands.
2. All proceeds to be paid to the Provincial Treasurer.
3. Superintendent to execute all necessary Documents.
4. Short Title.

**Notes.**

*This Ordinance was passed by the Canterbury Provincial Council on 16th January 1862, and assented to by the Superintendent on the 22nd January. It was disallowed by the Governor. See Proclamation in the New Zealand Gazette, No. 23, 11th June, 1862, page 195.*

*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.*

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## **12. The Canterbury Police Amendment Ordinance 1862.**

Whereas it is expedient to amend the "Canterbury Police Ordinance, 1858, Session X., No. 1:

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

### **1. All excavations in certain cases to be covered in or secured.**

Every person who shall have a well, water-hole, or any dangerous excavation, situated between his dwelling-house or the appurtenances thereof, and any street or footway, or at the side thereof, or in any yard or place open and exposed to such street or footway, who shall not within the space of one calendar month from and after the coming into operation of this Ordinance, cause such well, waterhole, or dangerous excavation to be securely and permanently covered over or otherwise secured or fenced in to the satisfaction of any Resident Magistrate.

### **2. Bodies of animals in certain cases to be buried, under penalty.**

Every person who, within any portion of the said Province, not being an agricultural district within the meaning of the "Trespass of Cattle Ordinance," now

in force in the said Province, after request from any person, and every person who, in any agricultural district within the meaning of the said Ordinance, shall neglect to bury, or cause to be buried the body, or part of the body of any animal belonging to him, or in his charge or keeping, that may have died on his own land or premises, or that may have died while straying, or while being driven from one part of the Province to another, and every neglect to bury any animal, or part of any animal, shall be a separate offence.

**3. Clauses referred to "Canterbury Police Ordinance 1858, Session X., No. 1."**

That Clause 1 hereof shall stand as the commencement of Subsection 8, and Clause 2 hereof shall stand as the commencement of Subsection 15, Section 4 of the aforementioned Ordinance.

**4. Title.**

This Ordinance shall be entitled, and may be cited as "The Canterbury Police Amendment Ordinance, Session XVII., No. 12 ."

**Notes.**

*This Ordinance was passed by the Canterbury Provincial Council on 21st January 1862, and assented to by the Superintendent on the same day. It amended the "Canterbury Police Ordinance, 1858, Session X., No. 1."*

**13. The Trespass of Cattle No 2 Ordinance 1862.**

Whereas it is expedient that further provision should be made against the trespass of cattle within towns:

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

**1. Owners of any cattle found wandering within the limits of any town liable to a penalty.**

If any cattle shall be found wandering at large within the limits of any town, the Owner thereof shall be liable to a fine of not less than Five Shillings nor more than One Pound for every head of cattle so trespassing.

**2. Owners of any cattle found tethered in any public place liable to penalty.**

If any cattle shall be found tethered in any street, thoroughfare, or other public place within the limits of any town, or so immediately adjoining to such street,

thoroughfare, or public place as to obstruct the same, it shall be lawful for any person to impound such cattle, and the Owner thereof shall be liable to a fine of not less than Five Shillings, nor more than One Pound for every head of cattle so tethered.

### **3. Interpretation Clause.**

This Ordinance shall be interpreted as, and considered a part of, and all proceedings under it shall be regulated by "The Trespass of Cattle Ordinance, Session XIV., No. 1."

### **4. Title.**

This Ordinance shall be entitled, and may be cited as "The Trespass of Cattle Ordinance, Session XVII., No. 13 ."

### **Notes.**

*This Ordinance was passed by the Canterbury Provincial Council, and assented to by the Superintendent on the 22nd January 1862.*

## **14. The Appropriation Ordinance 1862.**

Title.

1. Appropriation of Provincial Revenue for the year ending 30th September 1862.
2. Provincial Treasurer shall be allowed credit for sums appropriated.
3. Provincial Treasurer shall be allowed credit for certain sums expended up to 30th September 1861.
4. Title.

### **Notes.**

*Sum voted for year ending 31st March 1858 was £59,820 12 7  
Over expenditure for year ending 31st March 1857 was £5,459 14 4.*

*Passed by the Provincial Council 26th June 1857.*

*Assented by the Governor 30th June 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.*